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lished as a matter of law that its reservoir, although located in an excavation which was the result of quarrying operations long since abandoned, was not an abandoned pit or excavation within the meaning of the statute. We have concluded that appellants' contention in this respect is correct. The evidence establishes without contradiction that the excavation is, and for many years has been, continuously used as a reservoir from which appellant regularly takes water by means of a pump installed therein for use in the irrigation of its course. For whatever reason, the legislature in enacting sec. 24400, expressly limited its application to abandoned excavations. An excavation which is being put to a continuous useful purpose can't be regarded as abandoned.

Question Law Makers' Motives

"Respondents refer to it as an abandoned quarry but it has not thereby become an abandoned excavation. As an excavation it is being continuously used as a reservoir and it is no more abandoned than any other artificial excavation which is similarly used."

Having by innuendo questioned the motives of the legislature in enacting the

measure which it felt compelled to construe strictly, the court of appeal went on to hint that even though the club had not violated the statute, it might be guilty of plain, ordinary negligence in letting the fence fall into disrepair. That, however, would be up to the jury at a new trial. (Schaffer v. Claremont Country Club, 336 P. 2d 254, On Rehearing, 337 P. 2d 139.)

396 in Cleveland Junior

The Cleveland Dist. Golf Assn. and the city's Recreation Dept. staged one of the country's biggest Junior golf tournaments, Aug. 7-8 at Seneca GC with 396 kids ranging in age from 9 through 17 taking part. Play was conducted over the two 18-hole courses at Seneca, one of the finest munny operations in the U. S., and scores ranged from 73 to a valiant 218. Harry C. Pollock, sec. of CDGA, was the tournament director. John Dzurik of Parma, O., was the field winner with a 153. Steve Hopkins, in the 15-year old division, shot a 157, lower than the scores submitted by the 17-year old winner, Ken Sito, (158), and Bill Hopperman, Jr. (160) in the 16-year old flight.