I accept the statement of McDowall and Warren that the quantity of water that flowed under the old bridge was 3,960 cubic feet per second. . . .

I consider the calculation made by McDowall and Warren as to the flow over the dam to be the more accurate. They make the flow under the new dam, based on an 86 feet 2 inches span between the abutments, 3,483 cubic feet per second.

Then as to the allegation in the 8th paragraph of the statement of claim, it is, I consider, clear that the new abutment did not extend into the channel of the river. . . .

As to the 9th paragraph, I find that the whole of the coffer dam was removed, except one stick of timber 12 feet long, which was the bottom stick of the coffer dam, and, as there was trouble from the old west abutment, the stick was left there close to the bottom of the new abutment to prevent its being undermined. It was only 2 or 3 inches above the bed of the river, and caused no perceptible obstruction to the flow of the water. The only other parts of the coffer dam left there were 3 or 4 boulder stones, 12 or 14 inches in diameter, beside or on the stick of timber.

As to the 10th paragraph. No portion of the pier was left in the river. John B. Campbell, in the autumn of 1902, removed all the timber from the pier to its lowest course. . . .

In the years 1882-3, 1894-5, 1903-4, and 1904-5, a large number of witnesses testify to there being very heavy snow storms, resulting in great floods along the Teeswater river during the spring of each of these years. . . .

The width of the river just below the dam is 106 feet, and 240 feet below the dam it is 75 feet wide, and 570 feet below it is only 60 feet in width, and at 50 feet from the bridge it is only 45 feet wide. There is a fall of nearly 5 feet between the foot of the dam and the bridge. With a torrent of water rushing over the dam during a freshet, and with the river 106 feet wide immediately below the dam and 31 feet narrower 240 feet below, and 46 feet narrower 570 feet below, one can easily understand with what rapidity the water would spread where the river banks were hardly perceptible, and where a portion of the adjoining land belonging to plaintiff was but a few inches higher than the river.