

ball was in flight toward the plaintiff. My conclusion is that the jury was justified in finding that the defendant violated his duty to the plaintiff in that he did not use the care of a reasonably careful and prudent man."

#### **Caddies' Exposure to Injury**

It is interesting to note that had the plaintiff been the defendant's caddie instead of someone else's, this decision would not have applied. The court explains it this way: "Although the question is not before us, my view is that if the plaintiff had been caddying for the defendant there would be no liability, for the reason that then it would have been the plaintiff's duty to watch the defendant drive, to watch his ball in its flight and to mark it when it came to rest. Defendant would have been justified in assuming that the plaintiff was doing that for which he was being paid and therefore there would have been no occasion to warn him."

The liability to caddies is dependent on negligence. Because the person injured is a caddie does not mean that no liability can ever attach to the one responsible. A

caddie does not assume any and all risks attendant on being on a golf course. He only assumes the risks in which there is no negligence involved. For example, he would not be required to assume the risk of injury caused by a club recklessly thrown by a player in a fit of rage over a missed putt, or a ball being driven wildly after a missed drive. On the other hand, a caddie must be diligent for his own safety, and to that end must exercise reasonable care commensurate with his years.

In 1922 a case was litigated in New Jersey in which the plaintiff was a 13 year old boy caddying for a player who had holed out on the third green and walked to the fourth tee. The caddie started to walk to the fourth fairway when he was struck by the defendant's drive from the fourth tee. The defendant, who was playing immediately ahead of the plaintiff's twosome, had not called "fore" until just before the plaintiff was struck. The caddie was permitted to recover for his injuries because the defendant had failed to give adequate warning.

(Continued on Page 78)

### **One of the Many Newspaper-sponsored Golf Events of 1946**



Newspaper-sponsored golf events this year have had record participation and galleries. This view was taken at St. Louis (Mo.) Globe-Democrat 11th annual hole-in-one tournament. Since event was started only 2 aces have been made; one after 3,844 shots, the second after 4,540 shots. Since the second ace was made 5,776 strokes have been played without making an ace. This year's men's winner got 18½ in. from the cup. The women's winner was 34¼ in. away from the cup.