

been employed by McNichol as his agent to attend to the renting of the premises in question and of other stores belonging to him in the same block, the collection of the rents and doing necessary things in connection therewith, including repairs, and that Pepler had, before or about the same time, ordered some repairs to the other stores and paid for them with McNichol's money; and that the latter had not objected to or questioned what Pepler had done in that respect; also that there was, upon the evidence, no other way of accounting for the escape of the steam than by assuming that the plumber had negligently left the safety valve open, as it was found open in the morning and no person had been in the store that night after he left.

*Held*, 1. Pepler had sufficient authority from McNichol to employ the plumbers as he had done, and that McNichol was liable to the plaintiff to the same extent as if he had himself ordered the work to be done.

2. It must be presumed that the workmen had negligently failed to close the safety valve, and that the damages suffered by the plaintiff had been caused by his negligence, and that the defendants, the plumbers, were liable to the plaintiff therefor: *Scott v. London & St. Katherine Docks Co.*, 3 H. & C. 596; *Ge v. Metropolitan Ry. Co.*, L.R. 8 Q.B. per BRETT, J., at p. 175, followed.

3. That the employment of independent contractors to do the repairs ordered did not relieve McNichol from liability for the consequence of their negligence. *Hole v. Sittingbourne & Sheerness Ry. Co.*, 6 H. & N. 497; and Am. & Eng. Encycl. of Law (2 ed.) vol. 16, p. 200, and Beven on Negligence, p. 731 followed.

Judgment that all defendants are liable to plaintiff for the loss suffered by her, with a reference to the Master to ascertain and report the proper amount. Plaintiff to have the costs of the action, costs of the reference reserved.

*Howell*, K.C., and *Ormond*, for plaintiff. *Aikins*, K.C., and *Robson*, for defendant McNichol. *Wilson* and *A. C. Ferguson*, for other defendants.