

PRINCIPAL AND AGENT—CONTRACTOR—LIABILITY OF EMPLOYER FOR NEGLIGENCE
OF CONTRACTOR—PUBLIC BODY—BREACH OF DUTY—DAMAGE—REMOTENESS.

Hardaker v. Idle District Council (1896), 1 Q. B. 335, is an interesting case on a branch of the law of principal and agent, illustrating the rule stated by Lord Blackburn in *Dalton v. Angus*, 6 App. Cas. 829, viz., where a person causes something to be done, the doing of which casts on him a duty, he cannot escape from the responsibility attaching on him of seeing that duty performed by delegating its performance to another. In the present case the defendants were a municipal corporation, who having power by statute to construct a sewer, employed a contractor to do the work for them. In consequence of his negligence in omitting to support certain gas mains while making the necessary excavation, the gas main broke, and the gas escaped from it into the house in which the plaintiffs, a husband and wife resided, and an explosion took place injuring the female plaintiff and damaging the male plaintiff's furniture. The action was brought against both the municipal corporation and the contractor. The former claimed to be free from liability, on the ground that there was no relation of master and servant between them and their contractor, and that the explosion was not the direct result of any order given by them or their servants, and that the corporation did not owe any special duty to the plaintiffs. Wright, J., who tried the action, dismissed it as against the corporation, but the Court of Appeal (Lindley, Smith and Rigby, L.JJ.), reversed his judgment on this point, on the ground that the corporation did owe a duty in making a sewer to take care not to break any gas pipes which they cut under in order to construct the sewer, and they could not by delegating the performance of the work to another escape responsibility for the breach of that duty, although occasioned by their contractors' negligence. The rule of law applicable to the case was also laid down in *Bower v. Peate*, 1 Q. B. D. 321, by Cockburn, C.J., as follows: "A man who orders a work to be executed, from which in the natural course of things, injurious consequences to his neighbour must be expected to arise, unless means are adopted by which such consequences may be prevented, is bound to see to the doing of