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People in the news



Pray

Harry B. Pray was named sales office supervisor for Harley-Davidson Motor Co. He will direct the sales office clerical staff and the golf car and motorcycle ordering.



Judd

Ken Judd has been named host pro at the Playboy Club-Hotel at Lake Geneva, Wisconsin. The first of two courses at the \$10,000,000 resort is scheduled to open in mid-June.



Allen

Charles R. Allen was named the sports coordinator of The Firestone Tire and Rubber Company's public relations department. He will coordinate the company's public relations activities in golf and bowling.



Sinclair

Albert L. Sinclair has been promoted to field service supervisor at Jacobsen Manufacturing Company. He joined the company in 1967.



Kletche

Robert A. Kletche, of the Augusta National Golf Club has been named professional at the new Grandfather Golf and Country Club. He will divide his time between Augusta National and Grandfather G and CC.



Dickinson

Gardner Dickinson, Jr. has been named director of golf for the new Great Harbour Cay Golf and Country Club in the Berry Island chain of the Bahamas.

Rodney C. Gott was recently elected chairman of the board and chief executive officer, in addition to his office as president, of American Machine & Foundry Company.

Stanley Price has stepped up to general sales manager for Certain-teed Products Corporation, Pipe Division. He has formerly served as sales manager since 1957.

Michael A. Bertino has joined the agricultural division of Vesicol Chemical Corporation as a specialty products sales representative in the northeastern states.

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Investment for the future

Continued from page 36

weeks was between 78 and 80, beating quite a number of boys. This provided the fellows with a challenge and had a great deal to do with the success of the class as a whole because the boys really knuckled down trying to beat her scores. (Shortly after she gradu-

ated, she won the Arizona Junior Championship, and in 1967 went to the finals in the State Women's Amateur).

"However, she'd only tee off first when she earned it, and they quickly adjusted to the fact that she was a golfer first of all. She was well accepted by them in every respect and they treated her like a lady. She became one of them, and

I think she helped particularly to make the many hours we spent on etiquette and behavior on the golf course pay off to a greater extent than might otherwise have been the case.

"It was also obvious that the challenge of this one girl kept prodding the boys on to greater heights. One result of her experience with us seems sure; we'll have more girl applicants.

"The students were also taught the importance of fair play. Such conduct, they were repeatedly assured, would tend to reflect and overflow into their daily lives.

"In order to bring home the point of how miserable the feeling of encountering bad manners is, we had them devote one day to giving the needle to each other on the course. We wanted them to become acquainted with it also because occasionally they're going to get it in golf and their daily lives. It was amusingly obvious that on the day we held this, the procedure didn't seem nearly as cutey-pie to them as some of them might have thought it would be.

"For their graduating day ceremony we not only planned some suitable decorative certificates to attest to their proficiency, but gave some medallions to those who had made what we felt was outstanding progress: lowering their score from the 100's and high 90's into the 70's. This we felt was quite an accomplishment in seven weeks.

"Also, everyone in the class was asked in advance to tell John Reuter exactly what kind of putter he would like if he was given his druthers. Then John engraved the name of each member on the back of the kind of putter he had asked for, and the name of the school, 'The Bill Farkas Golf School,' and asked that the putters be given to them at graduation.

"Mr. Reuter addressed the class and got a nationally known golf writer to say a few words. Italked briefly. Mr. Tooker talked briefly. Then we presented the medallions and putters.

"I might conclude by saying, when we started out, only five of the 22 were capable of breaking 80. At the conclusion, 18 were breaking 80 regularly."

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What constitutes breach of contract?

Golf course contends construction company didn't distribute topsoil in accordance with specifications

by William Jabine

Those persons who are inclined to think that judges do not earn their salaries should give consideration to, among other things, the bewildering variety of subjects upon which they must pass judgment. They are supposed to become experts on almost everything at a moment's notice. For example, the Michigan Court of Appeals, Division 3, recently had to determine the proper distribution of topsoil on a newly constructed golf course, a matter which, before the case came up for argument, probably was

completely foreign to the minds of the judges.

The plaintiff in the action, P.&M. Construction Company, had agreed to construct a nine-hole golf course near Kalamazoo for the defendant, Hammond Ventures, Inc. The work was to be done on an equipment-rental basis at a cost not to exceed \$18,400. The job was performed during the spring and summer of 1962, and the plaintiff construction company was paid on account from time to time as the work progressed. The plaintiff claimed that the job

was completed in September of that year and demanded payment of \$2,090.55, the amount still unpaid, and an additional \$744.90 as an extra for the construction of a practice green and the sum of \$543.50 for other extras. The defendant refused to make payment, contending that the plaintiff had breached the contract in that the work was not performed in accordance with specifications for which the defendant claimed damages.

The plaintiff then sued the de-

Continued on page 68

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Breach of contract

Continued from page 66

fendant for \$3,378.95 and the defendant counter-claimed for damages in the amount of \$10,420.85.

The case was heard by a trial court without a jury and the trial judge ruled that the plaintiff was entitled to the balance of \$2,090.55, completing the \$18,400 provided for in the contract plus extras amounting to \$1,288.40. He further ruled that the plaintiff did not complete the work in accordance with the precise terms of the contract and that \$2,495 should be deducted from the sum due the plaintiff, resulting in a judgment for the plaintiff for \$883.95. Neither side was satisfied, and when the defendant appealed to the Court of Appeals, plaintiff cross-appealed.

The chief bone of contention was the question of whether or not the plaintiff had performed the work in accordance with a provision of the contract which reads as follows: "All existing topsoil shall be saved and stockpiled and used to cover

those areas disturbed by construction. All tees and green aprons, and fairway areas shall be covered with at least six inches of topsoil. Areas outside the fairways shall be covered with at least four inches of topsoil."

The opinion of the Court of Appeals states the facts of the topsoil dispute as follows:

"Plaintiff's exhibit number six, a checklist dated July 25, 1962, indicated work to be corrected by plaintiff. Plaintiff claimed it performed in accordance with that checklist. The exhibit bears the typewritten initials of Mr. Spear (the architect whose approval of the work was required. Ed.). However, he disclaims making it. On four occasions, a representative of plaintiff informed Mr. Spear, the architect, that plaintiff had completed the job and asked for a final inspection. Mr. Spear testified that upon each inspection, he found work yet to be accomplished in order to meet the specifications. On November 14, 1962, he wrote a letter to plaintiff reading in part as follows:

"Of major concern now is lack of sufficient topsoil on the turf areas. Referring to my specifications 'Earth Moving and Grading Work' Item four; Stripping and Respreading Topsoil—Existing topsoil shall be stripped in sufficient quantity to permit replacing six inches of topsoil over all proposed lawn areas disturbed by grading operations. All existing topsoil shall be saved. All topsoil shall be kept free of subsoil and debris.

"Your failure to abide by this specification, especially when more than adequate amounts of topsoil were available, is the most serious offense a contractor can make in the construction of a golf course since a thick, healthy turf is so essential to good maintenance. Prior to the start of your construction work on this site, Mr. Hammond had soiltest borings made in various locations throughout the property. It was found the depth of topsoil averaged 12 to 13 inches. After most of your grading work was com-

Continued on page 80

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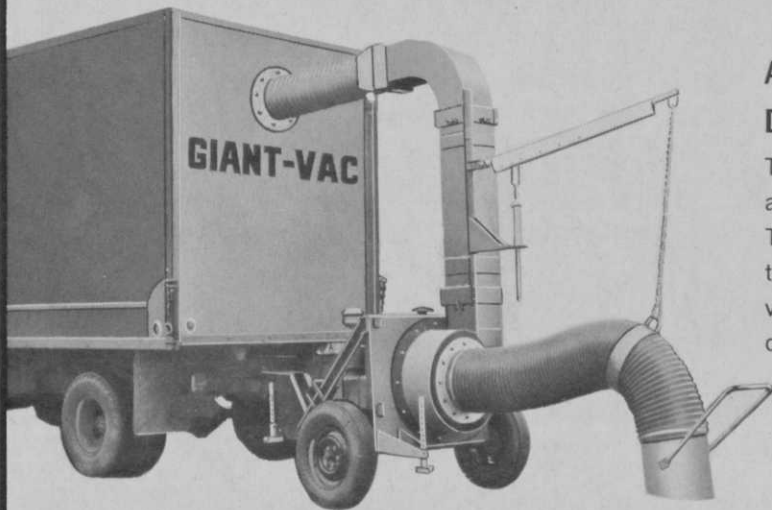
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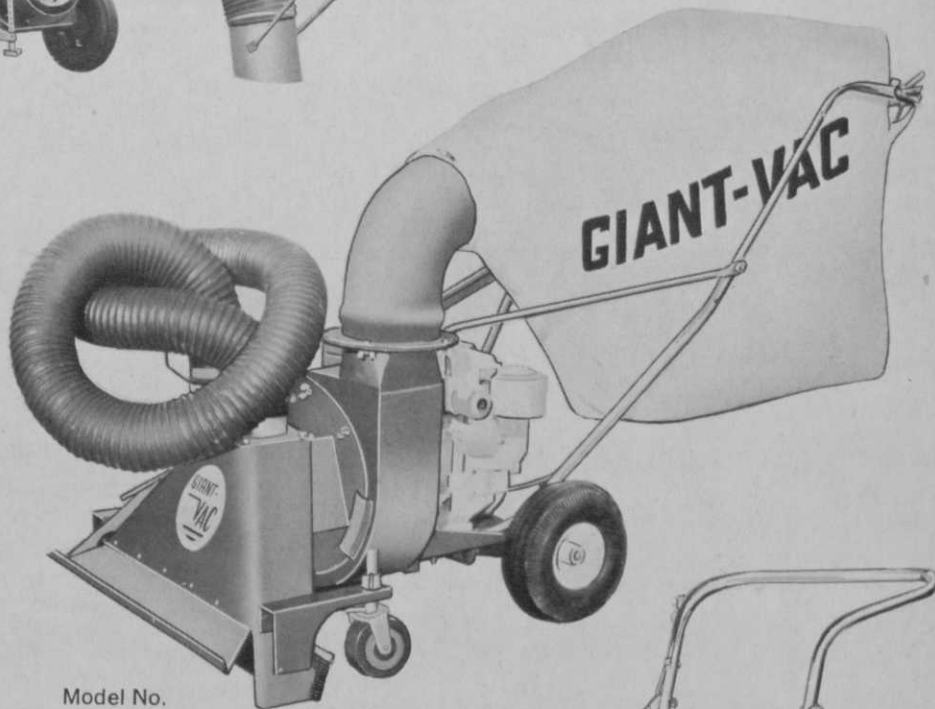
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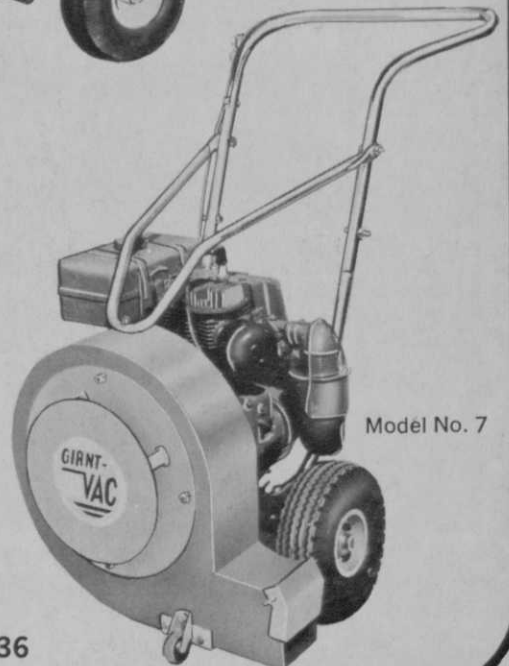
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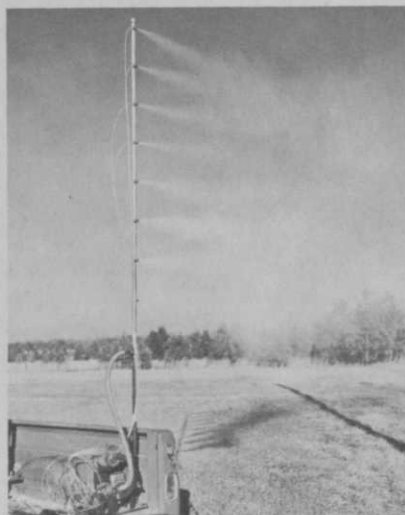
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New products



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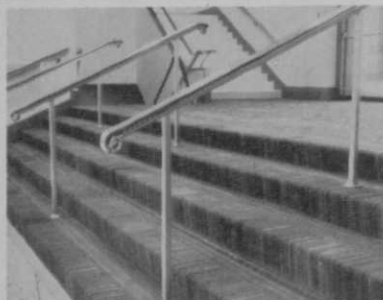
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Fawick Corporation are the manufacturers of Golf Pride "Cover Keepers." They are neoprene rubber cords which keep headcovers of golf clubs spaced apart and eliminate snarls.

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Continued on page 73



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