

are trespassers. This is an exception to the general rule that no right of action lies in favour of one who is injured while trespassing or guilty of contributory negligence. The theory on which these cases proceed is that the temptation of an attractive plaything to a child is a thing which must be expected and guarded against, and that the placing of such objects where they are accessible to children is an implied invitation to them. As said above, it is well settled that one owes no duty to keep his premises in a safe condition for the protection of mere trespassers and owes them no duty except the mere duty not to willfully or wantonly injure them, but it is said that there is a notable exception to this general rule in the case of children. It is thus put by Judge Thompson in vol. 1, section 1024, of his work on Negligence: "A well-grounded exception to the foregoing principle is that one who artificially brings or creates upon his own premises any dangerous thing, which from its nature has a tendency to attract the childish instincts of children to play with it, is bound as a mere matter of public duty, to take such reasonable precautions as the circumstances admit of, to the end that they may be protected from injury while so playing with it or coming in its vicinity. Things of this kind frequently pass under the designation of attractive nuisances."

The term "turntable" is applied to this doctrine because of the frequency with which it has been applied to action against railroads or injuries sustained by reason of that class of machinery and because the first case in this country wherein the doctrine was upheld was such a case, see 17 Wallace 657.

The first case wherein this doctrine was upheld in this country was the *Railroad Co. v. Stout*, 17 Wallace 657. In that case a boy was injured while playing in a railroad turntable left unlocked and was allowed a recovery. This doctrine was later reaffirmed by the Supreme Court of the United States in *Railroad Co. v. McDonald*, 152 U.S. 262.

Perhaps the most able opinion sustaining those cases is that of the Minnesota court in *Keffe v. Railroad Co.*, 21 Minn. 211, where the court said: "Now, what an express invitation would be to an adult, the temptation of an attractive plaything