

to include all those who may reasonably be expected to come within the sphere of danger created by it, and, in spite of the very general expressions used in speaking of things dangerous in themselves, it is not certain that the range of liability in this instance is more extensive (c). In both classes of cases, it will be remarked, there are intimations more or less distinct of a comprehensive principle towards which the law may possibly be advancing, and which would create a right of action in favour of any member of the community who might be injured by handling or coming into proximity to property in which there is a latent danger, which the defendant, although he had become aware of its existence before the property had passed out of his custody, had failed to disclose to his immediate transferee. The obvious exception to which this principle must always be subject where the plaintiff was injured after the property had passed through several hands and one of the holders had, after discovering the same dangerous conditions, neglected to communicate his knowledge to his next succeeding transferee, depends upon considerations which carry us into another section of the principles defining the limits of legal causation and demands a merely passing notice (d).

X. In the next proposition the principle of an invitation emerges once more into prominence.

(F). If it is agreed, as an incident to a contract between A. and B., for the performance of work on A.'s premises, that A. shall furnish certain appliances to facilitate the work, and it is contemplated that Z. and the other persons employed by B. to do the work will put these appliances to immediate use, A. remains responsible, during a reasonable period after the appliances are placed at the disposal of Z.'s master, for injuries caused by defects in the appliances which might have been discovered by a proper inspection.

This seems to be the actual effect of the much discussed case of *Heaven v. Pender* (a), though it is sometimes cited as an authority

(c) See VII., note (d) ante.

(d) Attention may be drawn, however, to the remarks of Brett, M. R., in *Cunnington v. Great Northern R. Co.* (1883) 49 L. T. N. S. 392 as to the difference between the position of transferors who are and who are not entitled to assume that the object transferred will be examined before being used. See also the comments on *Heaven v. Pender* in *Hopkins v. Great Eastern R. Co.* (C. A. 1896) 60 J.P. 86.

(a) 11 Q.B.D. (C.A. 1883) 303, reversing the decision of the Queen's Bench Division (9 Q.B.D. 302) which turned upon the theory that the fact of the scaffold's having passed out of the defendants' control at the time of the accident was a conclusive bar to the action. Some years previously the same conclusion as to similar facts had been arrived at in Massachusetts. *Mulchey v. Methodist, etc. Soc.* (1878) 125 Mass. 487.