

dated in July, 1912, or about five months previous to the making of Exhibit 30.

The river Ouse is said by Wilkins, a surveyor, to have a depth of 7 feet at its deepest part, and that there is a depth of 9 feet at the deepest part on the water side of the embankment.

The rainfall from 1894 does not shew any striking increase; the years 1894, 1897, 1899, 1902, 1906, being all greater than 1909, 1910, 1911, 1912. The snowfall in 1912 was greater than ever before during the same period, mainly in January, February, March, and April; while in 1910 and 1911 it was less than the average. In May, 1912, the rainfall was exceptionally heavy; and it was large in April, 1909, in June, 1911, in July of all four years, in August of 1910 and 1912, and in September of 1911 and 1912.

The principal evidence given regarding the suggested heightening of the dam by $21\frac{1}{2}$ inches was that of John Lobb, whose testimony was taken before trial *de bene esse*. It was supplemented at the trial by that of his son and others.

The top of dam "as shewn by John Lobb" marked in pink on Exhibit 13, is about five and a half feet from the bottom of the mud-sill. I have read and re-read Lobb's evidence, and find it very confused. He says that in 1900, he measured the height of the water, or the dam, as a trifle over five feet from the bottom of the dam on the south side to the top of the timber that was then on. (Q. 45-49.) He says also that in 1902 he put on a timber thirteen or fourteen inches in depth (he thinks, but took no measurements, Q. 8, 9, 10, 20) right on the top of the old dam. (Q. 21) from the west end of the old saw mill flume to the bank. (Q. 17) and he says it is there yet (Q. 106-107) and that it came out of the old saw mill (Q. 104). He further says that at the same time he put a timber from the slide to the old grist mill flume (Q. 34, 36, 37) eleven inches thick (Q. 39) (but see Q. 111) and then thinks this was in 1903 or 1904 (Q. 113-125). His son corroborates this.

Lobb also describes a measurement with a common spirit level and his eye from (or "to" Q. 187) the top stone (or "below the top," Q. 193) of the abutment of the bridge carrying the travelled road over the Ouse and found "it" twenty-seven inches below this level. Counsel says there is no stone