

We disclaim any responsibility for the low stage of the water in Rainy River. We will be only too glad to see the flow of Rainy River through the dam increase if Providence will provide the water."

On the 15th June plaintiffs' president wrote disclaiming any intention of being disagreeable to the power company, asserting that the defendants had been in the habit of shutting off the water on Saturday nights. He stated that the "Agwinde" would be at the foot of the Sault rapids on June 18th bound up, and if the natural flow of the water is not interfered with we anticipate no difficulty in negotiating the rapids and also the river clear through to Fort Frances.

On the 28th June the "Agwinde" tied up at Fort Frances. On the 7th July, plaintiffs' president wrote: "Owing to your action in putting a boom across Rainy River at Big Nose, we have found it impossible to operate our steamer, the "Agwinde," and since the night of the 28th June she has been detained at Fort Frances. Captain Black notified the foreman at the boom, and also Mr. Sutherland, your manager at International Falls, that he could not attempt to go through the boom again owing to the obstruction. We have also met with loss through your action in interfering with the natural flow of the water, and I now formally notify you that this company intends to hold you responsible."

This last letter is from the president of the Minnesota and Ontario Power Company, is dated 16th July, 1911: "Your favour of the 7th is at hand and noted. The main channel of the Rainy River at Big Fork was open, and in condition for freely navigating your steamers on the 10th instant. Since that time the pier adjacent to the channel has been removed. Therefore the river at that point is clear of both the logs and the pier which you complained of some time ago. The water in Rainy River above our dam is very low, as you are aware. There is very little water flowing into the lake from the side streams on account of the severe drought which has been upon us for nearly two years. We are passing the water through the dam as rapidly as it reaches us. We don't see how you could reasonably expect us to do more than this."

From this correspondence it seems quite clear that the tie-up from 28th June to 7th July was not by the plaintiff attributed to low water. The plaintiff before action was complaining of obstruction by logs, and by a boom which the