

Circuit Court for Rock County  
William W. Schenck

vs:

The Beloit Water Power Company

The answer of the defendant to the complaint of the Plaintiff in the above action admits that the Plaintiff now is & for some years now last past has been in the possession of the real estate & premises described in his complaint. But the defendant's answer states & shows to the court that the defendant has not knowledge or information sufficient to form a belief whether the Plaintiff is now & ever since the first day of March 1867 has been the owner in fee simple of the lands & premises described in the said complaint. This defendant's answer further states & shows that the defendant has not knowledge or information sufficient to form a belief whether the Rock River at the time of the passage of the act of the legislature of the territory of Wisconsin was & since then has been in the law a navigable river. But the defendant's answer states & shows upon information & belief that the said river within the state of Wisconsin has not been a navigable stream in fact nor has the same been used as a public highway, as a navigable stream or river for more than twenty years now last past & that for twenty years last past the said river has not been in a condition for use as a navigable stream.

This defendant's answer further states & shows admits that after the passage of the act of the Territorial legislature of the Territory of Wisconsin mentioned in the Plaintiff's complaint, the successors & assign of Alfred L. Field & Ira Hersey did construct & build a dam across Rock River on section No. thirty five (35) in T. One (1) N. of R. twelve (12) E. of the height of four feet above the usual low water mark in said River & that such dam has been kept up & maintained since it was constructed.

This defendant's answer states & shows that the defendant has not information sufficient to form a belief whether the said successors & assign of said Field & Hersey erected the said dam at a height