come unreasonable by a change in conditions, and that a city may not impose unnecessary restrictions upon lawful occupations under the guise of protecting public interest. *Dobbins v. Los Angeles* (1904) 195 U. S. 223; *Bluefield v. Public Service Commission* (1923) 262 U. S. 679.

The court's stand in this case is further substantiated by the fact, which it points out, that of the 106 cities in this country having a larger population than Shreveport, 103 have one man cars in operation.

In deciding cases arising under such ordinances courts should be influenced on the one hand by the doctrine of the U. S. Supreme Court that if any set of facts can be found which would justify the statute as to its constitutionality, the legislature will be presumed to have had that in mind. On the other hand the court should take into consideration the diminishing returns of street railway companies due to automobiles and busses. In the last analysis each case should be decided in the light of the circumstances at the time in the particular community. M. E. S., '31.

TORTS—LIABILITY OF PROPERTY OWNER TO INVITEE.—The case of *Sinn v. Farmers' Deposit Saving Bank* (1930) 300 Pa. 85, 150 Atl. 163, goes far in extending the doctrine of tort liability of owners of real property to invitees. The plaintiff, a customer, entered the defendant bank at a time when an extortionist who had threatened to discharge a bomb, which he carried concealed in a small hand-bag, was waiting for compliance on the part of the bank's officers. The customer, ignorant of the threatened danger, was asked by a bank official to step to a more distant window. Police officers approached the bomber, who discharged the explosive and injured the plaintiff. The court affirmed a judgment for the plaintiff, holding the bank liable for failing to warn the plaintiff of the danger.

A proprietor of a business is under a duty to warn invitees of dangers or dangerous defects of which the invitee is not aware and of which the invitor knows or should know. *Montevallo Mining Co. v. Little* (1922) 208 Ala. 139, 93 So. 873. This duty applies only to defects or conditions which are in the nature of hidden dangers, traps, snares, pitfalls, and the like. 45 C. J. 837. Words a bit more broad in their connotation are found in *Bristillos v Southwestern-Portland Cement Co.* (Tex. 1919) 211 S. W. 929, where the court said: "He owes a duty to have the place in a reasonably safe condition and to give warning of latent or concealed perils," in holding an invitor liable for hidden danger to which a human force contributed. In the case of *Selinas v. Vt. State Agric. Society* (1888) 60 Vt. 249, 15 Atl. 117, the defendant was held liable where the plaintiff was upon its grounds attending a public exhibition and was struck by a third party swinging a mallet to hit a striking machine about which there was no guard.

A liability still more extensive is described in *Fredericks v. Atlantic Refining Co.* (1925) 252 Pa. 8, 127 Atl. 615, where the court said that an invitor is answerable "if he negligently permits a danger of any kind to exist which results in injury."

A quite persuasive analogy to the holding in the instant case is the rule requiring railroads to maintain order and guard passengers against violence from whatever source if it might reasonably have been anticipated in view of all the circumstances. *Mullan v. Wisconsin Cent. R. Co.* (1891) 46 Minn. 475, 49 N. W. 249. This rule applies to innkeepers, and has been extended to other occupations of a semi-public nature. See *Rommel v. Schambacher* (1888) 120 Pa. 579, 11 Atl. 779, in which a proprietor of a saloon was held liable for an assault on a customer by a drunkard. S. M. R., '33.

TROVER AND CONVERSION—NEGLIGENCE AS CONVERSION.—In *Lund v. Keller* (Wis. 1931) 233 N. W. 769, plaintiff ordered the defendant broker to purchase certain stocks for her on margin but later decided to buy them outright and paid the whole purchase price to the defendant. The defendant negligently failed to have the stock transferred to the plaintiff's name and permitted it to remain as security for his open account with a broker in Chicago through whom he transacted business. The account was in good shape and the transfer would have been promptly executed at any time. Since defendant, having failed to release the stock, was unable to deliver it immediately on demand, plaintiff rescinded the purchase and sued for conversion. *Held,* there must be intent to convert property to one's own use or some other wrongful intent indicative of assumption of ownership to constitute conversion; neither negligence nor breach of contract, even where loss of property results, is sufficient.

It is perhaps difficult to reconcile what is said in different decisions as to the effect to be given to the intention of the defendant in determining whether or not he is guilty of conversion. There are cases asserting that the innocence of his intent is immaterial. *Regas v. Helios* (1922) 176 Wis. 56, 186 N. W. 165; *Laverty v. Snethen* (1877) 68 N. Y. 522; *U. S. Zinc Co. v. Colburn* (1927) 124 Okla. 249, 255 Pac. 688; *Pine & Cypress Co. v. American Engineering Co.* (1925) 97 W. Va. 471, 125 S. E. 375. Others absolve him from liability because of such innocence. *Salt Spring Natl. Bank v. Wheeler* (1872) 48 N. Y. 492; *Mattice v. Brinkman* (1889) 74 Mich. 705; *Sparks v. Purdy* (1847) 11 Mo. 219. However the true rule seems to be that where some positive wrongful act of the defendant has interfered with the ownership of the plaintiff he will be held guilty of conversion regardless of his intentions in the matter, but where the act is merely equivocal and is not in itself a sufficient violation of the rights of the plaintiff in the property then a wrongful intention superadded to the act will constitute conversion, whereas an innocent intent will not. *Durgaine v. Maine Central R. R.* (1916) 15 Me. 551, 18 Atl. 811; *State University v. State Natl. Bank* (1887) 96 N. C. 280, 3 S. E. 359; *Pitcock v. Higgins* (Mo. App. 1922) 239 S. W. 870; *Penny v. State* (1890) 88 Ala. 105, 7 So. 50. Some cases frankly state that it is the "substantial injury to the plaintiff" or the "effect of the act" that is the essential factor. *Gibbons v. Farwell* (1886) 63 Mich. 344, 29 N. W. 855; *State v. Omaha Natl. Bank* (1900) 59 Neb. 483, 81 N. W. 319.