(6) The failure to give instructions under circumstances which indicate the propriety of doing so (*g*).

(7) The failure to warn a servant as to the existence of an abnormal danger (*h*).

(8) The violation of rules promulgated by the master (*i*).

"Upon these facts, the jury might find that the iron beams were negligently so placed and left that one of them would be liable, from a slight inadvertent push of the foot of a passer-by, to fall through the hole. Being left in this condition for two or three days, the jury might infer a lack of due and proper superintendence. Allowing such things to be negligently left for so long a time in a position where they were likely or liable to be toppled over, and one of them to fall through the hole in the floor, would warrant a finding of negligence on the part of the superintendent in exercising superintendence."

(*g*) Evidence warranting the inference that there was, under the circumstances, an obligation to give the plaintiff instructions regarding the manner in which his work ought to be done, and that his injury was caused by his foreman's failure to give those instructions, is sufficient to sustain a verdict in his favour. *Race* v. *Harrison* (C.A. 1893) 10 Times L.R. 92, rev'g 9 Times L.R. 567. See also *Madden* v. *Hamilton &c. Co.*, cited in note (*a*), supra.

(*h*) The failure to notify the second of two relays of workmen engaged in repairing a marine engine that the crank shaft had been disconnected during the first shift, the result being that the shaft swung round and crushed one of the men in the second relay, is negligence in the exercise of superintendence. *Aitken* v. *Newport &c. Dry Dock* (Q.B.D. 1887) 3 Times L.R. 527. A workman who is struck by a bundle of iron which is being unloaded from a ship, in consequence of his foreman's omitting to warn him to stand out of the way, is entitled to recover on the ground that the negligence was committed in the exercise of superintendence. *Wright* v. *Wallis* (C.A. 1885) 3 Times L. Rep. 779. Lord Esher said: "An argument has been addressed to the court which amounts to this—that, if you order a man to stand in a certain place, and then throw something at him, and injure him, the injury is not caused by his conforming to the order, but solely by the subsequent act. If these refinements are to be introduced into real life, real life cannot go on as it does. The order to stand there and the throwing down of the iron were all part of the same occurrence." A section man engaged upon a railroad track does not take the risk that a foreman stationed to give him warning of the approach of trains will be negligent in the discharge of that duty. *Davis* v. *New York, N. H & H. R. Co.* (1893) 159 Mass. 532, 34 N.E. 1070. A dock company is liable for injuries received owing to the negligence of its foreman in not informing the plaintiff that a piece of the machinery which he was employed to repair had been so loosened that there was a risk of its falling. *Aitken* v. *Newport &c. Co.* (Q.B.D. 1887) 3 Times L.R. 527. A charge that the risk of a heavy shaft's slipping out of the hitch of the chain-fall by which it is being lowered was a transitory risk, of which defendant was not required to notify a servant who was struck by it, is properly refused. The risk is not one incident to, and ordinarily to be expected to occur in, the prosecution of the work in which deceased was engaged. *Knight* v. *Overman Wheel Co.*, 54 N. E. 890, 174 Mass. 455. The facts in evidence may sometimes suggest the existence of this duty as an alternative obligation which ought to be discharged in the event of the servant's environment not being made as safe as it would have been if some other duty had been adequately performed. If an inexperienced workman, while engaged in undermining a bank of earth, is injured by the falling of the bank upon him during the temporary absence of his employer's superintendent, whose duty it is to watch the bank and to warn him of the danger of its falling, it is a question for the jury whether it was not negligence in the superintendent to allow the plaintiff to work under the bank without shoring up the top of it, or stationing someone to give warning. *Lynch* v. *Allyn* (1893) 160 Mass. 248.

(*i*) In so far as specific rules define the course to be pursued in regard to matters pertaining to the duty of superintendence, it is clearly not open to dis-