regards most of the jurisdictions, therefore, with which we are now concerned, it is clearly settled that a master cannot be held liable, as for negligence in the exercise of superintendence, where the culpable person was an employé whose duty is essentially the operation of a piece of machinery, though in so doing he necessarily exercised some control over other employés who were affected by its movements (*b*). The Alabama decisions which point, in some measure at least, to a different theory are discussed in sec. 4, ante. Still less is the master liable, where the negligent employé merely controlled the movements of machinery in the sense that it was his duty to inform the employé actually operating it at what precise moment it was to be started or stopped (*c*).

An employé whose usual work is merely to operate a machine is not made a vice-principal by the fact that it is his duty, when the machine gets out of order to notify the employé who does the repairs to put it in order (*d*).

There an action was brought for an injury caused by a railway car which was left too close to the track adjacent to that on which it stood. The court said: "The superintendence averred has relation to more than the track of the defendant, and the car left dangerously close thereto. The averment is that the yard-master, by whom we understand to be intended a person charged with the control of the tracks and cars in the yard of a railroad, was intrusted with superintendence in the placing and position of cars in the yard, and hence necessarily and obviously the performance of his duties involved the movement of cars and, in consequence, the control and direction of men and appliances necessary to such movement as was requisite to place the cars in safe and proper positions. The essence of the averment, therefore, is that the yard-master had intrusted to him superintendence of the men and appliances used in the placing of this particular car, and that whilst in the exercise of that superintendence, he negligently permitted and suffered the car to be placed so near to an adjacent track, with a passing train on which plaintiff was discharging his duties as switchman, as that it collided with the person of the plaintiff, and produced the injuries complained of."

(*b*) *Farnham* v. *New Bank &c. Co.* (1896) 23 Sc. Sess. Cas. (4th Ser.) 722 [Denying recovery where the negligence was that of the engineer of a hoisting cage in a mine. A person in charge of the lever by which a steam-hammer is worked, and whose duty it is to raise or let fall the hammer at the word of command is not a "superintendent." *Hannan* v. *Hudson*, 7 W. N. (New So. Wales) 105.

(*c*) No superintendence is exercised by a workman whose duty it is to guide by means of a guy-rope the beam of a crane used for lowering sacks of wheat into a ship's hold, and to give direction when the chain fall was to be lowered or hoisted. *Shaffers* v. *General Steam Navigation Company* (1883) 10 L.R.Q.B.D. 356, 52 L.J.Q.B.D. 260, 4 L.T N.S. 228, 31 W.R. 656, 47 J P. 327 D. Nor by a brakesman engaged in loading a barge whose duty is to give signals to the drawer of the crane when to raise and lower the bucket. *Claxton* v. *Mowlem* (C.A. 1888) 4 Times L.R. 756.

(*d*) *Roseback* v. *Ætna Mills* (1893) 158 Mass. 379, 33 N.E. 577.