(2) The giving of improper directions with respect to particular details of the work (*b*). The right of recovery under this head

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174 Mass. 455, 54 N.E. 890, a heavy shaft which was being lowered slipped in the hitch of the chain-fall by which it was lowered and struck the plaintiff. It was held, that it could not be said as a matter of law, that there was no negligence of an employé for whose acts the master was responsible, inasmuch as there was evidence from which it might be inferred that the superintendent failed to see that the shaft was evenly balanced on each side of the chain-fall by which it was supported, and that, although the hitch which proved defective had been made by one of the workmen, the superintendent had afterwards seen it and made no objection to it, and was thus guilty of a breach of duty in not seeing that everything was right. In *Bessemer &c. Co.* v. *Campbell* (1898) 121 Ala. 50, 25 So. 793, the plaintiff's decedent was suffocated in a mine in which a fire had broken out. It was held that the owners might properly be held liable on the theory, first, that it was the duty of the superintendent of a mine in which a fire starts while employés are in the mine, to telegraph for and have appliances for flooding the mine sent by express, if the lives of the employés could not properly be saved by any other method, and, secondly, that the fact of the superintendent's having consulted the operatives as to the expediency of bratticing up the mine, and that in their opinion it was the best thing to be done, did not relieve the operators of the mine from liability for the death of an employé resulting from such action, where another course, by which his life could have been saved, should have been pursued in the exercise of due care and diligence. (3) That the proprietor of the mine should not be relieved from liability for the death of the employé on the ground that, because of the supersensitiveness of the superintendent's nerves, he failed to use proper means to save the employé's life.

(*b*) A foreman may be guilty of negligence in giving an order to hoist a pile while the fall is caught on the checking-guard. *McPhee* v. *Scully* (1895) 163 Mass. 216, 39 N.E. 1007. An order to clean machinery in motion may be found to be a negligent one. *Marley* v. *Osborn* (Q.B.D. 1894) 10 Times L.R. 388. Evidence that the superintendent of a street railway company gave an order to the motorman of a derailed car which placed him in a dangerous position if a car should come forward on the other track, and that while the motorman was in this position he gave an order to the motorman of a car on the other track standing 6 or 8 feet from the end of the derailed car to come ahead,—is sufficient to warrant a finding that the superintendent was guilty of negligence contributing to the injuries of the motorman, who was caught between the guard rails of the two cars. *O'Brien* v. *West End Street R. Co.* (1899) 173 Mass. 105, N.E. 149. A complaint is not demurrable which alleges that a section-hand was killed through the negligence of his foreman in charge of hand cars, in permitting such cars to be run at a rapid and reckless rate of speed in such close and reckless proximity to each other that they collided. *Highland Ave. & Belt R. Co.* v. *Dusenberry* (1892) 98 Ala. 239 So. 308. A section foreman is not, as matter of law, free from negligence in giving a signal for two hand cars moving close together rapidly over a trestle of a river bridge to check their speed at the same time, where a section hand on the rear car understanding the signal properly applies the brake in the customary way, but the rear car is not stopped before a collision with the front car. *Alabama Mineral R. Co.* v. *Jones* (1896) 114 Ala. 519, 21 So. 507, holding that an instruction based on the theory that the act of the section hand absolved the defendant from responsibility was properly refused. On the second appeal of this case (121 Ala. 113, 25 So. 814), it was held that the giving of the signals simultaneously was not negligence, as a matter of law. For the purposes of legal liability it is clear that the following defaults in respect to the direction of work must be placed on the same footing as specific orders: Allowing a subordinate to do something which ought not to have been done. *Bessemer Land & I. Co.* v. *Campbell*, 121 Ala. 50, 25 So. 703, [where the fan in a mine which was on fire was stopped by one of the servants. See further as to this case note (*a*), supra]. The omission to give an order which should have been given. *Crowley* v. *Cutting* (1895) 165 Mass. 436, [where the foreman of a quarry