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\*Jack Campbell of Campbell & Rickman, Inc., Evansville, Indiana, whose firm handled the engineering.

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# N.Y. Court Rules Palmer Assumed No Personal Responsibility in Car Sales

By WILLIAM JABINE

Two disgruntled deserters from "Arnie's Army" sought satisfaction in a New York court of law recently by attempting to have Arnold Palmer declared personally liable for the alleged failure of golf cars to perform in the manner promised in the manufacturer's advertisements. Palmer was vice president of the company which made the cars and his signature was appended to sales letters which the plaintiffs received. It also appeared in facsimile on advertisements which accompanied the letter. In each case the title, vice president, followed the name.

The trial court granted a motion by Palmer's attorney for dismissal of the complaint insofar as it applied to his personal liability. The plaintiffs appealed this ruling to the Appellate Division of the Supreme Court of New York, Third Department.

In its opinion, the Appellate Division stated these facts: "The defendants, Birdie Co., Inc., and Arnold Palmer Golf Cart Co., Inc., which replaced the Birdie Co., Inc., being insolvent, the plaintiffs seek to hold Arnold Palmer personally liable for the price of the cars.

## Charge Warranty Breach

"The plaintiffs' actions are premised on a breach of warranty on the sale of a Birdie golf car which the defendants allegedly represented 'could be driven under the power of its 100 amp battery a full 25 holes of golf under normal conditions without recharging'.

"The facts are not contradicted. In the fall of 1960 Stohn, who was then presi-

dent of the Plattsburgh G&CC, received a communication from the Birdie Co., Inc., which contained three advertisements, one in the form of a letter from the Birdie Co., Inc. It was addressed 'Dear Mr. Golf Club President' and signed by 'Arnold Palmer, vice president'. Enclosed with the advertisements was an order form.

"Stohn, wishing to purchase a golf car, sent in an order form accompanied by his check. Subsequently Stohn showed McDougal, president of the North County GC, the advertisements and McDougal ordered a golf car. After receiving their golf cars, the plaintiffs discovered they did not take 'hills, slopes and rough like a mountain goat' or 'drive a full 25 holes before recharging' as advertised."

After this summary of the situation which gave rise to the action, the Appellate Division declared: "There is no liability as to Palmer based on contract" and in support of this declaration, said in part:

## Explicit Evidence Required

"It is well established that ' \* \* \* where an agency is disclosed and the contract relates to the matter of the agency and is within the authority conferred, the agent will not be personally bound unless there is clear and explicit evidence of an intention to substitute or to super-add the personal liability of the agent to that of his principal.' (Citations.) The evidence produced by plaintiffs at trial consists of their testimony of the transaction with defendants and the advertisements. The contract itself and the cancelled checks were not in evidence.

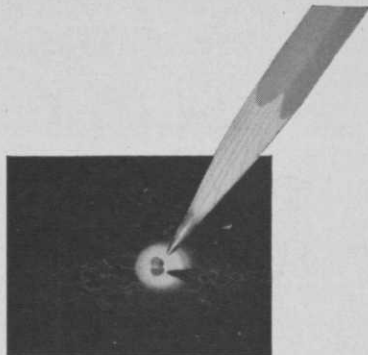
"From the exhibits before us, it would appear that applicable thereto is the Restatement of the Law of Agency, Second (1957) at page 373:

"Sec. 157 Instrument in Which Agency Shown Only in One Part.

\* \* \*

"In order to prevent himself from becoming a party to an instrument, it is only necessary that the agent should make clear that he is acting solely as a representative for a disclosed principal. If he has made this clear in any portion of the instrument, the fact that it is not equally

(Continued on page 88)



**THE COATING ON THIS TINY GRANULE  
HOLDS THE SECRET TO A TOTALLY NEW  
CONCEPT IN CONTINUOUS PLANT FEEDING!**

THE RESIN COATING ON ADM SLOW-RELEASE FERTILIZER METERS THE RELEASE OF ALL THREE MAJOR ELEMENTS, MINIMIZES LEACHING LOSS, HELPS PREVENT OVER-FEEDING AND CHEMICAL BURN.

Now you actually can ration out plant food each and every day with only a single seasonal application.

Like other slow-release fertilizers?

Not by a long shot, if you're comparing it with others on the market. This one is different.

Nitrogen, phosphorous and potassium are stored inside a tough, permeable film. Moisture soaks in, liquid plant food meters out by osmosis. The shell remains intact. It shelters each fertilizer granule from the wasteful effects of heavy rainfall. Works wonders with irrigation.

*This gradual metering of plant food through a permeable coating is a major breakthrough in control of leaching in all kinds of soil . . . especially sandy soil.* ADM resin-coated slow-release fertilizer therefore delivers more useable fertilizer to plants.

These incredible coated granules avoid the feast-and-famine cycle of conventional fertilizers. ADM resin-coated slow-release fertilizer puts tiny, sheltered warehouses into the soil, rationing out a steady supply of nutrients to fit plant needs throughout the growth cycle.

*Many other advantages*

Other advantages you gain through the

proper use of this product include:

1. Used as directed, ADM resin-coated slow-release plant food can't burn.
2. There's no over-feeding, hence no forced growth or "luxury consumption."
3. No vapor drift, no dust haze.
4. Early, one-shot application eliminates mechanical injury to seedlings and plants.
5. Steadier plant growth because fertilizer is delivered more uniformly.
6. Resin coating is not attacked by soil bacteria.
7. Available in 14-14-14, 18-9-9, and 36-0-0 mixtures.
8. Unimpaired by freeze-thaw cycles, or steam sterilization of soil.

Over the past four years, ADM resin-coated slow-release plant food has been tested by several colleges and by many growers. Comments have been uniformly and enthusiastically favorable. One team of university scientists, after extensive testing, said that ADM resin-coated slow-release fertilizer "may mark the beginning of a new era in fertilizer technology."

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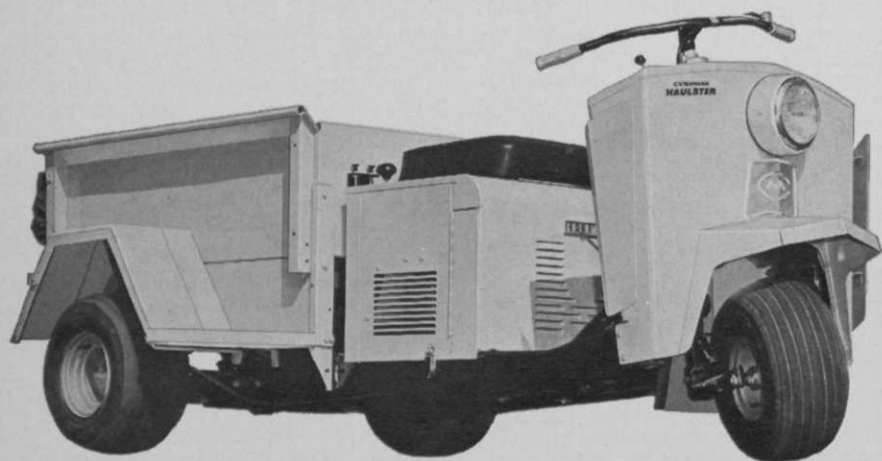


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**the multi-purpose grounds maintenance  
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Cushman, world leader in golf course transportation!**

This new Turf-Truckster has 18 hp OMC air-cooled engine with 6-speed dual-range drive which gives you the proper speed and power for every job on the turf. Equipped with a variable-speed fast-acting governor this Turf-Truckster responds instantly to any load change. Big 9.50 x 8 Terra Tires on the rear provide great lugging capacity and prevent damage to the turf. Optional power take-off can be used as auxiliary power source for operating accessory equipment such as compressors, generators, sprayers. Stellite valves and rotators insure long engine life.

# CUSHMAN TURF-TRUCKSTER HELPS YOU DO ALL THESE JOBS FASTER AND CHEAPER:



**SPRAYING.** Built especially for spraying greens, this boom sprayer covers 16-foot wide strip thoroughly and evenly, is operated by Truckster engine through power take-off. Boom and spray rig can be removed in minutes.



**PULLING MOWERS.** Turf-Truckster's terrific lugging capacity gives it all the uses of a tractor. Big tires give plenty of traction, will not damage turf. Variable speed governor insures steady even pull with heavy loads.



**NIGHT WATERING.** Load the sprinkler heads into your big Cushman Truckster and start out. Big 9.50 x 8 tires allow Truckster to drive freely, even on wet fairways.



**SPREADING FERTILIZER.** Truckster's power take-off operates this Cyclone spreader as well as many other power-operated tools. Spreads evenly, heavy or light as you wish.



**CARRY GREENS MOWERS.** Greens mowers fit easily into large pickup box. There's no time lost between greens; just roll the mowers up into the Truckster bed and go on to the next green.

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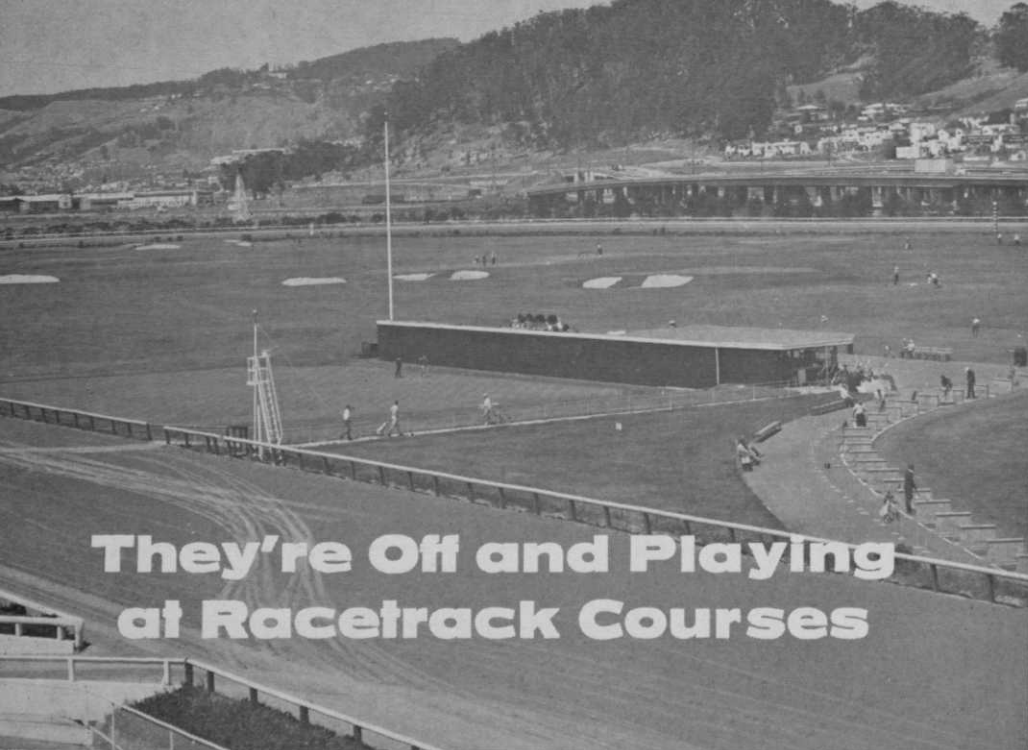
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## They're Off and Playing at Racetrack Courses

A fast, dry track and a great day for golf await players at Golden Gate Fields.

*Three California tracks had 170,000 rounds in 1963 on their short layouts . . . Golf is a lucrative fill-in during the ten months that the ponies aren't running*

By **DON CURLEE**

It's a sure bet you'll win nothing but questioning glances by taking your golf clubs to the horse race track in most places. But in the San Francisco Bay Area, a 9-hole course occupies the infield of each of the three pari mutuel tracks, and only during the racing season is golf scratched.

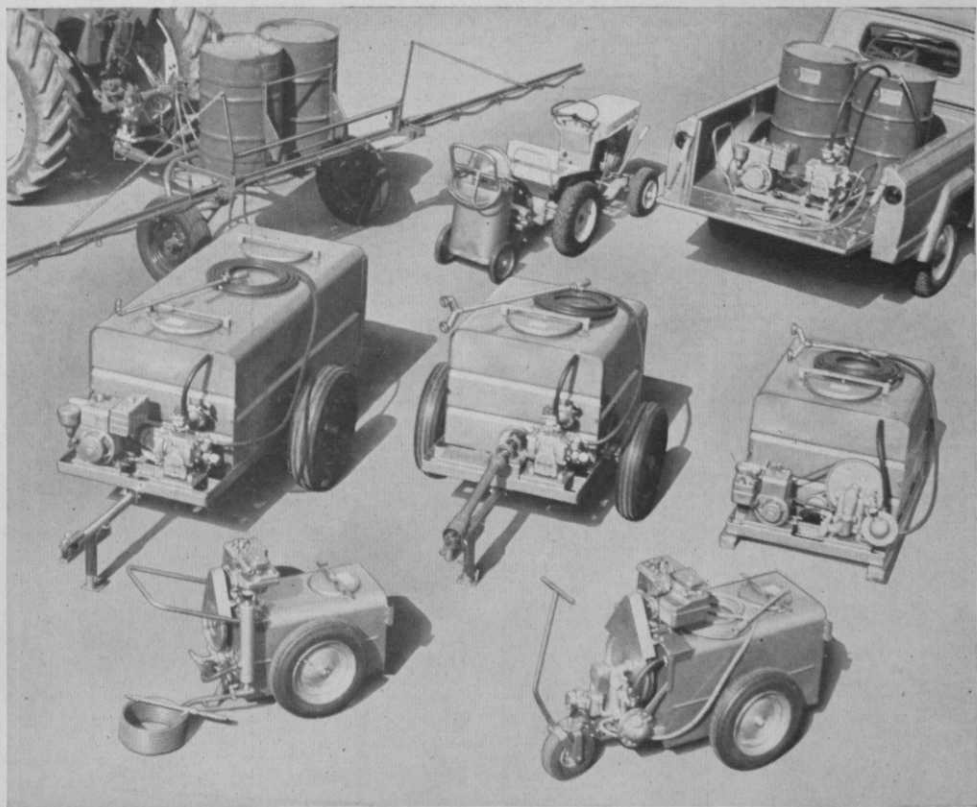
More than 170,000 rounds of golf were played at the three track courses in 1963, about 80 percent by men, although the short, flat, par-30 courses are ideally suited to women. It was the fourth full year of golfing at Bay Meadows in San Mateo, the third at Tanforan in San Bruno, and the ninth at Golden Gate Fields — and the biggest yet for all three.

The way Bay Area golfers are taking to them, even bigger years may be ahead. Race track courses in other parts of the country are becoming fairly common. We know of two others in California, one in Portland, Ore., and another in Little Rock, Ark.

Exploding population in the San Francisco metropolitan area, a shortage of public golf courses and alert management of the trackside links has made them popular with golfers and profitable for their owners.

An alert track manager Charles Coughlin, de-





## Pick your next sprayer here

What do you look for in a power sprayer?

**Size and output?** Hudson has them in a full range from 10 to 300 gallons. 1½ to 10 gpm. Pressures up to 400 pounds psi.

**Dependability?** Hudson sprayers are built to last. Like Ten-O-Matic®, the new Hudson 10 gpm pump. No gears, no pistons, no packing, no cups, no greasing or oiling. Tanks with stainless steel or Endurall® liners. Ability to handle any sprayable material.

**Accessories?** Hudson has a full line to meet all your spraying needs: Booms for fast coverage of fairways. Special "Greens Gun" with Broad-Spray® nozzle for greens. Single, double or triple nozzle guns. Short guns, long guns.

You name the job—Hudson has the right spraying equipment to help you control weeds and insects faster and more economically. See your Hudson dealer. Or send coupon for more information.



1. PTO trailer sprayer with 20-ft. boom.
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  3. Porta® power spray pump, 3, 5, or 10 gpm.
  4. 300 gal. Peerless®, 10 gpm, up to 400 psi.
  5. 150 gal. Peerless with power take-off. 10 gpm, up to 400 psi.
  6. 150 gal. Peerless on skids. 5 or 10 gpm, up to 400 psi.
  7. 30 gal. Matador®, 3 gpm, up to 250 psi.
  8. 50 gal. Peerless with front-end caster.
- NOTE: Most sprayers shown come in choice of sizes, output, pressure.

SIGN OF THE BEST BUY

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(Top) Pro Tom McHugh of Tanforan helps young southpaw get his backswing straightened out.

Manager Bill Laws of Tanforan explains some of the course's features to a waiting golfer (below).

their friends. Then, almost overnight, play increased and the bookkeepers threw away the red ink. Coughlin left his job at the racetrack and took a lease on the golf concession. It continued to prosper.

Tony Lema served a short term as pro for Coughlin, whose lease expired after five years. The racetrack owners eyed the golf course plum, refused to renew the lease and began running the show themselves — and they still do.

Although the three are under separate management, all of them have maintained an initial image of cordiality, good course conditioning and reasonable green fees. On some Saturdays a golfer can register at one of the three track courses, get matched with a group and play nine holes in less time than he'd have to wait for a starting time at a crowded standard course.

His green fees on a weekend won't exceed \$1.50 for nine holes, and he can play a second nine for \$1. During the week he'll pay \$1 for the first round and 50 cents for the second — on the average.

#### Work to Avoid Delay

Alert starting moves the groups off rapidly and yet they aren't pushed. When a group wants to continue for a second nine, the delay is seldom long. With no large trees to obstruct their views, course managers can see almost the entire layout at each course from the pro shops. If play slows they can correct the situation quickly by urging laggards to pick up the pace.

Aware of their role as par-3 courses (actually, each one includes three par-4 holes), the California owners try extra hard to maintain a "big course" atmosphere. At Tanforan, for instance there is much emphasis on good public relations.

An unexpected shower drove everybody on the course to cover one day last December. When it became apparent it wouldn't let up, the manager began handing out improvised rain checks. Some of

*(Continued on page 80)*



scribed by his friends as a "golf nut," gets credit for ramrodding the first course at Golden Gate Fields in 1954. He had wanted an activity to make use of the huge racetrack investment during the 10 months between racing seasons. When he got the golf idea he managed to sell it to his board of directors and opened the course with a pro shop, putting green and driving range.

#### Started Like Some Horses

For a while it looked like a colossal flop. No amount of bally-hoo could attract the golfers. Finally, the few who ventured out began to come back, and they told



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For finest, trouble-free performance and minimum maintenance, choose a golf cart with a "Fluid Torque Converter Trans-Axle" by Dura. This new, advanced-design Trans-Axle transmits power *directly* to the rear wheels—minimizes wheel slippage and consequent damage to turf. Chains and belts are eliminated . . . reducing power train maintenance and repairs. For information on golf carts (electric and gas) equipped with Trans-Axle.

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64-T-2

## Various Golf Associations Issue List of Officers

George J. Herrmann, executive secretary of the associations connected with the golf industry listed below, has issued a list of officers. Most of the men elected at the recent New York meetings have served the groups previously. New officers are Vaughn Clay, vice president of the Golf Ball Manufacturers Association, and Paul MacDonald, secretary-treasurer of the National Association of Golf Club Manufacturers. Clay is assistant vice president and general manager of Dunlop Sports Division, and MacDonald is his administrative assistant at Dunlop.

The Athletic Goods Manufacturers Association officers are Jack McGrath, president, Fred S. deBeer, Jr., and Richard Hyde, vice presidents, and William P. Holmes, secretary-treasurer.

The Athletic Institute, Inc., president is Theodore P. Bank. George Herrmann is secretary-treasurer.

Officers of the Golf Ball Manufacturers Association are William Bommer, president, Vaughn Clay, vice president, and Fred P. Koehler, secretary-treasurer.

The National Association of Golf Club Manufacturers is headed by Joe Wolfe, president, Bill Kaiser, vice president and Paul McDonald, secretary-treasurer.

Carl J. Benkert continues as president of the National Golf Foundation, Inc., with Rex M. McMorris as vice president.

These groups may be contacted through George J. Herrmann, 805 Merchandise Mart, Chicago, Ill., 60654.

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## 54 Holes of Medal Play to Qualify Boys for Junior

The 64 youngsters who take part in the USGA Junior Amateur, July 28-Aug. 1 at Eugene (Ore.) CC, will qualify after 54 holes of medal play. The first 18 of these at 51 sectional sites will determine the 149 players who will be eligible to make the trip to Eugene. Gregory McHatton, 1963 champion, is exempt from sectional qualifying.

At Eugene, the field will be cut to 64 after a 36-hole medal qualifying event. The 64 survivors then will play through

four rounds and semi-final and final matches for the Championship.

To be eligible for the Junior Amateur, a boy must have a handicap of not more than 10 strokes and must not reach his 18th birthday before midnight, Aug. 1. Entry forms now are available from USGA member clubs and sectional qualifying round officials. Applications must reach USGA headquarters, 40 E. 38th st., New York 10016 before 5 p.m. on June 24.

The 1963 Championship drew 2,230 entries, a record for the 14th consecutive year. The total is expected to drop this year because of the 10-stroke limitation.

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## Increase Women's Open Purse by \$1,000

Approximately \$10,000 in prize money will be awarded this year in the 12th USGA Women's Open Championship. It is to be played at the San Diego CC, Chula Vista, Calif., July 9-11.

The figure represents about a \$1,000 increase over 1963 when Mary Mills, won the Championship by three strokes with a 72-hole total of 289, three under par, at the Kenwood CC in Cincinnati.

Entry announcements and applications for the Championship now are available from USGA member clubs and women's golf associations. The tournament is open to women professional golfers and women amateurs with USGA handicaps not over five strokes. The entry deadline is 5 p.m., June 24. The entry fee is \$15.

Competition again will be at 72 holes stroke play, with the low 40 scorers and ties after the first two rounds qualifying for the last 36 holes on Saturday, July 11. The low scoring professional will receive \$2,000, the same as in 1963. Additional prize money in the 1964 Championship has been allocated to the higher professional scorers among those completing 72 holes, assuring each professional a minimum of \$100. Gold, silver and bronze pins will be awarded to the three low amateurs completing 72 holes.

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Mickey Wright, who won four of the Ladies PGA's first seven tournaments, was leading money winner on the women's circuit as of May 25th with \$8,950.