plaintiff alleges these defendants had placed across Rainy River. That is more like what is alleged in the other action, brought by the plaintiff against the Watrous Island Boom Company, tried with this action. This action is because of scarcity of water occasioned, as alleged, by the defendants.

There is no doubt that the water from natural causes was exceedingly low in Rainy Lake, as well as Rainy River, during the entire season of 1911. The evidence on behalf of plaintiff as to the month of June is not so strong as is the evidence by witnesses for the defendants, but after the early part of July until the 5th of August the water was too low to permit of safe navigation by the "Agwinde."

The lowness of water was well known to all interested, and the cause of it to a great extent was not in doubt; but the plaintiff believed that there was water enough above the dam, if let down, to permit the running of the "Agwinde," and to watch the defendants, measurements were made daily, and even more frequently. I have studied and compared these measurements. They shew that at times a large quantity of water was held back. Upon the best consideration I can give to the whole evidence I, with some hesitation, come to the conclusion that the defendants did so interfere with the natural flow of the water from above the International Falls into Rainy River, as to cause damage to the plaintiff by preventing the running of the "Agwinde" during part of the season of 1911. It becomes then only a question of amount of damages.

If the defendants had by their dam and its operation prevented the outfitting of the steamers of plaintiff company for 1911, and prevented their running altogether, they would have done a good thing. They plaintiff stood to lose, and did lose, in carrying on their steamboat business that year, according to their statement $16,334.52. That was reduced to $11,334.52 by getting $5,000 for their contract, or settlement, with the government.

On the plaintiffs' original statement the loss was apportioned as follows:—

Steamer "Kenora"	$4,881 17
" "Agwinde"	3,397 63
General loss in management	8,055 72
	$16,334 52