number of competent attendants. The action was one for the death of a twelve-year-old boy by drowning in a swimming pool maintained by the defendant, where it appeared that he had been playing about the pool and stumbled and fell into it, striking his head against the edge of the pool or against a post and although a good swimmer was so stunned by the blow that he could not extricate himself and when taken from the pool about ten minutes later could not be resuscitated. It was held that an instruction was erroneous that if the jury believed from the evidence that the defendant failed to provide skilled attendants at the pool in sufficient numbers "to insure the safety of the patrons" of the pool and that in such failure the defendant was guilty of negligence resulting in the death in question, they should find for the plaintiff.

So, in Behrns v. Roth (1917) 204 Ill. App.328, notwithstanding there was much noise and shouting going on in a swimming pool from a large number of boys swimming, just before and at the time the deceased met his death therein, the court held that the evidence failed to show negligence on the part of the defendant in the equipment of operation of his natatorium, it appearing that signs as to the depth of the water and warning signs as to safety had been placed in the pool, that two life guards had been stationed there and that efforts were promptly made by them to recover the deceased from the water and to resuscitate him. It was held that the evidence showed that the death was not due to drowning but to organic disease.

Where it was customary to serve drinks in a bathing establishment, including the room in which was a swimming pool and a patron in attempting to enter the pool was injured by placing his hand on a glass on the edge of the pool, it was held that there could be no recovery against the proprietor for the injury, there being nothing to show who placed the glass where it was, or how long it had remained there. Jones v. Levy (1906) 50 Misc. 624, 98 N.Y. Supp. 206. The court said also that the place was brilliantly lighted and the glass should have been, at least, as clearly visible to the plaintiff as to the defendant's waiters.

In an action for injury to a bather by slipping upon smooth concrete steps as he was attempting to enter a swimming tank, the proprietor of a natatorium was, in Anderson v. Seattle Park Co. (1914) 79 Wash. 575, 140 Pac. 698, 6 N.C.C.A. 954 held not guilty of negligence, where it was shown that the steps were constructed in accordance with the universal custom of similar natatoriums, that they were scrubbed and washed with fresh water three times a week, that bathers had used the steps constantly without falling and had never found them in a slimy or dangerous condition. But the owner of a park in which is a swimming pool operated for hire and held out to the public as a suitable place for swimming and diving may be held liable to one diving, who was injured by striking invisible timber under the Water. Bass v. Reitdorf,(1900) 25 Ind. App. 650, 58 N.E. 95.

In Turlington v. Tampa Electric Co. (1911) 62 Fla. 398, 38 L.R.A. (N.S.) 72, Ann. Cas. 1913D, 1213, 56 So.696, 1 N.C.C.A. 490, it was held that a cause of action was stated by allegations in a declaration for damages for the death of one drowned in the defendant's bathing establishment, to the effect that the defendant maintained, as a part of his bathing house, a springboard for diving, which was about 3 or 4 feet above the water, that the depth of the water underneath was, at average tide, about $2\frac{1}{2}$ to $3\frac{1}{2}$ feet deep; that owing to the shallow water the place was dangerous for those who restored there for bathing and diving; that the defendant negligently suffered the same to remain in this dangerous condition; that there was no sign indicating the depth of the water, and that the decedent had no knowledge thereof; and that the latter, having hired a bathing suit from the defendant, in the exercise of due care, dived from the springboard and struck his head on the bottom of the bay, sustaining injuries from which he died. It was contended in that case that the allegations were merely to the effect that the defendant maintained a springboard in good condition over a body of water $3\frac{1}{2}$ feet deep and that this