

But the advocates of this doctrine say that the infantile mind is immature and incapable of weighing danger like an adult and that, therefore, an adult owes a greater degree of care to an infant than to another adult. The principle of law is true enough, but it is only applicable when the adult owes the child some duty already and the child is in a place where he has a lawful right to be and his danger is known, or ought to be known; then the law requires the adult to have greater regard for the immaturity of the infant and exercise greater care in dealing with him than he would be required to take in the case of another adult whom he would have a right to presume was in full possession of all his faculties and able to look out for himself. The apparent assumption is that all children are outcasts and that the law imposes upon landowners the duty to look out for them because there is no one else to do so. As a matter of fact most children have some one, either parents or legal guardians, who must look after them, and whose moral duty it is to keep them off of dangerous premises and away from dangerous places, and this moral duty is equal to the moral duty of landowners to fence them out. As was said by the Pennsylvania Court in *Gillespie v. McGowan*, 100 Pa. St. 144, this rule "would charge the duty of protection of children upon every member of the community except their parents." Who can say what is or is not attractive to the juvenile mind? "A child's will is the wind's will." Almost anything will attract some child. The pretty house, or the bright, red mowing machine, or the pond in the farmer's field. Must all these things be guarded for fear some child whose parents either negligently or wilfully permit him to roam at will, will be injured?

But they go further, and say that the placing of such articles where they are accessible to children is an implied invitation to them. In *Powers v. Harlow*, 53 Mich. 507, the court said: "If they leave exposed to the observation of children anything which would be tempting to them, and which they in their immature judgment might naturally suppose they were at liberty to handle or play with, they should expect that liberty to be taken." On the same principle an owner has been held liable