imposes upon keepers of public resorts generally for the protection of their patrons, but the law imposes upon them the additional duty, when the character and conditions of the resort are such that, because of deep water, or the arising of sudden storms, or other causes, the bathers may get into danger, of having in attendance some suitable person with the necessary appliances to effect rescues, and save those who may meet with accident. Not only is it the duty of the owners of bathing resorts to be prepared to rescue those who may get into danger while in bathing, but it is their duty to act with promptness, and make every reasonable effort to search for and if possible recover, those who are known to be missing".

In that case it was held that the owner of a public bathing resort might be found to be negligent, where he placed no signs as to the depth of the water, or marks to indicate danger, and kept no one at hand to aid persons in danger, and took no step to aid a person actually in peril until too late to be of any avail and in the case of Beaman v. Groons (1917) 138 Tenn.320, L.R.A. 1918 B, 305, 197 S.W. 1090, the court said: "The proprietor of a public bathing resort may be found to be negligent in failing to place or properly maintain signs as to the dangerous depths of the water, or marks to indicate danger to his patrons."

Other things being equal, the proprietor of a natatorium for profit, to which the public are invited, owes a greater degree of care to a youth who it knows cannot swim, and who is permitted to enter the pool, than to one who it knows can swim; in other words, the ability to swim, or the lack of it, may be an important factor in determining what is and what is not ordinary care on the part of such a proprietor. But in Henrod v. Gregson Hot Springs Co. (1916) 52 Mont. 447, 158 Pac. 824, it was held that a non-suit was properly entered in an action against a proprietor of a natatorium for profit, for the death of a youth thirteen years old by drowning in the pool, where it was alleged that the water varied in depth from 3 to 6 feet, that the deceased was about 4 feet 8 inches tall, was unable to swim and unable to take care of himself in water over 3 feet deep and that these facts were known to the defendant, who carelessly permitted the deceased to bathe in the pool for about two hours without any person being present to watch after him; since, if it was intended to charge negligence in permitting the deceased to remain in the pool an unreasonable time, there was no causal connection between such negligence and the injury and if the complaint intended to charge negligence in failing to provide an attendant or guard, based on the assumption that the deceased could not swim, the case likewise failed, because the evidence showed that an attendant had asked him if he could swim and he had replied in the affirmative and had demonstrated his ability in that respect. The court said this inquiry was directed to him in pursuance of a rule of the defendant which denied the privileges of the natatorium to an unaccompanied minor who could not swim; so that if it was true, as the plaintiff contended, that the youth could not swim, he secured admission by misrepresentation as to a material fact, by reason whereof he became a trespasser ab initio. The court said, also, that it was not called upon to determine whether the rule of ordinary care required the defendant to provide a life guard for the deceased without reference to his ability to swim, as the complaint did not charge negligence in that particular and the burden was on the plaintiff to show that the deceased was rightfully in the pool and that his death resulted proximately from a breach of duty which the defendant owed to him and with which it was charged in the complaint.

The proprietor of a bathing resort is not under the absolute duty of providing skilled attendants in sufficient number to insure the safety of patrons engaged in bathing; the duty is only to exercise ordinary care to provide a reasonably sufficient number of competent attendants for such purpose and it was held in Lovinski v. Cooper (1912) - Tex. Civ. App.___ 142 S.W.959, that, under the statute in that state (which is not set out), the defendant in conducting a swimming pool could not be held liable for the negligent acts of his servants in that promptly rescuing a bather, but was liable only for his own individual acts of negligence, if any, in failing to provide a sufficient