

Slow to Leave Range, Player Assumes Risk

By WILLIAM JABINE

Now that winter has driven Northern golfers off the fairways and onto the indoor practice ranges, it's time to consider what happens when a golfer playing inside is hit by a ricocheting ball.

A Massachusetts golfer who had been practicing in a cage provided and maintained by the club to which he belonged, surrendered the club he had been using to a fellow member and prepared to leave. He was a little slow in taking his departure and was struck by a ball driven by the fellow club member. He brought an action charging negligence against both this man and the club. The trial court directed verdicts for both defendants and the plaintiff appealed to the supreme judicial court of Massachusetts.

That court upheld the verdict of the trial court, holding that the golfer who was dilatory in leaving the cage assumed the risk of being struck by a flying ball. Instead of handing down an extended opinion, the Court confined itself to a succinct rescript, which follows:

Peril in Remaining

"This is an action of tort for negligent injury. The plaintiff and individual defendant were members of the corporate defendant, Parkway CC, Inc., called Blue Hill CC, in which there is a steel-framed indoor golf practice cage. The plaintiff, who had driven some balls into the cage, either put down the driver, which was picked up by the individual defendant, or handed it to him. The plaintiff went to the rear of the room where he was struck in some manner by a ball while the individual defendant was practicing.

"The judge directed verdicts for the defendants. There was no error.

"The plaintiff was the player immediately preceding the individual defendant. Although the plaintiff had finished practicing he had not left the room where the cage was when injured. The peril in remaining in what in effect was a closed driving range was obvious. The purpose was, of course, to drive into the net, but, as this case shows, there was a risk that all balls would not find the



Horace W. Smith, golf course architect, Mrs. Isidore Perlman and Dr. Joseph Parnicky are behind the work of the UVS Golf Swing program that is building a three-hole course for mentally retarded students at the Edward R. Johnstone Training and Research Center in Bordentown, N. J. Smith of Worcester, Pa., donated his services in designing and building the course; Mrs. Perlman spearheaded the rehabilitation project; and Dr. Parnicky is supt. of the Research Center.

mark. This risk the plaintiff assumed both as to the owner of the premises and as to the following player. (Citations)" (*Salamoff v. Godfrey et al.*, 182 N.E. 2d 482.)

N. Y. Taxi Drivers Do Their Hacking at Bethpage

Barnet Wood, a New York City newspaper golf writer, started about a year ago to get taxi cab drivers interested in playing golf and before 1962 was over, had arranged 15 outings for them at Bethpage State Park. Late in September, the cabbies climaxed their season with a big tournament. Wood hopes to keep the program going in 1963.

Wood hardly had to sell the idea, but more or less for the record he pointed out in his early pitches, the advantage of playing golf. In Bethpage, he said, there is available what he referred to as a \$25 million country club, the privileges of which can be enjoyed for only \$2.50 a round. On taxi day, players also were given a special discount at the range — only a charge of 25 cents was made for each bucket of balls they hit.

At the tournament, each participant was given a shag bag, key ring and cigarette lighter by Wm. Teacher & Sons. Teacher also made sure that the players were properly lubricated as it donated a dozen bottles of Scotch to the entertainment committee. Trophies and other prizes were donated by several New York industrial and commercial firms.