

Lower Court Upheld in Denying Golfer Relief

By WILLIAM JABINE

In the May, 1958, issue of *GOLFDOM* (p 36) there appeared a summary of a court decision which held that a golfer who had hooked his ball into the rough and had thereupon invited a waiting threesome to play through only to be hit by a ball driven by a member of the threesome, was guilty of contributory negligence and thus could not recover damages. Incidentally, the player who was hit was partly concealed by a tree well to the left of the fairway. Not content with the adverse decision, the injured player appealed to the U. S. Circuit Court of Appeals, Third Circuit. That court, after a thorough review of the evidence, has unanimously affirmed the decision of the lower court.

In so doing Judge Herbert F. Goodrich, who wrote the opinion, commented on the fact that no golfer, unless he is playing on a private course, is ever free from the danger of misdirected shots, and so must be continually on the alert.

Warning Too Late

In refuting one of the plaintiff's arguments that the defendant, when he saw his ball was in danger of hitting the plaintiff, should have called, "fore", Judge Goodrich went into considerable detail. He said: "Further, we do not see any connection between a duty to shout 'fore' after the shot and the prevention of the plaintiff's injury. Golf balls travel at great speeds and can change direction suddenly. We have no showing that from the time it became apparent, if it ever did, that plaintiff was in danger of being hit, the defendant's warning, if he had a duty to give warning, would have made any difference. In the reported instances where the belated call had been given, the target only had time to turn a more vital organ toward the flight of the ball." (*Boynton v. Ryan*, 257 F.2d 70. July 1st, 1958.)

Annual PGA Meeting

The PGA has set Dec. 3-10 as the dates for its 43rd annual meeting. Officers and delegates will convene in the Ft. Harrison Hotel, Clearwater, Fla. for a week of business sessions. Dates and site of the meeting were decided upon at a recent midyear gathering of the assn's executive committee. This is the third time in the last four years that the PGA is holding its annual session in the Florida west coast city.



The good golfers of the Country Club of Columbus (Ga.) make it a point to guide visitors to the trophy room to show them three cups brought home in 1958 by two of the club's members. They are: Georgia State GA trophy and Southern Golf Assn. trophy, both won by Hugh Royer, Jr., and the Western Amateur cup, won by Billy Key.

11th USGA Girls' Junior to be Played at Norbeck, Md.

The 11th USGA Girls' Junior Championship, which will be played at Manor CC, Norbeck, Md., Aug. 17-21, is open to amateurs who will not reach their 18th birthdays before Aug. 22. There are no requirements as to handicap or club affiliations. A qualifying round will be played on Aug. 17 to determine the 32 qualifiers for the Championship which will be played at match. Players failing to qualify will be relegated to subordinate flights of 16 each.

The Junior Girls' champion will be invited to enter the Women's Amateur at Congressional CC, Washington, D.C., Aug. 24-29 if she is not already entered.

Judy Eller, Old Hickory, Tenn., who won the Girls' Junior last year for the second time, will not be eligible to compete in this year's tournament. 1958 semi-finalist, Diana Hoke, however, is eligible for this year's event as are all of last year's quarter-finalists.

Women's Western GA Dates

July 6-11 Amateur, Exmoor CC, Highland Park, Ill.

July 13-17 Junior Open, Lake Geneva (Wis.) CC

Aug. 13-16 Open, Rainier G & CC, Seattle, Wash.