

up & maintained by the owners thereof & of the Water Power thereby created & by this defendant at the same height & not at any greater or additional height until the summer of the year 1876 when the said dam was raised by means of slash boards or planks as is hereinafter stated.

And the defendant's answer denies that in the fore part of the year 1874 or at any other time or times between the year 1870 & 1876 this defendant or any other Corporation, person or firm raised the said dam two feet or any other height above the height at which it had been maintained before that time. Its answer also denies that the defendant has kept up the said dam at any height to which it was raised in said year 1874.

This defendant's answer further states that in the summer of the year 1876 this defendant caused to be put & placed & fastened upon the said dam along the top or crest of said dam slash boards or planks eight inches in width withal the upper edge of said plank was eight inches higher than the water way over said dam on the 8th day of March 1871 & the water in Rock River immediately above the said dam was thereby raised eight inches higher than the same was before the said slash boards or planks were fastened upon the said dam & the said slash boards or planks were kept upon the said dam when the same were placed by this defendant until about the month of Feb. 1877. His answer further states & shows that during the month of June in the year 1877 this defendant again caused to be put and placed upon said dam slash board or plank one foot in width so that the upper edge of said slash board or plank was one foot higher than the water way over said dam on the said 8th day of March 1871, & the same have been kept upon said dam since the same were replaced there as last above stated, by means whereof the water in the said Rock River immediately above the said