

sense who did think would at once recognize that if he did not use ordinary care and skill in his own conduct with regard to the circumstances he would cause danger or injury to the person or property of the other, a duty arises to use ordinary care and skill to avoid such danger;" but to this rule the other members of the Court declined to assent, and they based their decision on the ground that the defendant had, in contemplation of law, invited the plaintiff to use the staging and, therefore, owed a duty to him to see that it was safe. This theory of "an invitation," is, of course, a pure creation of the legal imagination, and seems a less satisfactory ground for the decision than the broader principle proposed by Brett, M.R., and yet it must be confessed that such a principle, if established, would widen the circle of a man's liability for injuries occasioned by his negligence very considerably, if not indefinitely. Not long ago many people in England were suffering from arsenical poisoning, which it was discovered was occasioned by the beer they were drinking. In the manufacture of the beer brewing sugar, in which sulphuric acid is an ingredient, had been used. The makers of this sugar contracted with the firm which supplied the acid that it should be free from arsenic, but they, in breach of their contract, delivered acid containing arsenic with the result that many persons suffered serious injury through their carelessness—according to the chain of liability recognized by the law, the customers could sue the retail dealer: *Wren v Holt* (1903) 1 K.B. 610 (ante vol. 39, p. 438), and the retail dealer could sue the brewer; the brewer could sue the vendors of the brewing sugar; and the manufacturer of the brewing sugar could sue the manufacturers of the acid: *Bostock v. Nicholson* (1904) 1 K.B. 725 (ante p. 453); but the consumers had apparently no right of action against the makers of the acid who were the real cause of their injury. Abstract justice would seem to require that in such a case the manufacturer of the deleterious article should be liable in damages to all who should suffer injury as the result of his carelessness. The damages of those who ultimately suffer under such circumstances, however, is in the eye of the law "too remote" from the original cause of the injury.

Possibly if it could have been shewn that the manufacturers of the acid knew that it was to be used in making beer they would have been directly liable to the persons injured by drinking the beer.

There is, however, a class of cases in which it has been held that third persons injured by goods purchased by another are