In Kearns v. Steinkamp (1932) 184 Ark.1177, 45 S.W. (2d) 519, a suit for the wrongful death of a boy by diving into a raft provided by the owner of a swimming pool for the amusement, safety and convenience of patrons, the court held that the evidence was in conflict and that the question was properly submitted to the jury as to whether the owner permitted the raft to become water-soaked and thus submerged and not easily visible to swimmers.

But in Mikulski v. Morgan (1934) 268 Mich. 314, 256 N.W. 339, the proprietor of a bathing beach who furnished, for the amusement of bathers, an appliance consisting of a ladder fastened to a gasolene tank, was held not liable for injuries received by a bather from improper use of the appliance, where it was not defective in construction, or in disrepair and its nature was apparent to those using it. The gasolene tank was weighted down so that, when it floated on the surface of the water, the ladder would stand up perpendicularly from it and several bathers would hold to the rungs of the ladder, pulling it down parallel to the water, whereupon all but the top man would let go, throwing the ladder into the water on the opposite side. The plaintiff was one of the bathers holding onto the appliance and, when he let go, his thumb was torn off by being caught in the angle between the ladder and the brace supporting it. The court said that the defendant was under a duty to furnish a reasonably safe appliance, but that plaintiff's injury here was due to his own use of it in a way which he should have foreseen to be dangerous.

In Park Circuit & Realty Co.v. Ringo (1932) 242 Ky. 255, 46, S.W. (2d) 106, it was held improper to submit to the jury the question of the liability of the owner of a swimming pool to one injured while swimming therein, by another's falling on him from a water wheel of the type generally used in modern swimming pools, in the absence of evidence as to the cause of the other patron's fall. The evidence failed to establish the plaintiff's claim that the wheel had become covered with slime and water growth, and the court said that the more fact that the top of the wheel was wet or damp from its use in the water did not render it dangerous.

And in Spitzkof v. Mitchell (1935) 114 N.J.L. 160, 176 A. 186, where a patron of a swimming pool was injured when she was struck by a person diving from a springboard in a diagonal and unusual direction a non-suit was held properly directed in an action against the proprietor of the pool for failure to furnish proper supervision of bathers, where it was not shown that it was customary for persons using the pool to dive in such a manner. However, in Esposito v. St. George Swimming Club (1932) 143 Misc. 15, 255 N.Y.S. 794, where one diving from a 10-foot springboard in a public indoor swimming pool was struck by another diver before he could emerge from the water, the proprietor of the pool was held to be under a duty to take some precautions to avoid such an occurrence. The doctrine of assumed risk was held inapplicable, since the obligation rested on the proprietor to take some measures to prevent a patron from diving until the previous diver had had time to emerge from beneath the water of the pool.

In Gerhardt v. Manhattan Beach Park (1932) 237 App.Div.832, 261 N.Y.S. 185, (affirmed in 1933) 262 N.Y. 698, 188 N.E. 126), a verdict was held warranted against the proprietor of a bathing beach in favor of a patron who was injured when struck by one of its beach umbrellas which was bown by the wind.

And in Foucht v. Parkview Amusement Co. (1933) __mo.App.__,60 S.W. (2d) 663, the negligence of the operator of a swimming pool in failing to furnish sufficient light was held a question for the jury, where a patron tripped over a timber across the doorway between the shower and locker rooms.

But in Sciarello v. Coast Holding Co. (1934) 242 App.Div.802, 274, N.W. S.776, the owner of a swimming pool was held not liable for injuries received by a patron who slipped and fell on the wet floor at the edge of the pool, the court saying: "The slippery condition of the platform surrounding the defendant's swimming pool was necessarily incidental to the use of the bath. There was no proof of the violation of any duty or obligation on the part of the defendant to provide a covering for the floor at the point where plaintiff fell."