

ex delicto by the wife of the purchaser of a sidesaddle against the manufacturers to recover for injuries sustained by the wife by the breaking of the saddle. The substantial averment against the defendant was that it was the duty of the defendant to make and deliver to the purchaser, for the plaintiff's use, "a safe, sound, strong, and skillfully made saddle;" but that "the said defendant, disregarding its duty in the premises, negligently and unskillfully made, and delivered to said plaintiff, by the said husband, an unsafe, unsound, and weak saddle," by reason whereof the plaintiff sustained injury and was damaged. The court, by Dallas, circuit judge, held, after a careful review of the authorities, that the plaintiff was properly non-suited. The cause of *Curtin v. Somerset* (j) also may be referred to in this connection. That was an action by a guest at a hotel against the contractor and builder thereof. The building had been accepted by the owner but was so poorly constructed that, at an entertainment given at the hotel by the proprietor, a company of guests having gathered on the porch, a girder, which in some way supported it, gave way and the porch fell injuring the plaintiff. The court held the contractor owed no duty to the public or to the plaintiff but only to the one for whom he contracted to erect the building, and that the plaintiff could not, therefore, recover from the defendant for the injuries so received.

*Negligence pertaining to articles imminently dangerous.*—The law imposes upon every one the duty to the public to avoid acts in their nature dangerous to the lives of others; and so, the manufacturers and sellers of articles in their nature imminently dangerous are required to exercise proper care to render such articles reasonably safe for use, not only to the purchaser thereof, for, as to the purchaser, the duty is owing under the contract, but to all other persons who may come in contact with them, as a duty imposed by law and existing independently of contract. The act of negligence being imminently dangerous to the lives of others, the law creates the duty to the public, and the wrong-doer is therefore liable to any member of the public injured by defects in such articles resulting from the negligence of the manufacturer, even if there be no contractual relations between the parties. (k) As said

(j) *Curtin v. Somerset*, 140 Pa. St. 70, 21 Atl. Rep. 244.

(k) *Parry v. Smith*, 4 C.P. Div. 325; *Landridge v. Levy*, 4 M. & W. 324; *Bank v. Ward*, 100 U.S. 204, 25 L. Ed. 621, and a number of U.S. decisions cited in Central L.J., p. 326.