

been given upon the question, what is "casual" or "collateral" negligence?

IV. Summary of these Exceptions.

1. The general rule only applies where the act ordered to be done is a 'awful act; therefore a person who employs another to do an unlawful act, or one which cannot be done without creating a nuisance will be liable for damage resulting from the doing of such unlawful act. For example, a gas company contracted with one W. for the laying down of gas pipes in the streets of Sheffield, but they had no special powers to lay down such pipes in the streets. W.'s workmen carelessly left upon the footway of one of the streets a heap of stones and earth dug out of one of the trenches which they had made for the gaspipes. The plaintiff stumbled over the heap and broke her arm; it was held that the gas company were liable to her in damages. "It seems to me," said Wightman, J., "as it did at the trial, that the fact of the defendants having employed the contractors to do a thing illegal in itself made a distinction between this and the cases which have been cited." "I am clearly of opinion," said Lord Campbell, C.J., "that if the contractor does the thing which he is employed to do, the employer is responsible for that thing as if he did it himself. In the present case the defendants had no right to break up the streets at all." *Ellis v. Sheffield Gas Co.*, 2 E. & B. 767.

2. Where the employer personally interferes. The proprietor of some newly-built houses had his attention drawn by a policeman to the fact that a contractor he had employed to make a drain had left a heap of gravel by the roadside. The proprietor said he would get it removed as soon as possible, and paid a navvy to cart it away. The latter did not do his work thoroughly, and the plaintiff driving home was upset and injured.

In an action against the proprietor, *Quarman v. Brunett*, 6 M. & W. 499, was cited for the defence and it was urged that it was the contractor who was liable. *Held*, that defendant was liable. "If he had entirely left the matter in P.'s hands I should