

## \$76,850 Distributed by National Golf Fund

A total of \$76,850 from eighth annual PGA National Golf Day held last June has been distributed to golf charities and various funds.

The 1959 contributions brought to more than \$742,000 the amount turned over to charities and other projects in an eight-year period. The National Golf Fund made the distribution.

Contributions were:	
Caddie Scholarship Funds .....	\$28,500
USGA Turf Research and Education .....	10,000
GCSA Educational Fund .....	7,500
Jaycee War Memorial Fund .....	3,000
National Amputee Golf Association .....	5,500
United Voluntary Services .....	3,800
U. S. Blind Golfers' Association .....	3,000
American Women's Voluntary Services .....	550
PGA Educational Fund .....	8,500
PGA Relief Fund .....	4,000
PGA Benevolent Fund .....	2,500

The amount to go to each of the various caddie scholarship funds will be determined by a formula approved three years ago. In 1959, a total of 17 such funds shared in the contributions in amounts ranging from \$200 to \$13,067.

Fred L. Riffin, Sr., 74-year-old President of the Mueller Brass Co., Pt. Huron, Mich., was elected to a ninth term as pres. of the Golf Fund, which allocates the moneys. He has held the position since the Fund was established in 1952.

Re-elected with him were Herb Graffis of *Golfdom* and *Golfing* magazines, vp, and Thomas W. Crane, PGA executive secy. and counsel, secy.-treas. Riffin, Graffis and Crane were also re-elected dirs. New dirs. are Mrs. William M. Walker Jr., Highland Park, Ill., and Fred Brand Jr., Pittsburgh.

### Dues Tax on Club Lots

It was recently pointed out in a Kiplinger Letter that the Internal Revenue Dept. is trying to impose a 20 per cent tax on lots that carry membership in a community golf club. This is construed as a "club dues" tax and has been collected in a great many cases. Imposition of the tax probably will be challenged in court, but through February nobody had trial tested it.

## Plaintiff Doesn't Have To Prove Negligence In Nuisance Suit

By William Jabine

The owner of a home which was next to a 55-acre wooded tract owned by the Schenectady baseball club may possibly have been pleased when he learned that club intend-

ed to construct a Par 3 course on its property. It is certain that he was anything but pleased



when construction of the course began and the trees and brush on the tract were cut down, leaving the ground completely bare and exposing a layer of fine sand appropriately known as "blow sand."

The work began in the fall of 1954. When the winter winds began to blow they picked up the sand and deposited large quantities of it on the homeowner's premises. His garden was covered, there was a layer of sand on the outside walls of his home and considerable quantities of sand penetrated the interior.

### Injunction Suit

He brought suit against the Schenectady club in the spring of 1955 seeking an injunction to restrain the club from maintaining a nuisance and asking reimbursement for the damage already done. By this time grass had begun to grow on the new course, bringing about a cessation of the blowing sand. The trial court refused to grant the injunction but awarded the home owner damages in the amount of \$925.

The defendant appealed to the appellate division of the Supreme Court, third dept., contending that as the homeowner had not proved negligence in the course of the construction work, the lower court had erred in finding that a nuisance had been created. The appellate division ruled that it was not necessary to prove negligence in order to prove a nuisance and affirmed the judgment awarding \$925 to the aggrieved homeowner. (*Waters v. McNearney*. 185 N.Y.S. 2d 29. April 23 1959.)

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