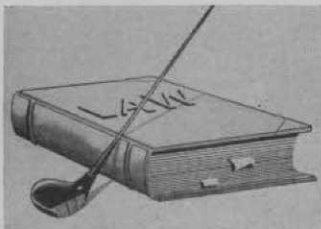


Appeal Court Fixes Club Responsibility for Maintenance of Pool

By WILLIAM JABINE

A member of a California club played 18 holes, cooled off with two drinks and continued the cooling-off process by changing into bathing attire and proceeding to the club's swimming pool. He sat near the pool for half an hour watching his kids and then decided to swim. There was an outer rim of roughly surfaced concrete sur-



rounding the pool and inside that a rim of smooth concrete. The two rims were at different levels. It was necessary to descend two steps made of smooth black concrete to get from the outer to the inner rim. In going down these two steps, which were wet, the member slipped and was severely injured. He brought suit against the club, charging negligence. The trial jury brought in a verdict in his favor but the judge granted a judgment for the defendant, notwithstanding the verdict, and also granted a motion for a new trial. An appeal was taken to the California Fourth Dist. Court of Appeal.

That court, in its review of the evidence, pointed out that at the children's end of the pool carborundum tape had been affixed to the steps between the two rims in order to prevent slipping, thus indicating that those in charge were aware of the hazard inherent in the smooth steps when wet. The court reversed the judgment notwithstanding the verdict and affirmed the granting of a new trial.

In commenting on the question of the club's responsibility the Appeal court said in part: "Concerning the question of lack of ordinary care exercised by defendant club, there is evidence, if believed by the jury, that the steps in question presented a smooth surface which when water was applied, would become at once slippery and dangerous. There is testimony that this claimed hazardous condition was known by the employees of the defendant club. Measures had been previously taken to rectify this condition along with those of other portions of the area by brushing

on a non-skid material on the steps and other surfaces that had become worn and needed further attention to make them safe. It might be reasonably inferred that the defendant club officials knew that these particular steps were not being properly maintained at that time and there was responsibility on defendant club to properly maintain them." (Post v. Camino Del Properties, Inc. 343 P.2d 294. Aug. 28, 1959.)

Plum Hollow Fire Emphasizes Need for Sprinkler Protection

Following the fire last November in which the Plum Hollow GC clubhouse in Detroit was totally destroyed, other clubs in the area began re-examining their fire protection and insurance. The estimated loss at Plum Hollow was \$750,000, about half of which was covered by insurance. The clubhouse there was the fourth in Michigan that had been leveled by fire in recent years.

The new Plum Hollow clubhouse will have an automatic sprinkling system, according to Forrest (Red) Large, club mgr.

The Plum Hollow disaster, and measures that will be taken to prevent a recurrence, point up what T. Seddon Duke, chmn. of the National Fire Protection Assn., wrote in the USGA Journal last year: "Isolation, lack of water and lack of protection are the club's chief handicaps in seeking fire protection. But no clubs need to be destroyed when automatic sprinkling systems are available."

Automatic sprinkler systems can be installed with the aid of a pressure tank even when a club is located far out in the country. There is some member objection to sprinkler pipes being strung across ceilings but these can be made relatively inconspicuous by installing them at the sides. Sprinkler installations are expensive but they reduce insurance costs.

Duke, in his article, said that the word "fireproof" is the most abused one in the English language. No building, he added, is more fireproof than its contents.

A survey of more than 200 country club fires by the National Fire Protection Assn. shows that the following are the most prevalent causes of fires: Defective electrical system, 28.3 per cent; Smoking and matches, 26.7; Heating equipment, 19.2; Grease on stove, 7.5; Incendiary, suspicious, 5.1; Sparks on wooden shingle roof, 4.1; Lightning, 4.1; Misuse of flammable liquids, 2.5; Miscellaneous known causes, 2.5.