The fact that money is obtained by fraud is held, in *Boyd* v. *Beebe* (W. Va.) 61 S.E. 304, 17 L.R.A. (N.S.) 660, not to prevent the running of the Statute of Limitations, against an action to recover it back, from the consummation of the transaction, unless investigation is prevented by affirmative efforts on the part of the wrongdoer, mere silence not being sufficient.

In the absence of fraudulent concealment, it is held, in *Goodyear Metallic Rubber Shoe Co.* v. *Carpenter* (V.) 69 Atl. 160, 17 L.R.A. (N.S.) 667, that the Statute of Limitations began to run against a claim upon an attorney for money collected by him from the time the money should have been paid over, which is within a reasonable time after the collection, under the circumstances of the case.

The liability of a landlord for injuries to his tenant caused by shutting off the heat from the tenement after the tenant is in arrears for rent, is denied in *Howe* v. *Frith* (Colo.) 95 Pac. 603, 17 L.R.A. (N.S.) 672, where the lease provides for forfeiture in case of non-payment of rent, and for re-entry by use of such force as is necessary, in which event no action shall be brought by the tenant.

Although one driving along a street ahead of a street car which is running so slowly that he has time to cross the track without being struck is negligent in making the attempt, it is held in *Smith* v. *Connecticut R. & L. Co.*, 80 Conn. 268, 67 Atl. 888, 17 L.R.A. (N.S.) 707, that his act is not the proximate cause of his resulting injury if upon seeing his design the motorman because of his inexperience becomes confused, releases the brake, and causes the car to increase its speed, so that it strikes the wagon, which it would not do if he used ordinary care.

The operation by a municipal corporation of an elevator in a police station is held, in *Wilcox* v. *Rochester*, 190 N.Y. 137, 82 N.E. 1119, 17 L.R.A. (N.S.) 741, to be part of its governmental duty, for negligence in which it is not liable to an individual injured thereby.

The abutting property owner is held, in *Kampmann* v. *Rothwell* (Tex.) 109 S.W. 1089, 17 L.R.A. (N.S.) 758, to be liable for injury to a pedestrian in falling over a covering which con-