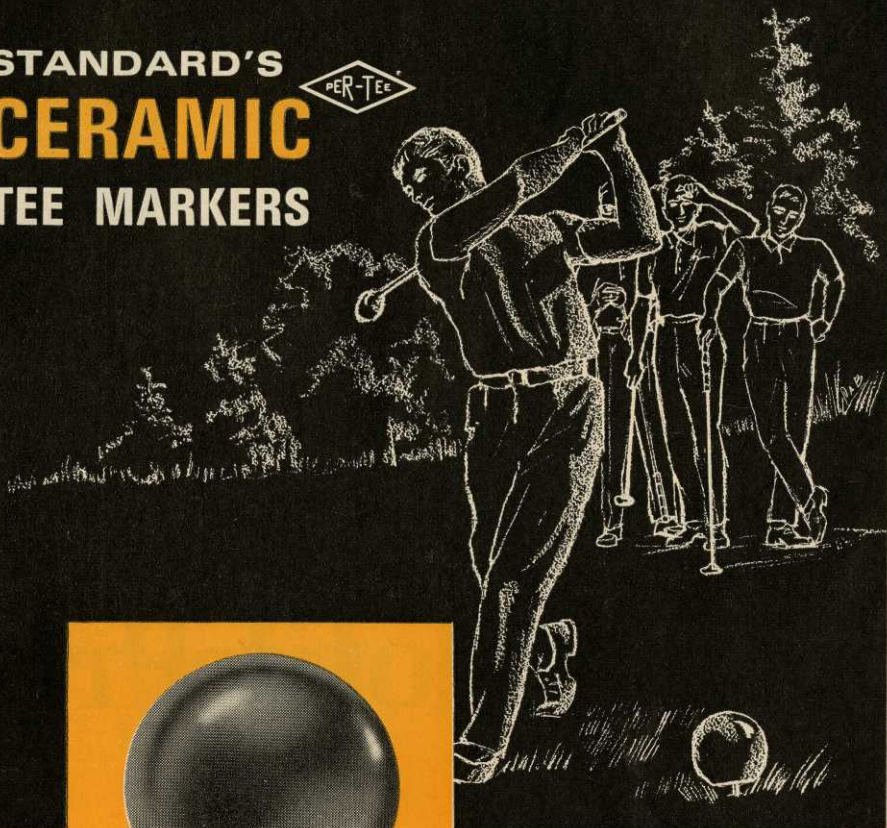


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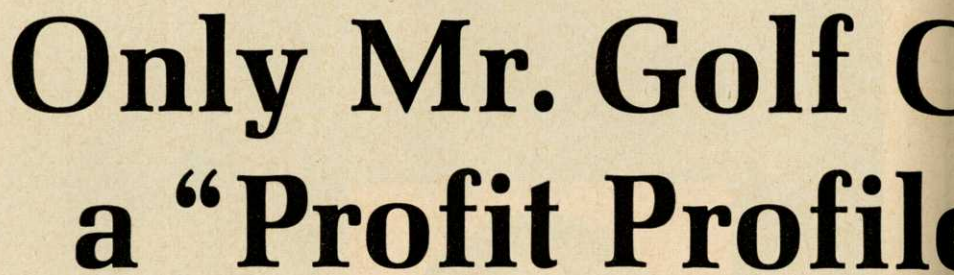


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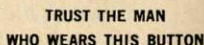
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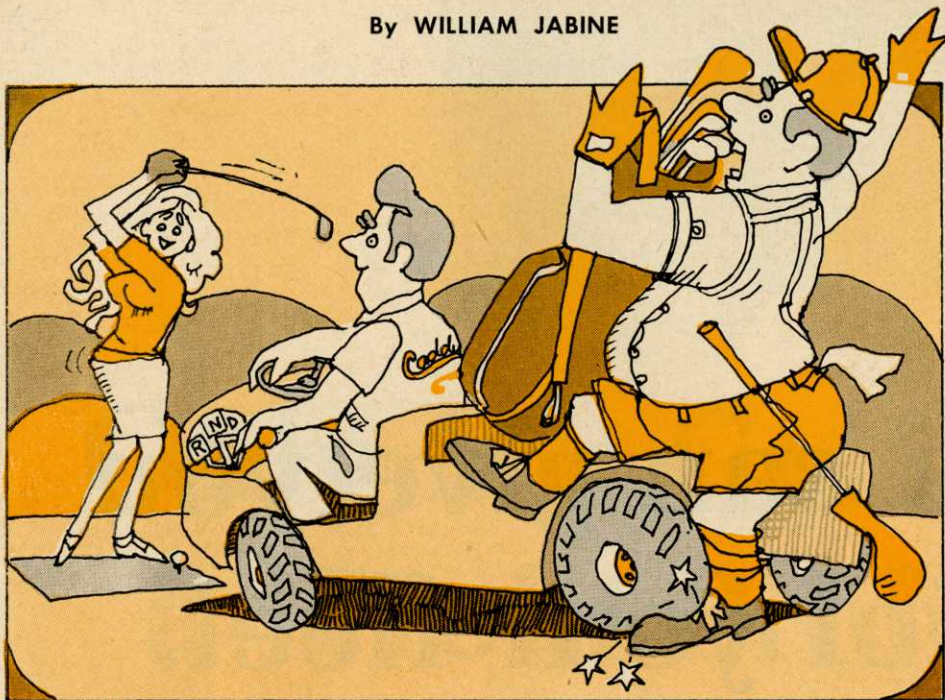


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The case of the careless caddie

By WILLIAM JABINE



The Case—A caddie, known as Pee Wee, was following a club custom by taking a golf car from where a player had left it to the barn at the Riverbend Country Club in Texas. He accidentally backed the golf car into the player who was removing his clubs from the car, causing injuries for which the player brought suit against the club. The player plaintiff was awarded a judgment in the amount of \$17,500 in trial court. The club appealed to the Court of Civil Appeals of Texas.

The principal question in this case which the Court of Appeals had to decide was whether or not Pee Wee, whose real name was Hector Andrade, was an

employee of the club acting in the course of his employment at the time the accident happened.

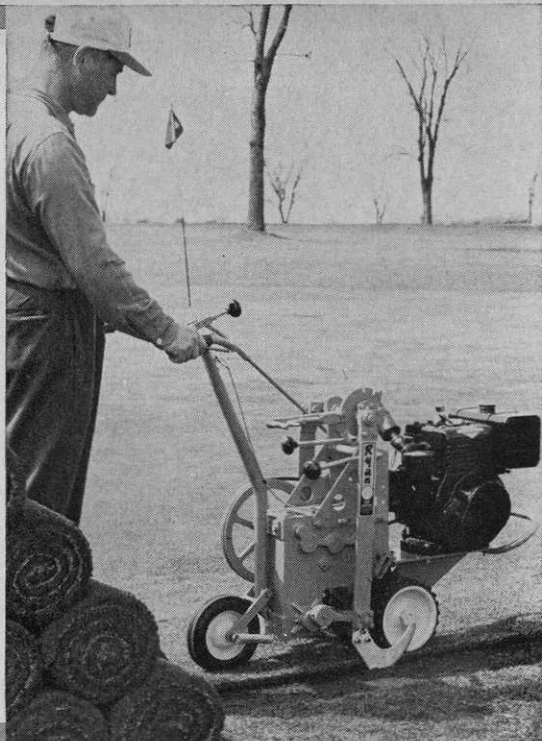
Some of the facts concerning the employment of caddies at the club are stated by the Court as follows:

"Hector was a caddy at the club. The club did not pay social security tax on the caddies nor withhold taxes from their income. The caddies were not required to report for work at any particular time. They could leave anytime they wanted to and were permitted to return so long as they abided by the rules and regulations. The club did not pay the caddies for their services to the players, but they were paid directly by the players. According to the rules of the club, caddies were not supposed to move the cars.

"The caddie master is an employee of the club. He conducted a caddie school for the boys in order that they might bet-

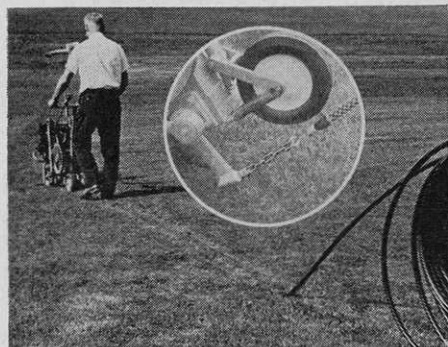
continued on page 46

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Careless Caddie

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ter perform their duties. The caddies were permitted to play golf on the course one day a week when it was closed to the members. This is one of the inducements the club offers to secure good caddies. When a boy signs the register to caddy, he is supervised by the caddie master."

The caddie master was asked the following questions and answered:

"Q. 'The caddie master tells them when to go out—he assigns them?'

"A. 'Yes sir.

"Q. '... He tells those who are entitled to a second bag during the day and various other things. He controls that work, is that correct?'

"A. 'Yes, sir. .

"The rules of the club require a member to arrange for a caddie through the caddie master except during an official tournament. The caddie fee is fixed by the greens committee. One witness testified that from reading the club's by-laws and rules, he found nothing which prohibited the caddies from handling the cars. The caddies perform certain other services for the club, such as cleaning up and picking up paper.

"The cars belong to the club and it was the car attendant's duty to take care of them. When a player completes his play, he returns the car to the club by either returning it to the ramp or car barn."

The plaintiff, whose name was Patterson, did not return the car to either of the customary spots, the ramp in front of the pro shop, or the car barn. It was raining and he was in a hurry to get under shelter, so he left it on the edge of a sidewalk near a canopy. It was at that point that Pee Wee got in and undertook to put it where it belonged.

Some of the testimony bore directly on this phase of the caddies' activities. The golf pro, after saying that Pee Wee was a valued caddie, testified, in part:

"Q. 'A caddie doesn't just sit back when one of the cars is not in the right place; when it should be moved, he goes

over to the car, and moves it back to the shed?'

"A. 'They will do that. They are not authorized, but they will do it.

"Q. 'Getting back to August 20, 1960, these caddies got out there, got a hold of those buggies and took them back whenever there wasn't a car attendant around—and am I correct in saying that what they were doing was the custom?'

"A. 'Yes, sir.

"Q. 'As a matter of fact, then, the caddies were encouraged to jump in there and help get those cars back and forth, to facilitate the use of the cars . . . many of them did help the car attendants bring the cars back and forth. That was the custom in your club prior (to the accident)—I don't know what has happened since this accident—but (this was done) prior to Chambers Patterson's being injured?'

"They did. Yes, sir."

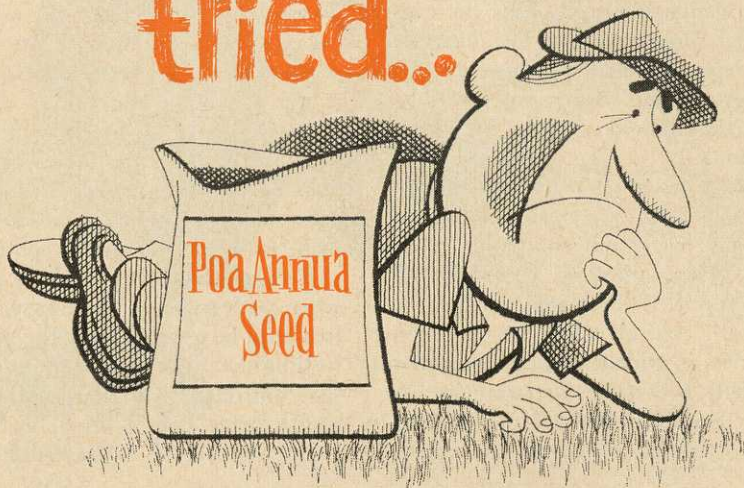
The Court evidently was convinced by this and other testimony that Pee Wee was acting as an employee in moving the golf car. It stated: "The evidence set forth above and other facts and circumstances in evidence constitute some evidence of probative force that Pee Wee was an employee of the club. (Citations)

"Pee Wee had been working as a caddie at the club for some time and was working at the time of the trial. It was conclusively established that at the time of the accident the car Pee Wee was operating belonged to the club. Under these circumstances a presumption arises that Pee Wee was acting within the course of his employment and in furtherance of the club's business. (Citation)"

"We have considered all the evidence and have concluded that the (trial) jury's answers — that Hector Andrade (Pee Wee) was an employee of the club acting in the course of his employment—are not against the great weight and preponderance of the evidence. (Citation)"

The judgment in favor of the player and against the club was affirmed. (*Riverbend Country Club v. Patterson*, 399 S.W.2d 382.) •

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Irrigation Systems

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when the grass starts to wilt too soon.

Automatic irrigation systems have become more popular in the last five years. While most people will agree that the problems have not all been solved, automation does provide many advantages.

Perhaps the most important advantage is that irrigation is placed under the control of the superintendent. He does not have to depend upon the judgement and the energy of one of his employees to dispense the desired quantity of water on an area.

Automatic systems permit recycling so that on soils with low infiltration rates or on slopes, water can be applied intermittently. Thus, watering is more efficient and runoff is eliminated.

Automatic controls allow the operation of sprinklers in widely separated locations so that only a few are operating in any one area. This permits the use of smaller pipe sizes without creating velocity prob-

lems. There are very many special uses for irrigation beyond that of keeping a desirable level of moisture in the soil. In seasons when light frosts form on putting greens, it is desirable to water the frost off the leaves. Not much water is required but all the greens must be watered during a relatively short time.

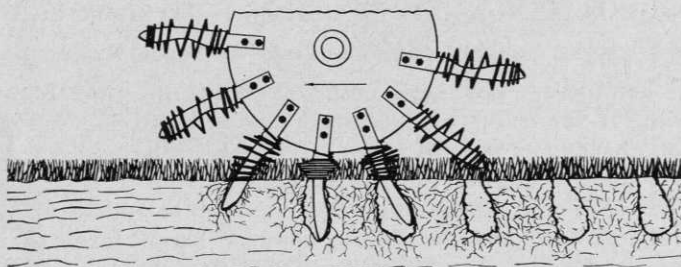
Likewise on hot summer afternoons, greens sometimes tend to wilt simply because transpiration rates are such that water is being lost from leaves faster than it can be taken up by roots.

Showering of all greens within a short period of time is desirable. This can be done by four or five men with hoses and shower nozzles or it can be done by one man with an automatic control panel.

Because showering is done at a time when golfers are on the course, some system must be used whereby the person controlling the water can see the green. Satellite controllers in various sections of the course offer one solution, and two-way radio another.

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Irrigation Systems

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At one club, there is a siren at the pump house where the control panel is located. The superintendent sounds the siren to signal golfers and two minutes later the greens are being showered.

In parts of the country where *Poa annua* fairways are commonplace, the summer months are usually accompanied by weakening turf and sometimes by thin fairways. Some success has attended the efforts of superintendents to air-condition fairways by applying small amounts of water at frequent intervals on hot days.

All of the special uses are related to an ability to control the amounts of water applied, and the duration and frequency of application. It is an approach to eliminating the stress placed on turf by lack of moisture. Precise control demands either a great expenditure of manpower or rather elaborate automatic equipment. As labor costs rise and quality declines, the trend

is toward more automatic equipment.

The day will soon come when we see computer-designed irrigation programs which take into account the humidity, the temperature, the wind direction and velocity, the slope of the ground, the moisture content and the infiltration rate of the soil.

The information will be digested and proper schedule of irrigation will be recorded on tape. The tape in turn will trigger radio signals to operate the valves.

Such dreams will be reality only after the employment of a great deal of technology, innovation and "cut and try" experimentation. Such a system will never be cheap, but the more precise control together with the resulting effectiveness will offer a very tempting prospect. •

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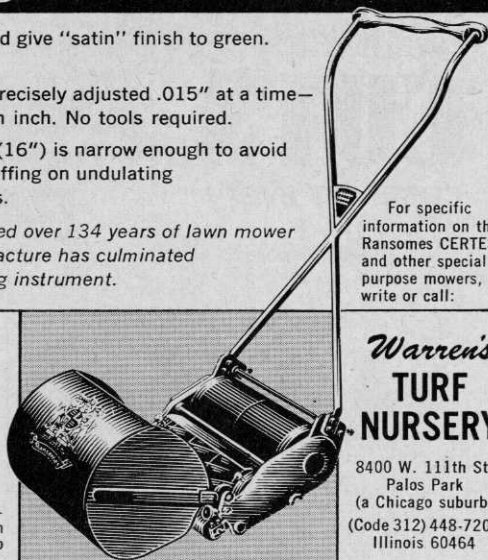
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