

force set in motion by himself, in the one case the act of climbing, in the other, the act of getting upon the turntable. Is he any the less dead if he fall from the cherry tree and break his neck than if he have his life crushed out by the revolutions of the turntable? Yet the same courts that mulct a railroad company in damages for injury to a trespassing infant when he is injured by the company's necessary machinery lawfully used in lawful business refuse to extend the rule to the tree or the threshing machine and like cases. It may be answered that the cherry tree, though attractive, is neither inherently dangerous nor machinery.

Perhaps so, if we seek to find nice distinctions, but a threshing machine is both and the tree is certainly capable of dangerous use and it is equally true that a turntable is not dangerous to those who let it alone. What is good law in one case ought to be good law in another case, if both involve the same character of parties and the same basic principles. As said by the Supreme Court of Virginia in *Walker's Adm'r. v. The Potomac F. & P. Ry. Co.*, 53 S.E. 113, 105 Va. 226. "For if it be a common law rule that a land owner, who is in the reasonable and lawful use of his property, makes changes thereon which have the double effect of inviting young children to the land, and at the same time exposing them to serious danger, is guilty of negligence, unless he exercises reasonable care for their safety, either in keeping them off the land, or in protecting them after their entry thereon, the rule would apply not only to railroad companies and their turntables, but to all landowners, who, in the use of their land, maintain upon it dangerous machinery, or conditions which present a like attractiveness to children. The common law applies alike to all landowners under like conditions, and it would be an anomaly to hold that a doctrine or rule of the common law which had its origin before there were either railroads or turntables, applies only to railroads in the use of their land upon which they have dangerous machinery."

But the common law does not make it the duty of a landowner to have his premises in safe condition for the uninvited