regard to which the employer has no duty to perform, it should be made clearly to appear that the employer has undertaken to do by his superintendent that which he was not called upon to do. An

(1892) 293 (Mass.) 31 N.E. 7. The mere fact that a ledge stone is left two or three days on a staging used in the construction of a building, projecting to such an extent that it is liable to fall if it is hit or the staging jarred, does not shew that the foreman was negligent in exercising superintendence, where he had no occasion to visit that part of the work while the stone was there, and did not have actual knowledge that it was there, and the amount the stone projected could not be seen from below. *Carroll* v. *Willcutt* (1895) (Mass.) 39 N.E. 1016, 163 Mass. 221. Where the evidence shews that while plaintiff was working in an elevator well, with a lighted lantern between his feet, shovelling a ground product of bone, rock, and slaughter-house refuse, defendant's superintendent started some machinery, which caused a current of air to carry the dust from such product to the flame of plaintiff's lantern, causing an explosion, which injured plaintiff, he cannot recover where it does not also appear that such superintendent knew, or ought to have known, that the dust was inflammable, or that it was a matter of common knowledge that it was inflammable. *O'Reilly* v. *Bowker Fertilizer Co.* (1898) 54 N.E. 534, 174 Mass. 202. Negligence cannot be predicated of the act of a foreman in failing to examine personally a shaky wall which he had requested a contractor, an expert at such matters, to shore up. *Moore* v. *Gimson* (Q.B. 1889) 5 Times L.R. 177, 58 L.J.Q.B. 169. A foreman has no reason to expect that an employé will without any authority remove a stay from a scaffold erected in the course of building operations, and cannot be held liable for failing to discover such removal and to see that other employés suffer no injury from the dangerous conditions thus created. *Kelly* v. *Davidson* (1900) 31 Ont. Rep. 54 An averment that defendant's foreman did not keep closed a trap-door by which goods were raised and lowered between two floors of a laundry does not shew negligence on her part. *Moore* v. *Ross* (1890) 17 Sc. Sess. Cas. (4th Ser.) 796. An employé who, while rolling a cotton bale, was struck by another bale thrown down from a pile by a fellow servant, cannot recover for the injury sustained, although the defendant's superintendent previously told the fellow servant to "throw down cotton." Such a direction is construed, in respect to the master's liability as being merely an order to throw the cotton in a proper way and in a proper place. *Gouin* v. *Wampanoag Mills* (1898) 172 Mass. 222. 51 N.E. 1078. The foreman of a switching gang in a railroad yard whose duty it is to direct on which track a train shall be put while it is being made is not negligent as to an employé engaged in making up a train at one end of the yard, in failing to give special warning or notice as to cars at the other end of the yard on the same track, where the custom of the yard to switch cars in at both ends of the siding on the same track is well known. *Caron* v. *Boston & A. R. Co.* (1895) (Mass.) 42 N.E. 112, 164 Mass. 523. An operator of a steam crane is not chargeable with reckless indifference to consequences, in swinging back the crane in the usual manner, because of the presence of other employés in the way, when he knows that such employés are aware of the operation and are instructed to get out of the way of the crane, and they have always previously done so. *Anniston Pipe Works* v. *Dickey*, 93 Ala. 418. There is no obligation on the part of the general superintendent of a building to oversee every detail of the work. Hence his employer cannot be held liable on the theory that he was negligent in omitting to instruct masons accustomed to build their own scaffolds as to the way in which the work should be done, or to be present when any particular scaffold was being erected. *Burns* v. *Washburn* (1894) 160 Mass. 457, 36 N.E. 109. The master is not responsible for the death of a workman killed, while hoisting planks to an upper story, by the fall through a hole in the floor of a heavy truck which a fellow workman was using, with the roller upwards, to land the planks, but which he had neglected to block, though means for so doing were very simple and always at hand. *O'Keefe* v. *Brownell* (1892) 156 Mass. 131, 30 N.E. 479. The court said: "When placed upon the floor with the roller down, the instrument could be easily moved about with a load resting upon a plank. When placed with the plank down, the instrument was intended to remain