

logs, which were lower by that amount than the splash-board between the slide and the sluice next the grist mill.

On Exhibit 30 there are elevations of the lands of the plaintiff's which, when related to this height of water in December, 1912, enable some idea of the effect of it to be had.

Thos. W. Cardwell's land. The embankment protects this on the east for a distance of about 150 yards (subject to the question of the cuts or breaks in it). Inside the embankment at No. 3, it is lower, 98.1 to 98.5, as compared with 99.5, the top of the embankment. West of this is arable land, 99.9 at the north end, with a low area, 97.8, and a watercourse through it, to the culvert north of Sharp's land. Any break through the embankment or water running over it would naturally flow through this watercourse or down the old course. There is a small triangle just north of the embankment, flooded beyond the edge of the pond at high water. The northern and western part of the farm is high, with water courses flowing down into the pond, and at their entrance this level of water encroaches upon the land. The "deer lick" is on this property, but its elevation is not given. On the other side what is marked "bush" is flooded to the boundary of Benjamin Cardwell's land and beyond the edge of the pond at high water.

Ryan's land. This has the old pine root in it, the elevation of high water mark on which is given as 99.82; the water being up to the root, but below high water mark.

Fitzpatrick's land shews the elm bush on each side flooded, but there are no elevations.

Garvey's land shews a small corner at the north-west flooded, as well as the elm bush, probably six acres in all beyond the edge of high water, but no elevations are given.

Benjamin Cardwell's land. Shews mixed bush at north flooded beyond the edge of the pond at high water; and to the south, part of the pasture field is flooded. Between the two there is a water course running into the pond, of small length.

Plan Exhibit 15 filed by the plaintiffs differs from Exhibit 30 in some degree; shewing, so far as I can follow it, a larger area of overflow; but it does not shew high water mark nor does it indicate more than that the area shewn is "injured by water." There are no elevations upon it. It is