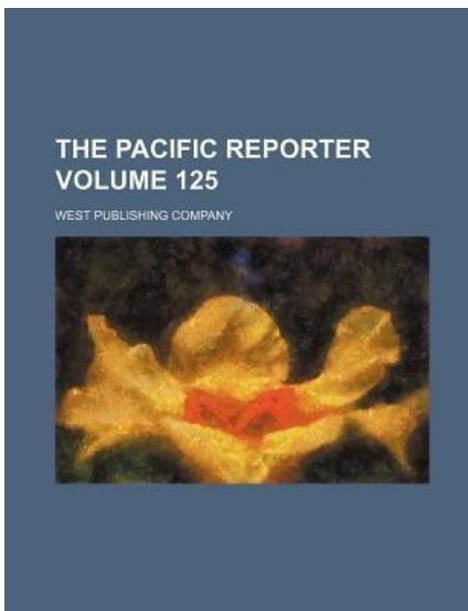


The Pacific Reporter Volume 125

West Publishing Company



This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1912 edition. Excerpt: ... did not fall the attention of any person to the existence of the fatty substance, and does not know that it was seen by any one aside from herself. She was assisted In one way and another until she left the store by three different employes, one of them binding a piece of meat on the injured arm. The plaintiff says that the storeroom was well lighted, that her eyesight was good, and that she was looking where she walked and did not see the substance on the floor which she afterward found on her shoe. Three physicians testify that the injury was a Colles fracture of the arm. The injury was not healed at the time of the trial in May, 1909, and, in the opinion of each of the physicians, it was permanent. An operation was had in April after the injury, so that, if there is liability upon the part of the defendant, the verdict rendered by the jury would appear to be in no sensie excessive. At the close of plaintiffs testimony the defendant moved for a nonsuit, which was denied by the court. Again the defendant, at the close of the trial, moved the court for a directed verdict upon grounds substantially as offered in the motion for a nonsuit as follows: First. The evidence on the trial fails to show in any manner any negligence on the part of the defendant contributing to the injury received by the piainriff. Second. There is no evidence whatever that the de of its meat market and left upon such floor any tallow, animal substance, or other greasy substance as charged in the complaint Third. The evidence fails to show any failure on the part of the defendant to exercise ordinary and reasonable care under the circumstances as required by law. Fourth. The evidence affirmatively shows that the defendant did exercise ordinary and...

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