

## THE PACIFIC REPORTER VOLUME 55

CALIFORNIA, SUPERIOR COURTS AND COLORADO, SUPREME COURT AND KANSAS, SUPREME COURT AND OREGON, SUPREME COURT AND NEVADA, SUPREME COURT AND ARIZONA, SUPREME COURT AND IDAHO, SUPREME COURT AND MONTANA, SUPREME COURT AND WASHINGTON (TER.), SUPREME COURT AND WASHINGTON (STATE), SUPREME COURT AND WYOMING, SUPREME COURT AND UTAH, SUPREME COURT AND NEW MEXICO, SUPREME COURT AND OKLAHOMA, SUPREME COURT AND COLORADO, COURT OF APPEALS AND KANSAS, COURTS OF APPEALS AND CALIFORNIA, DISTRICT COURTS OF APPEAL AND OKLAHOMA, CRIMINAL COURT OF APPEALS AND WEST PUBLISHING COMPANY



# The Pacific Reporter Volume 55

## California Superior Courts



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. 1899 edition. Excerpt: ... vested In the defendant, and the defendant made liable for the dangerous condition of the same. The common-law rule exempting a city from liability for the unsafe and dangerous condition of its streets has no application to the case at bar, for the reason that such liability is created by the charter of the defendant city. The defendant objected to the introduction of any evidence by the plaintiffs, on the ground that the complaint did not state facts sufficient to constitute a cause of action. This contention was based upon the idea that the city was not liable for the unsafe condition of its sidewalks, and this objection is urged with much force in the brief of the appellant, but, for the reasons above given, was properly overruled. We presume that the argument in support of the objection presented to the court below was the same as that urged here. Appellant contends that the defendant was not liable for the reason that at the point where the sidewalk terminated, and where the injury occurred, there was no defect in the sidewalk, but the absence of any sidewalk. This argument is rather unique when considered with other arguments in appellants brief. We are first told that the sidewalk is no part of the street, and that, therefore, the city is not liable for injuries received by reason of defects in the sidewalk. Then we are told that, if that part of the street upon which sidewalks are usually constructed is in a dangerous condition, the city is not liable, because there is no sidewalk there. The ease under consideration is different from those cases where the sidewalk naturally and necessarily terminates i. e. the corner of a block in a city. The evidence in this case shows that the injury complained of by the plaintiffs occurred...

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