

the circuit court directing a verdict for the defendant. It said: "The court in its ruling on the motion for a directed verdict stated: 'The proof here submitted merely demonstrates that plaintiff suffered the misfortune of an accident. The plaintiff has fallen far short of the burden which he must bear in proving some actionable element of the negligence charged.'

"The lower court had the advantage of not only observing and hearing the witnesses testify but, also, of inspecting the floors of the lobby and the cart room.

"There was evidence from which the trial judge could find for the defendant. The granting of defendant's motion for directed verdict was not contrary to the clear weight of evidence." (*Pais v. City of Pontiac*, 127 N.W. 2d 386.)

Kids Picket Philly Course But Renn Refuses to Retreat

Garrett Renn, supervisor of Philadelphia's six municipally owned golf courses, refuses to retreat a single inch in his contention that a course is not a children's playground, and that the city is going to do everything possible to prevent kids from trespassing on its golf layouts.

This summer a group of youngsters picketed Juniata GC, a city owned Philadelphia course because of Renn's stand. The kids were backed up by some of the residents who live in the vicinity of the Juniata course.

Renn points out that kids should be kept away from golf courses for two reasons: They might get hurt or killed; and too many of them come to a course intent on destruction.

Two Children Killed

Two years ago, says the Philadelphia supervisor, a boy was drowned in a creek bordering the Juniata course. In 1948, a teenage girl was struck and killed by a golf ball. Kids have even been known to be hurt by club throwing players.

On the side of vandalism, youngsters have thrown heavy concrete benches into water hazards on the Philadelphia courses,

burned footbridges and on quite a few occasions, played tag with tractors and golf cars. Destroying turf on greens and bending flagpoles are among the depredations they have committed.

"Private clubs have their share of trespassing and vandalism," according to Renn. "But we probably have more," he adds. "Juniata, for example, is located in a heavily populated area and the kids would get rid of their excess energy by tearing up the course if something weren't done to prevent it."

Trespassing Cases Are Involved

There is no doubt that Walter Slowinski, legal counsel for both the GCSA and CMAA, would stand squarely behind Renn. Speaking at the GCSA convention last February, Slowinski said that the courts generally have been sympathetic with course owners and operators, but trespassing cases often are so complicated, that there is no way of accurately foretelling what the decisions of the courts may be concerning them.

In a trespassing case involving a child it is an accepted legal fact that the course owner has little or no recourse if the child is injured. There are too many "attractive nuisances" to keep kids off of a course, and thus it becomes the obligation of the owner to protect them against almost any kind of a hazard.

The first consideration in any case where a child's trespassing is involved is the immaturity of the child. The court will usually assume that he doesn't know or isn't aware of danger and has to be protected from it. The courts, however, have made an exception of water hazards, assuming that children recognize these as being potentially dangerous. Otherwise, it would be the obligation of the course owner to fence in all water hazards.

Slowinski pointed out that equipment such as a tractor has to be garaged or fenced in in such fashion so as not to make it an "attractive nuisance" or the course owner is liable for any injuries a child may suffer while playing on or around it. He also stated that if a child, and even an adult for that matter, is permitted to frequently or regularly trespass on a property, the owner is obligated to protect him against even ordinary hazards.