

however extensive his injuries—and operators of golf courses have frequently found here legal openings through which they could squeeze to safety from liability.

How and When of Accident

The legal rule is this: To obtain an award of compensation, an injured employee must establish that his injury "arose out of and in the course of his employment." The phrase, "arise out of," and "in the course of" the employment are used conjunctively in the statute. In particular, the words, "arising out of" refer to the origin or cause of the accident and are descriptive of its character; while the words, "in the course of," refer to the time, place, and circumstances under which the accident occurred. Both elements must, however, have been present at the time of the injury in order to justify compensation.

The animad versions in the above paragraph, containing much that may seem technical and probably legal hooey to the layman, are derived from a decision rendered in 1944 by the Illinois Supreme Court, which is of considerable significance to owners and operators of country clubs and golf courses. The technicalities are noticed here in order to shed light upon the point and direction of that court's decision.

The case was this:

A boy employed by an Illinois country club was caddying on an afternoon for a golfer who was playing with two other patrons of the club. A storm arose while the players were on the fourth hole. There had been no lightning up to that time. The play proceeded to the sixth hole. It

began lightning. The boy ran to a tree. There lightning struck him, and he collapsed. Reviving quickly, he made for the clubhouse where he fainted, was again revived, and taken to a hospital to remain four days.

A claim for compensation from the country club for total temporary disability suffered by him in the occurrence was filed with the Industrial Commission. The arbitrator for the Commission heard the evidence and denied an award of compensation on the ground that the accidental injury did not arise out of and in the course of the boy's employment. The Commission itself set aside this finding as erroneous, and allowed compensation. On appeal to the Cook County circuit court, this decision of the Commission was affirmed. But upon a final appeal to the state Supreme Court, these rulings were reversed, the arbitrator's decision approved, and compensation denied.

"The conclusion is irresistible," Justice Wilson said in expressing the court's conclusion, "that M.'s injury bore no reasonable relation to the nature of, and did not arise out of, his employment, within the purview of the Workmen's Compensation Act. . . . Risk of being struck by lightning is one to which every person in the same neighborhood was similarly subjected. In short, the danger to M. of being struck by lightning was precisely the same as to other persons on and in the vicinity of the golf course. His employment did not expose him to a risk, in this respect, to a greater degree than if he had not been employed. . . . For that

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MARINES INCREASE GOLF FACILITIES



Golf continues to expand rapidly as U.S. armed forces recreation. A new 10,000 sq. ft. putting practice green, designed by Joe Frasca, Parris Island pro, and built under direction of Lt. L. V. Bartlett, recently was added to golfing facilities for officers and men at the Marines' Beaufort hospital and at the corps recruit depot.