

26 Ohio St. 393, 20 Am. Rep. 767; a staging erected by a contractor for the use of his employees,—*McGuire v. McGee* (Pa.), 13 Atl. 551; defective wheels,—*J. I. Case Plow Works v. Niles & S. Co.*, 90 Wis. 590, 63 N.W. 1013.

"To this general doctrine, Federal Circuit Judge Sanborn, in *Huset v. Case Threshing Machine Co.*, 120 Fed. 865, says that there are three exceptions. The first is that an act of negligence of a manufacturer or vendor, which is eminently dangerous to the life or health of mankind, and which is committed in the preparation or sale of the article intended to preserve, destroy or affect human life, is actually to third parties who suffer from the negligence, citing: *Dixon v. Bell*, 5 Maule & S. 198; *Thomas v. Winchester*, 6 N.Y. 397, 57 Am. Dec. 455; *Norton v. Sewall*, 106 Mass. 143, 8 Am. Rep. 298; *Elkins v. McKean*, 79 Pa. 493, 502; *Bishop v. Weber*, 139 Mass. 411, 52 Am. Rep. 715, 1 N.E. 154; *Perers v. Johnson*, 50 W. Va. 644, 57 L.R.A. 428, 41 S.E. 190, 191. The second exception, is that an owner's act of negligence which causes injury to one who is invited by him to use his defective appliance upon the owner's premises, may form the basis of the action against the owner, citing: *Coughtry v. Globe Woolen Co.*, 56 N.Y. 124, 15 Am. Rep. 387; *Bright v. Barnett & R. Co.*, 88 Wis. 299, 26 L.R.A. 524, 60 N.W. 418, 420; *Heaven v. Pender*, L. R. 11 Q.B. Div. 503; *Roddy v. Missouri P. R. Co.*, 104 Mo. 234, 241, 12 L.R.A. 746, 15 S.W. 112. The third exception to the rule is that one who sells or delivers an article which he knows to be eminently dangerous to life or limb of another without notice of its qualities is liable to any person who suffers an injury therefrom which might have been reasonably anticipated whether there were any contractual relations between the parties or not, citing: *Langride v. Levy*, 2 Mees. & W. 519, 4 Mees. & W. 337; *Wellington v. Downer Kerosene Oil Co.*, 104 Mass. 64, 67; *Lewis v. Terry*, 111 Cal. 39, 31 L.R.A. 220, 43 Pac. 398.

"The principal case rather comes under the first exception made to the general rule, although it might likewise be founded upon the third exception, but whether founded either upon the first or third exception, there is no doubt but what the doctrine