

# Course Owner, Driver Absolved Of Blame in Suit Involving Car

By WILLIAM JABINE

A golfer who was injured when he was pinned under an overturned golf car on a fee course in California brought suit against the owner of the course and his golfing companion who was driving the car. The companion, named Simpson, was charged with negligence in handling the car and the course owner, Corbett, was charged with negligence in failing to maintain the course in proper condition. The latter also was charged with permitting an inexperienced man to drive the car, of failing to post instructions in regard to the driving of the car itself, and of not providing proper paths for the vehicles.

At the trial, the jury held that Simpson, the driver of the car, was not guilty of negligence, but that Corbett, the owner of the course, was. The judge thereupon vacated the verdict against Corbett stating that a new trial could be held in the event of a reversal of his action in vacating the jury's verdict. The plaintiff appealed to the California second district court of appeal (div. 3). He contended that the jury was wrong in holding that Simpson was not negligent and that the court was wrong in vacating the verdict against Corbett.

## Cites Plaintiff's Negligence

The court of appeal did not agree with him. After a thorough review of the evidence, it not only concluded that Simpson wasn't negligent, but strongly intimated that the plaintiff's own negligence had helped to cause the accident. In a discussion of this point, the court's opinion gave the following account of the accident: "There was ample evidence that the actions of plaintiff were the efficient cause of the overturning of the car. There was a rack on the car for clubs and a seat for two persons. The car operates on batteries and is steered with a tiller which turns a single front wheel. When the accelera-

tor is depressed power is applied; when the brake is actuated progress is arrested; the car travels on level ground at about 10 miles per hour. Plaintiff was seated next to Simpson. The car was going down the 9th fairway at moderate speed. There was a downward slope of 20 feet in 100 yards. The surface was bumpy and the ride was rough. The plaintiff's bag of clubs, which he held between his knees, became unbalanced and were about to fall out of the car when the plaintiff retrieved them. Simpson testified that as the plaintiff was retrieving his bag it came into contact with his arm or the tiller. This caused the car to make a sharp turn and overturn, pinning the plaintiff beneath it."

## Course Reasonably Safe

The court proceeded to a discussion of the charge that Corbett, the owner of the course, was negligent in not maintaining the course in proper condition. On this point it said: "There was no evidence that Corbett was negligent. He had a duty to his patrons to maintain the course in reasonably safe condition. There is no evidence that he failed in that duty. Two of his employees regularly patrolled the course to keep it in condition. It was alleged in the complaint that the car ran into a 'chuckhole' which is defined as 'a deep hole in a wagon rut'. There was testimony that Simpson had been overheard to say that the car ran into a chuckhole. The statement, if made, is not evidence against Corbett. There is no evidence that there was a hole. No one saw a hole. No one testified that a car would overturn by running into a hole so small as to go unnoticed. There is no evidence that the course was negligently maintained. There is evidence that the course was somewhat bumpy, but no evidence that it differed from other public courses where the turf is mutilated by occasional players."

## Experienced Driver

In his effort to prove that Corbett was negligent in allowing Simpson to drive the car, the plaintiff produced testimony to the effect that Simpson had drunk a highball with his breakfast and had indulged in three beers while playing the first nine holes. Simpson denied drinking the highball but admitted drinking three beers.

The Court disposed of this contention in the following words: "The plaintiff argues that the jury could have found Corbett to have been negligent in several particulars; he should not have rented a

(Continued on page 126)



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### No Negligence in Car Suit

*(Continued from page 54)*

car to a player who would drink three beers while playing nine holes; he should have provided paths on which the car could be driven; he should have given Simpson special instructions on how to drive the car; special instructions should have been posted in the car describing its operation. These arguments are scarcely deserving of our attention. Simpson was an experienced golfer who had used Corbett's cars on previous occasions; three beers did not affect his ability to drive the car safely; cars are intended for use on the fairways, not on paths. The golf car, a tricycle-like affair, is steady and stable with only an accelerator and a brake and it appears that any reasonably intelligent person can learn to operate it within a few minutes.

The court of appeal affirmed the judgment of the trial court thus denying the plaintiff any relief. (*Gillespie V. Chevy Chase Golf Club*, 9 Cal. Repr. 437.)

### Western Golf Awards 126 New Evans Scholarships

A total of 126 new Chick Evans college scholarships, valued in excess of \$250,000, have been awarded by Western Golf Assn. The scholarship winners are from 83 clubs in 13 states. They join 317 returning upperclassmen to form a record number of 443 boys enrolled in college this fall through the Evans Scholars Foundation program sponsored by WGA.

This is the program which Chick Evans, veteran amateur golf star, initiated in 1930. Since that time 1,232 scholarships have been awarded. Each scholarship, covering full tuition and room rent, is renewable for four years and is valued in excess of \$2,000.

The operation of the nationwide Evans Scholars program is financed for the most part by the contributions of individual golfers — more than 36,000 this year.

Of the 126 new awards, 50 went to boys from Chicago-area clubs. There were 32 scholars selected in Mich., 15 in Wis., 11 in Minn., five in Ohio, three in Mo.; two each in Pa., Kan. and Colo., and one each in Ind., W. Va., Ore. and Wash. The majority of the new scholars live in Evans chapter houses permanently maintained at seven colleges.