

exceeding four feet.

This Defendant's answer further shows & states upon information & belief that after the said dam was first erected & constructed & in or prior to the year 1855 the owners of the said dam & the water power thereby created, caused the same to be built up a height greatly exceeding four feet above the usual low water mark in said Rock River but to what precise height, this Defendant is unable to state & that since the same was so built up, the same has been constantly kept up & maintained at the height it was in the said year 1855 to a greater height.

This Defendant's answer admits that it is a corporation organized under & pursuant to an act of the legislature of the State of Wisconsin approved March 8, 1871 with the rights & powers stated in said Plaintiff's Complaint from folio 8 to folio 14 & to the end of the 9th line of said folio 14 inclusive.

This Defendant's answer denies that prior to the year 1874 ^{said} the dam was not constructed or maintained at a height of more than four feet above the usual low water mark in S^e Rock River as stated in said complaint & this Defendant's answer denies that in the fore part of the year 1874 or at any other time before or since that day (except as herein after expressly stated).

This Defendant raised said dam 2 ft. or raised said dam to any other height above the height at which it had been maintained before that date, and this Defendant's answer denies that this Defendant has kept up & maintained said dam at any height other or greater than it was on the 8th day of March 1871 except as is herein after stated. And this Defendant's answer states & shows to the Court that during or prior to the year 1856 the owners of the said dam, & of the water power thereby created, caused the said dam which is mentioned & described in the said complaint to be raised & built up to the height of four feet & nine inches or thereabout above the usual low water mark in the said Rock River when the said dam