What Do You Know About Law Regarding Club Liability?

By RENZO DEE BOWERS

Frame the answer to each question in your mind before reading the statement following it, and see how nearly the courts agree with you.

1. A professional golfer arranged with the owner of a course for permission to give lessons, the golfer to select the place where his pupils were to practice, and to retain all fees, the owner having no control over the lessons. Upon one occasion, the professional placed a pupil at such a position with respect to one playing the course that the player by a negligent stroke hit the pupil with the ball, inflicting severe injuries. The pupil sued the owner for damages on the claim of being responsible for negligence of the professional in so placing the pupil that the injury could occur. Was the owner liable?

Answer. No. The professional was an independent contractor as far as the owner of the course was concerned, and responsible for his own negligence, if any. He was not the owner's employee.

2. One hired by a club for general work was required to run errands for members, when requested. While riding his bicycle into town one evening to deliver a parcel for a member, he was hit by an automobile, and died from the injuries. His widow claimed damages from the club. Was it liable financially for the death?

Answer. No. The law requires that, to render the club liable for an accident of the kind, it must have arisen in the course of the victim's employment and out of it. The court ruled that this man's injuries were inflicted in the course of his employment, all right, but did not grow out of that employment.

3. A country club was having repairs made on its grounds near the clubhouse, in the course of which its employees carelessly put a long, light pole across the roadway and permitted it to remain there without putting up a warning notice or erecting a barricade. An automobile driven by a chauffeur struck the pole and flipped it around in such a way that it struck a bystander in the face and injured him. He sued the club. Was he entitled to a judgment against it?

Answer. No. While the employees were negligent in leaving the pole across the road, the law says this was not enough to fasten liability upon the club. The accident must also have been the proximate, or direct, result of that negligence. Here, it was the direct result of the chauffeur's negligent driving.

4. A city, which operated a golf course for profit, permitted play on the course while a large group of men were working in proximity to each other. One of the men was injured by a ball hit by a player. Could the city be mulcted for the damages?

Answer. Yes. It would have been immune from liability if it had been operating the course solely for the public and not primarily for profit.

5. Does a country club owning a golf course stand in the position of an insurer that players, caddies, or spectators will not be injured in mishaps, accidents, or misadventures occurring on its premises?

Answer. No. The legal burden resting upon it is to see that no such injuries are inflicted because of unsafe conditions of its premises or equipment, or the negligence of its employees or others for whose acts the club is responsible.

6. An employee of a country club, while engaged in his usual duties, was required to take a position on a bridge spanning a creek which traversed the golf course. While leaning against a rail of the bridge that had negligently been allowed to deteriorate, the rail gave way, causing the employee to fall into the creek, from which accident he suffered considerable injury. He sued the club for damages. Was his case a good one?

Answer. Yes. The club had been negligent in permitting the bridge to become unsafe.

7. A local chapter of the Daughters of the American Revolution was giving a luncheon at a country club, for which it had hired the clubhouse and the club's services. A woman guest, while eating chicken pie, swallowed a small sharp bone which lodged in her throat and caused her death. Her representatives sued the club on the claim that its negligence in preparing the chicken pie caused her death. Should they have been given compensation?

Answer. No. If it had been a foreign object in the chicken pie upon which the woman choked, the club would have been liable for negligence; but since the bone

WHERE IT'S ALWAYS JUNE

Clubhouse of Bahamas CC, Nassau is center of one of the most judicious and profitable golf promotions, the Bahamas CC Amateur invitation best-ball tournament, held this year on March 3, 4 and 5. W. Price Pinder, chmn., and Al Collins, winter pro at the club, invited 65 2-men teams from private clubs in Miami, Palm Beach and Bermuda as guests of the Bahamas CC. Players, wives and friends from U.S. enjoying the tournament on the club's 18 hole course and shopping on Bahamas Bay street constituted a select group of approximately 300. Collins' neat promotional idea paid off for Bahamas with the golf tourists estimated as having spent about $100,000 during their tournament visit, and the figure increased by expenditures of those who stayed longer, charmed by the leisurely, sunny lure of the island.

was something one would naturally be likely to encounter in the pie, the woman was required to be on her guard and look out for her own safety at the peril of her life.

8. At a community fair held at night at a country club's premises under the club's auspices, part of the equipment consisted of a tent erected near the clubhouse with only a hedge between, which tent was supported by ropes on all sides held by stakes in the ground. The only light around the tent was such as came from within the tent where 200-watt bulbs were in use and from the clubhouse some 20 feet away. In the semi-darkness, one attending as a guest who was unfamiliar with the setting, tripped over a rope supporting the tent, and was gravely injured. Could she amerce the club in damages?

Answer. Yes. It was negligence for the club to have its grounds so poorly lighted.

9. The directors of a country club knowingly maintained its golf course so that one hole ran parallel with a busy highway, and in such proximity that balls were frequently sliced by players into the road. Ultimately, a ball so sliced hit a traveler on the road, and laid him low. When he got out, he sued the club. Was he entitled to anything?

Answer. Yes, because the possibilities inherent in the layout were in reality those of a public nuisance dangerous to public safety, and the club's negligence was directly responsible for the traveler's injury.

10. Another club sought to obviate inherent dangers by erecting a solid six-foot board fence between its first hole and a paralleling highway. Notwithstanding its precaution, which was too little even if not too late, a player hit a ball so that it skimmed the fence and struck a motorist's windshield, shattering glass into his face and eyes. Was the club in for a financial shellacking?

Answer. Yes. Its legal duty was to keep balls on its own place.

11. Two minor employees of a country club were having a heated argument verging on fisticuffs. A caretaker undertook to separate them and chase them from the premises, in doing which he resorted to fisticuffs himself. One sued the club for the assault and battery committed by the caretaker. What were its rights?

Answer. It was entitled to be freed of a charge for damages. The caretaker was not legally acting for the club, because not in the performance of duties for which he was hired. It was none of his business if the boys fought, bled, and died, and his gratuitous interference could not bind the club.

12. A club illegally employed a minor as a caretaker. While operating a ma-

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ment is fluid and life-like. Golfers like the feel of movement.

When introducing detail, work in sequence. A golf swing is a serial move.

WHAT DO YOU KNOW

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chine on the grounds, the boy was injured. He sued the club for damages. Did the club legally owe him anything?

Answer. Yes—and no. The state court denied his plea for damages in the action brought to that end, but ruled that the club would be liable to him if he should file a claim with the state's Workman's Compensation Board, because of his injuries arising from the accident.

13. A caddy employed by a country club was struck by lightning during a storm while standing near a tree holding a bag of golfsticks. He survived, by a miracle, but was not worth much afterward. Did the club owe him anything because of the injury?

Answer. No. To render an employer responsible for accidental injury to an employee, it must appear that the accident (or injury) happened "in the course of the employment," and that it "arose out of" the employment. This one did not arise out of the employment—caddying being neither cause nor effect of the lightning.

14. A rule of a country club for play on its golf course required that a front match should be allowed at least two drives by the match immediately following, for obvious safety reasons. The club employed rangers to enforce this rule among others, but they grew lax, and because of their negligence a player in a front match was hit by the ball of a player in the match behind. Was the club legally responsible financially for the casualty?

Answer. Yes. Players in front, presumably knowing the rule, had a right to expect that the club would enforce it. Having a right to suppose obedience would be enforced, the front players would naturally tend to be less on the lookout for danger from the rear.

15. A club employed an expediter to direct players on its links when to start, and to keep things moving so that as many players as reasonably possible could play at the same time. On one occasion, he directed a player to tee off while another was so near and in a direct line ahead, that the ball of the player teeing off hit him. Was that a negligent act of the expediter in the eyes of the law, and was the club responsible to the victim for the damage?

Answer. Yes, to both branches of the question.

16. As a general rule, under what circumstances may a country club be re-

quired to pay for injuries inflicted by one golfer on another golfer on its links?

Answer. Only when some sort of negligence of the club or its employees in laying out, maintaining, or operating its course is the proximate cause of the injury. For instance, a player had been struck by a ball hooked onto an adjoining fairway where he stood, and he undertook to pin liability for his hurts onto the club on the claim that it had laid out its fairways too close together. The court decided that such was not negligence, and the club accordingly not liable for the injury of the player.

17. There being a universally recognized custom and rule requiring a golfer to shout a warning before driving a ball in the direction of anyone else on the course, is a country club owner responsible to the victim of a driven ball when the player neglected to shout "fore" or to give any other warning?

Answer. No. The club is legally justified in assuming that every player will obey the custom and rule. It is not required to have employees go around warning every player to be careful, and every other person on the course to watch out for his own skin.

18. If a caddy, whether employed by the club or solely by a player, happens to get hit and hurt through some negligent act of

the player, can he mulct the club for damages because of his injury?

Answer. No. The player alone is responsible if the club itself was guilty of no act of negligence. However, if the arrangements by which the caddy is hired, serves, and is paid make him definitely an employee of the club rather than of the player, the caddy may be entitled to file a claim against the club under the Workman's Compensation Law, for personal injuries sustained in the course of his employment and arising out of it.

19. Many country clubs furnish caddies to members through a caddy master. Is a caddy so furnished an employee of the club, or of the member playing?

Answer. Ordinarily, an employee of the member.

20. The owner and operator of a golf course took out a policy of liability insurance indemnifying against liability for personal injuries sustained by persons on the links, except that the insurer should not be liable to reimburse the owner for anything paid out "for injuries or death to any person or persons resulting from the participation in games or contests." A student-golfer was driving golf balls from one place under the direction of a teacher, and was not walking from hole to hole, when she was hit by a ball negligently driven by another player on the links. Did that constitute "participating" in the game, within the contemplation of the exception in the insurance policy?

Answer. Yes. A court ruled that "participating" includes playing golf alone, and that golf was a "game," so that the student was playing the game while taking lessons.

HOW TO MAKE TEES

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the side of a slope should be French-drained or dry ditched or tiled. Tees should be graded to allow good surface drainage and to allow golfers to stand behind and below the ball.