

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. This 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