

CAL. JUR. 2d

CALIFORNIA JURISPRUDENCE

SECOND EDITION

A COMPLETE AND MODERN
STATEMENT OF THE LAW
AND PRACTICE OF THE
STATE OF CALIFORNIA

Volume 24

GIFTS
TO

HIGHWAYS AND STREETS §§ 1-146



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TABLE OF ABBREVIATIONS

AC	Advance California Reports
ACA	Advance California Appellate Reports
Adm C	Administrative Code
Ag C	Agricultural Code
ALR	American Law Reports Annotated
ALR2d	American Law Reports Annotated, Second Series
Am Jur	American Jurisprudence
Am Jur Forms	American Jurisprudence Legal Forms, Annotated
Anno	Annotation
Bank C	Banking Code
B & P C	Business and Professions Code
C	California Reports
C2d	California Reports, Second Series
CA	California Appellate Reports
CA2d	California Appellate Reports, Second Series
CC	Civil Code
CCP	Code of Civil Procedure
ch	Chapter
CLR	California Law Review
Cof	Coffey
Const Art I § 1	Article and section California Constitution
Corp C	Corporations Code
CU	California Unreported
Deering's Gen Laws	Deering's California General Laws
Ed C	Education Code
Elec C	Elections Code
F	Federal Reporter
F2d	Federal Reporter, Second Series
F & G C	Fish and Game Code
Fin C	Financial Code
FRD	Federal Rules Decisions
F Supp	Federal Supplement
Gov C	Government Code
H & N C	Harbors and Navigation Code
H & S C	Health and Safety Code
Hast L J	Hastings Law Journal
Ins C	Insurance Code
Lab C	Labor Code
L ed	Lawyers' Edition U.S. Supreme Court Reports

Mil & Vet C	Military and Veterans Code
Ops Atty Gen	Opinions of the Attorney General
P	Page
P	Pacific Reporter
P2d	Pacific Reporter, Second Series
Pen C	Penal Code
Pol C	Political Code
Prob C	Probate Code
Pub Res C	Public Resources Code
Pub U C	Public Utilities Code
Rev & Tax C	Revenue and Taxation Code
SCLR	Southern California Law Review
S Ct	Supreme Court Reporter
Stan LR	Stanford Law Review
St B J	State Bar Journal
Sts & H C	Streets and Highways Code
subd	Subdivision
UCLA LR	University of California at Los Angeles Law Review
Unempl Ins C	Unemployment Insurance Code
US	United States Reports
USC	United States Code
US Const	United States Constitution
Veh C	Vehicle Code
W & I C	Welfare and Institutions Code
Wat C	Water Code

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I. IN GENERAL

§ 1. **Scope.**—The law of gifts within the strict meaning of the term—transfers of property voluntarily and without consideration—is exhaustively treated herein. Inasmuch as a completed gift requires a transfer of ownership, related material will be found in the articles discussing deeds¹ and assignments.² On the other hand, there are legal problems common to gifts and also to other subjects, of such a nature that it is not practicable to marshal all relevant material in a separate article. The largest body of this material clusters around questions of capacity,³ and fraud and undue influence.⁴ The authorities on these questions, insofar as they relate to gifts, are treated herein, but the subsequent discussion will also cite other articles in which related material may be found. Still another type of material is embraced to some degree within the scope of the present discussion. Although other articles may treat exhaustively of primary principles of law, the application of such principles to gift transactions often provides illumination of unique value to the law of gifts, as herein defined. Outstanding in this category are the rules relating to proof.⁵

Other articles having an obvious affinity to the law of gifts, and to which reference should be made in appropriate

1. DEEDS.

2. ASSIGNMENTS.

3. §§ 15, 16, *infra*.

4. §§ 33 et seq., *infra*.

5. §§ 59 et seq., *infra*.