might foresse the necessity of doing. Barrett v. Lake Ontario Beach Improv. Co. (1903) 174 N.Y. 310, 61 L.R.A. 829, 66 N.E. 968, 14 Am.Neg. Rep.144.

Where an amusement company maintained a pond in its park and charged an admission fee for bathing and swimming, it was held in Decatur Amusement Park Co. v. Porter (1907) 137 Ill.App.448, an action for the death of a fourteen-year-old boy who was drowned in the pond, that the duty of the defendant was to make reasonable provision to guard against those accidents which common knowledge and experience teach are likely to befall those engaged in said sports and that it might be held liable for negligence if it failed to have any attendant to render assistance, if necessary, to bathers, or failed to mark in any way the depth of the water, which in portions of the pond was alleged to be 10 feet deep. But it was held also that the mere failure of the defendant to furnish an experienced swimmer and diver would not alone constitute negligence, and that a cause of action was not stated by counts in the declaration based solely on the assumption that it was actionable negligence not to have an experienced swimmer and diver to render aid to those heeding it.

In Thierry v. Oswell (1925) __ Ala. __, 102 So. 903, in an action against the proprietor of a public bathing and pleasure resort, to recover damages for the drowning of plaintiff's minor child, a sixteen-year-old girl, the court held that although the defendant may have been negligent in failing to provide safeguards or warnings at a hole deredged out for deep water swimming and diving and immediately adjacent to shallower water used for swimming, and notwithstanding said hole was so deep as to be dangerous to bathers who could not swim, and that the defendant had noticed that the bathing resort was patronized by children and others unable to swim, nevertheless, if the decedent, although she did not know of the existence of the deep hole described, was notified of the danger in time to have avoided the injury and did not use ordinary care to avoid the danger, the plaintiff was not entitled to recover.

In Blanchette v. Union Street R. Co. (1924) 248 Mass. 407, 143 N.E. 310, the court held that a company maintaining for hire a bathing house and beach and in connection therewith a floating raft, with a chute or slide thereon, to be used by the bathers to dive and slide into the water, was bound to use reasonable care in maintaining the accommodations for the purposes for which they were apparently designed and to which they were adapted and if, by reason of the shallowness of the water, the chute and the water beneath it were not reasonably safe for diving, it was the duty of the company to warn the plaintiff, as an invitee for hire, of the dangerous condition, in order that he might be cognizant of the danger and a failure to perform this duty would be negligence for which the company would be responsible, unless the plaintiff was guilty of contributory negligence or had assumed the risk of the conditions. The court further said that although it was within the right of the defendant to limit its obligation by a sign warning the users of the chute that it was used at their risk, to have such effect the defendant must show that the invited persons had knowledge of the sign and that they accepted the invitation, subject to the absence of any duty of the owner and invitor to warn of dangers which were not visible to ordinary inspection.

In an action for the death of a fourteen-year-old boy who was drowned in a swimming pool conducted for profit by the defendant, it was held in Maher v. Madison Square Garden Corp. (1926) 242 N.Y. 506, 152 N.E. 403, reversing (1925) 215 App.Div.653, 212 N.Y. Supp.865, that the judgment for the plaintiff should be reversed and the comaplaint dismissed, where it appeared only that, although the pool was crowded at the time, apparently no one saw the fatality and that all that was known was that the boy was playing in the pool in the afternoon and that his dead body was found in another part of the pool the next morning and that death was caused by asphyxiation. It was said that no inference could be drawn that, by any act or omission of the defendant or any of its employees, the boy was placed in a position of danger which caused his death, or that any greater care by the defendant could have averted the accident. From the dissenting opinion in the lower court, it appears that