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Caddie Assumes Risk in Shagging Golf Balls

By WILLIAM JABINE

The boy or man who undertakes the job of shagging golf balls driven from a practice tee voluntarily assumes the risk of being hit so cannot successfully maintain that possible negligence of the man who hit the ball is the cause of any resulting injury. That was the ruling of the supreme judicial court of Massachusetts which was called upon recently to determine the rights of a 10-year-old boy who was hit while shagging balls at a private club.

The boy who was hit had caddied six or eight times before and on the day of the accident had been sent to the practice tee by the club's professional and instructed to shag balls for the members using the tee. He had been at this work for about half an hour when he was struck by a ball which had been sliced by a club member.

The ball was traveling about 25 feet

to the right of its intended course when it hit the boy who was just coming over a rise in the ground about 100 yards in front of the practice tee after picking a ball out of a brook. No warning was given.

The trial court ruled in favor of the defendant and the plaintiff appealed to the supreme judicial court.

Assumption of Risk

That court defined the word "shagging" as follows: "Shagging is the process of picking up and returning golf balls which have been driven from a practice tee", and upheld the ruling of the lower court in favor of the club member and against the caddie.

The Court said in part: "We need not decide whether in the circumstances there was negligence on the part of the defendant or a casual connection between his failure to warn the plaintiff and the plaintiff's injury. It is plain that there was an assumption by the plaintiff of the risk of being struck by balls driven from the practice tee. The voluntary conduct of the plaintiff in exposing himself to a known and appreciated risk is the interposition of an act, which, as between the parties, makes the defendant's act, in its aspect as negligent, no longer the proximate cause of the injury; or, at least, in such participation in the defendant's conduct as to preclude the plaintiff from recovering on the ground of the defendant's negligence." (Citations)

There was no evidence that the plaintiff was employed by the defendant but, independent of the 'relation of master and



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servant there may be a voluntary assumption of the risk of a known danger, which will debar one from recovering compensation in case of injury to person or property therefrom.' (Citations)

"While the burden of proving assumption of risk was upon the defendant (Citation), the plaintiff's own evidence demonstrated that he knew the conditions under which he was 'shagging' the balls and the danger of being hit by one of the balls. He testified that the balls 'were flying all around for half an hour' and 'that he heard no one say "fore" to him while they were driving on the driving range'.

His experience as a caddie necessarily taught him that golf balls, particularly when driven in practice, may frequently travel in diverse and unintended directions. There was no error in directing the verdict for the defendant." (Pouliot v. Black, 170 M.E.2d 709.)

Amateur Championship Scheduled for Pinehurst, Sept. 17-22

The 62nd Amateur Championship of the USGA will be played Sept. 17-22 on the No. 2 course of the Pinehurst (N.C.) CC. Entries are open to male amateur golfers with handicaps of four strokes or less un-

der the USGA handicap system, and who belong to regular USGA member clubs.

Entry applications must be received by the USGA, 40 E. 38th st., New York 16, not later than 5 p.m. on Wednesday, Aug. 15. Sectional qualifying rounds of 36 holes will be played at 34 locations on Sept. 4 and 5. The Championship rounds will, of course, be played at match with 200 players competing.

Exempted from qualifying are the current and former USGA amateur winners, former USGA champions who are amateurs, current and former British Amateur champions and current amateur champions in five other categories.

Three Northwest youths, two from Portland and one from Seattle, have been granted scholarship assistance by the Pacific Northwest Golf Assn. fund of the Evans Scholar Foundation. They are Victor C. Ross, Jr., a caddie at Columbia-Edgewater CC, and George T. Bryant, Waverley CC, both of Portland; and Charles A. Johnson of Seattle GC. A total of 11 young men currently are enrolled in the PNGA Scholarship program and 13 have completed their schooling through its auspices.