

NEW YORK COURT OF APPEALS

MacPherson v. Buick Motor Co.

111 N.E. 1050 (N.Y. 1916) · Decided March 14, 1916

SUMMARY

The New York Court of Appeals holds that an automobile manufacturer may owe a duty of reasonable care to persons other than the immediate purchaser when the product is reasonably certain to endanger life or limb if negligently made. The court concludes that Buick had a duty to inspect the automobile's component parts, even though the defective wheel was manufactured by another company. The judgment for the injured plaintiff was affirmed.

CASE DETAILS

COURT	New York Court of Appeals
WRITING FOR THE COURT	Cardozo
JURISDICTION	New York
DECIDED	March 14, 1916
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal by permission from a judgment of the Appellate Division of the Supreme Court, Third Judicial Department, affirming a judgment entered on a jury verdict for the plaintiff.
STANDARD OF REVIEW	Review of alleged trial-court errors and the legal sufficiency of the duty and inspection instructions; the court considered whether the judgment was properly entered on the evidence and whether any challenged rulings constituted reversible error.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Buick Motor Co. v. MacPherson

TOPICS

- products liability
- negligence
- duty of care
- standard of care
- personal injury

PRACTICE AREAS

- Torts
- Products liability
- Negligence

QUESTIONS PRESENTED

1. Whether an automobile manufacturer owes a duty of reasonable care to persons other than the immediate purchaser when the automobile is likely to be used by others without further inspection and negligent manufacture may foreseeably endanger life.
2. Whether Buick was relieved of its duty to inspect the automobile's component parts because the defective wheel was purchased from another reputable manufacturer.
3. Whether any error in the trial court's characterization of an automobile as not inherently dangerous required reversal.

HOLDINGS

1. A manufacturer of a finished product owes a duty, independent of contract, to persons other than the immediate purchaser when the product is reasonably certain to endanger life or limb if negligently made, the manufacturer knows it will be used by others without new tests or inspection, and the danger is probable rather than merely possible.
2. A manufacturer of a finished automobile is not absolved from its duty of inspection merely because it purchased a component part from a reputable supplier; it is responsible for the finished product and must subject component parts to ordinary and simple tests reasonably required by the nature of the product and the danger.
3. Any possible error in the trial court's characterization of the automobile as not inherently dangerous was not reversible because the charge nevertheless submitted whether the automobile would become imminently dangerous if negligently constructed and whether Buick should have foreseen the danger.

KEY QUOTATIONS

"If the nature of a thing is such that it is reasonably certain to place life and limb in peril when negligently made, it is then a thing of danger." (389)

"If to the element of danger there is added knowledge that the thing will be used by persons other than the purchaser, and used without new tests, then, irrespective of contract, the manufacturer of this thing of danger is under a duty to make it carefully." (389-390)

"We have put the source of the obligation where it ought to be. We have put its source in the law." (390)

"The manufacturer who sells the automobile to the retail dealer invites the dealer's customers to use it." (394)

"It was not merely a dealer in automobiles. It was a manufacturer of automobiles. It was responsible for the finished product." (394-395)

FACTUAL BACKGROUND

Buick manufactured an automobile, sold it to a retail dealer, and the dealer resold it to MacPherson. While MacPherson was riding in the automobile, a wheel made of defective wood collapsed, causing him to be thrown

from the car and injured. Buick did not manufacture the wheel but purchased it from another manufacturer, and evidence showed that reasonable inspection could have discovered the defect but Buick omitted that inspection.

PROCEDURAL HISTORY

MacPherson obtained a jury verdict and judgment against Buick Motor Co. for injuries caused by the collapse of a defective automobile wheel. The Appellate Division affirmed, and the New York Court of Appeals granted permission to appeal and affirmed the judgment with costs.

DISPOSITION

affirmed

CASES CITED

- Thomas v. Winchester, 6 N.Y. 397
- Loop v. Litchfield, 42 N.Y. 351
- Losee v. Clute, 51 N.Y. 494
- Devlin v. Smith, 89 N.Y. 470
- Statler v. Ray Mfg. Co., 195 N.Y. 478, 480
- Torgeson v. Schultz, 192 N.Y. 156
- Heaven v. Pender, L.R. 11 Q.B.D. 503, 510, 513
- Burke v. Ireland, 26 App. Div. 487
- Kahner v. Otis Elevator Co., 96 App. Div. 169
- Davies v. Pelham Hod Elevating Co., 65 Hun 573, affirmed, 146 N.Y. 363
- Cadillac Motor Car Co. v. Johnson, 221 Fed. Rep. 801
- Olds Motor Works v. Shaffer, 145 Ky. 616
- Huset v. J.I. Case Threshing Machine Co., 120 Fed. Rep. 865, 867
- Winterbottom v. Wright, 10 M. & W. 109
- Elliott v. Hall, 15 Q.B.D. 315
- Earl v. Lubbock, L.R. 1905 1 K.B. 253
- White v. Steadman, L.R. 1913 3 K.B. 340, 348-349
- Dominion Natural Gas Co. v. Collins, L.R. 1909 A.C. 640, 646
- Junkermann v. Tilyou R. Co., 213 N.Y. 404
- Richmond Danville R.R. Co. v. Elliott, 149 U.S. 266, 272
- Carlson v. Phoenix Bridge Co., 132 N.Y. 273