

Thousands Know the EASIER WAY to Golf...

The Original



COMBINATION • CART • BAG

- SEAT • SHOULDER STRAP
- Full Club Protection

—in ONE smart, colorful,
lightweight, easy-pulling unit!

Show your members
all the CART-BAG advantages
and exclusive features

GOLFING'S BIGGEST VALUE

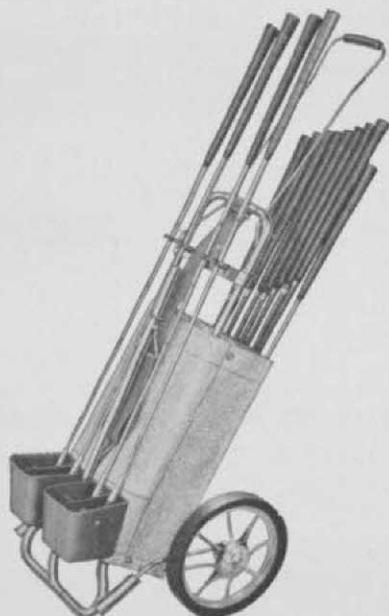
4 MODELS \$32.50 to \$39.50

SOLD at PRO SHOPS ONLY

Write for the facts...

SIT-N-REST GOLF BAG CORP.

637 E. Center St. • Milwaukee 12, Wis.



Employee Liable for Act of Negligence

Public Course Has No Proprietary Function, Court Says

By WILLIAM JABINE

A professional golfer who was playing in a tournament on a public course owned by Salt Lake County, Utah, tripped over a concrete abutment in a dimly lighted hallway and was injured. Ordinarily the hallway was well lighted, but while the tournament was in progress a large scoreboard had been put up on a glass wall, shutting off the light. The injured golfer brought suit against Salt Lake County, the Salt Lake Junior Chamber of Commerce, Meadow Brook GC, and the manager of the course and clubhouse.

The Junior C of C and the Meadow Brook club, an association of golfers using

the course, were sponsors of the tournament. The trial judge directed a verdict in favor of the various defendants and the plaintiff appealed to the Utah supreme court. The court upheld the trial court's verdict insofar as the county and the two sponsoring associations were concerned, but ruled that the manager might be guilty of negligence in having the scoreboard set up in such a position that it shut out the light in the hallway, thus making it difficult to see the projection at the foot of the wall over which the visiting golfer tripped.

Touches on Golf Economics

In the portion of the opinion which absolved the county, the Court indulged in an interesting discussion of the economics of golf in order to show that the county was not exercising a proprietary function in providing a golf course for public use. In this connection the Court said:

"The Meadow Brook GC is a recreational facility furnished by the county for the good of the public. Golf is now a sport which may be enjoyed by the general public and is rising in popularity.

ST-R-E-T-C-H-E-S

THE PLAYING SEASON!



PRO Grip
AMERICA'S FINEST
WINTER GLOVES

Keep 'em playing on frosty days — later in the fall . . . earlier in the spring. PRO-GRIP Winter Gloves are light enough to give feel to the grip, yet warm enough to keep hands comfortable. Top quality Cabaretta palm — choice of tan or cream. Soft light wool back laced with elastic to hold glove firmly. Fine also for driving, hunting, other winter sports. **PAIRS ONLY** — suggested retail price, \$5.50 per pair. Sizes for both men and women.



ASK YOUR DISTRIBUTOR



As yet, the county derives no pecuniary benefit from the operation of the course: as a matter of fact it has, since its construction, always operated at a loss. Even if the county profitably operated a golf course, this alone would not make it a proprietary function unless it also was in competition with private enterprise or could be operated as successfully by private enterprise.

"The operation of golf facilities does not seem to be adapted to successful private enterprise. Golf, originally a rich man's game, was only available to such people through expensive membership in private clubs. One searches in vain to find private golf courses in this area that are successfully operated by private enterprise. The county and municipal government in this area has seen fit to make golf facilities available to the general public and, in so doing, does not compete with private enterprise in any way."

Manager's Responsible

In reversing that portion of the trial court's verdict which absolved the club manager from possible liability and directing a new trial on that issue, the Supreme Court said: "With respect to the possible liability of Riley, we must disagree with the trial court. He was

the manager of the course and, as such, responsible to maintain it and its facilities in a safe condition. He had the scoreboard made and directed its placement along the east wall of the hallway. He knew or should have known whether or not the scoreboard so placed, created a hazard. In this jurisdiction, a governmental employee may be held personally liable for his negligent act done in the performance of his duties, even though his employer is immune.

"There was competent evidence that the erection of the scoreboard had the effect of darkening the hallway. Plaintiff testified that he had used the hallway on previous occasions but was unaware of the existence of the abutment until he tripped over it. He avers that at the time of the accident he was watching where he was going. Another golfer testified that the hallway was dimly lighted and that, although he was watching where he was going, he too tripped over the abutment. (*Jopes v. Salt Lake County*, 343 P. 2 728, September 10th, 1959.)

Lionel Hebert has been elected chairman of the PGA tournament committee, succeeding Don January, whose term has expired.