

first day of January, in the year eighteen hundred and fifteen, at the city of Baltimore, to wit, at the county aforesaid, and on divers other days and times between that day and the day of impetrating the writ in this cause, and up to the time of impetrating said writ, wrongfully and injuriously turned and diverted certain streams of water, and graded and paved certain streets, and cut down certain grounds, and erected and made certain dams and ditches and embankments, by means and in consequence whereof, the waters whereon and whereat the said pieces of ground and wharves in the first and second counts hereof, and the said wharf in the last count hereof mentioned, do severally and respectively lie and bound as aforesaid, were, at the times aforesaid, and continually up to the time of the impetrating the writ aforesaid, obstructed and filled up with sand, and dirt, and clay, and otherwise, and the depth of said waters lessened, and the said Craig and Barron disturbed in the use, and deprived of the benefits and advantages aforesaid of said pieces of ground, and wharves, and wharf, and of said buildings and appurtenances; and the said mayor and city council of Baltimore kept up and continued to the time aforesaid, and yet keep up and continue, the obstructions and injuries aforesaid on those several days and times, and during all the time aforesaid, and ever since have, by the mayor and city council of Baltimore, been greatly injured and disturbed in the use, enjoyment, value, profit, and advantage, as aforesaid, of said pieces of ground, and wharves, and wharf, and buildings and appurtenances, and could not nor can have and enjoy the same in so large, ample, and beneficial a manner as they otherwise, during all the time aforesaid, and thereafter, and henceforward, might, would, and ought to have had and enjoyed, and to have and enjoy the same, to wit, at the city of Baltimore, at the county aforesaid.

Wherefore the said Craig and Barron say that they are injured, and have sustained damage to the value of twenty thousand dollars; and therefore they bring suit, &c.

DAVID HOFFMAN.  
PETER H. CRUSE.  
CHARLES F. MAYER.

And thereupon, on motion of the said John Craig and John Barron, by their attorneys aforesaid, it is ruled by the court here that the mayor and city council aforesaid answer to the declaration aforesaid of the said John Craig and John Barron, in the plea aforesaid, or judgment by the court here will be rendered against them in default thereof; and the mayor and city council of Baltimore aforesaid, by their said attorney, defend the force and injury, when, and so forth. Thereupon, further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties, and their attorneys aforesaid, and by order of the court here thereon, is continued until the third Monday in September next.

At which said third Monday in September, to wit, in the year of our Lord one thousand eight hundred and twenty-five, come again into the county court here the parties aforesaid, by their attorneys aforesaid; and the mayor and city council aforesaid, by their said attorney as before, defend the force and injury, when, and so forth. Thereupon, further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties, and their attorneys aforesaid, and by order of the court here thereon, is continued until the fourth Monday in March next.

At which said fourth Monday in March, to wit, in the year of our Lord one thousand eight hundred and twenty-six, come again into the county court here the parties aforesaid, by their attorneys aforesaid; and the mayor and city council aforesaid, by their said attorney as before, defend the force and injury, when, and so forth. Thereupon, further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties, and their attorneys aforesaid, and by order of the court here thereon, is continued until the third Monday in September next.

At which said third Monday in September, to wit, in the year of our Lord one thousand eight hundred and twenty-six, come again into the county court here the parties aforesaid, by their attorneys aforesaid; and the mayor and city council aforesaid, by their said attorney as before, defend the force and injury, when, and so forth. Thereupon, further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties, and their attorneys aforesaid, and by order of the court here thereon, is continued until the fourth Monday in March next.

At which said fourth Monday in March, to wit, in the year of our Lord one thousand eight hundred and twenty-seven, come again into the county court here as well the said John Craig and John Barron, by Charles F. Mayer, David Hoffman, and Upton S. Heath, and Hugh D. Evans, their attorneys, as the mayor and city council aforesaid, by John Scott and Roger B. Taney, their attorneys; and the mayor and city council aforesaid, by their said attorneys as before, defend the force and injury, when, and so forth. Thereupon, further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties, and their attorneys aforesaid, and by order of the court here thereon, is continued until the third Monday in September next.

At which said third Monday in September, to wit, in the year of our Lord one thousand eight hundred and twenty-seven, come again into the county court here the parties aforesaid, by their attorneys aforesaid; and the mayor and city council aforesaid, by their said attorneys as before, defend the force and injury, when, and so forth, and say that they are not guilty of the premises in the declaration aforesaid mentioned, in manner and form as the said John Craig and John Barron above against them have complained, and of this they put themselves upon the country; and the said John Craig and John Barron, in like manner, and so forth. Thereupon, further process of and upon the premises aforesaid, between the parties aforesaid, by consent of the said parties, and their attorneys aforesaid, and by order of the court here thereon, is continued until the fourth Monday in March next.

At which said fourth Monday in March, to wit, in the year of our Lord one thousand eight hundred and twenty-eight, comes again into the county court here, as well the said John Barron, one of the said plaintiffs, by Charles F. Mayer, David Hoffman, Upton S. Heath, and Hugh D. Evans, his attorneys, as the mayor and city council aforesaid, by their attorneys aforesaid; and the said John Craig doth not come; and hereupon, the said John Barron, by his said attorneys, suggests to the court here that after the last continuance of the plea aforesaid, and before this day, that is to say, on the day of last past, the said John Craig, one of the parties, plaintiff in the plea aforesaid, departed this life, and whom the said John Barron hath survived, which is not denied. Whereupon, for trying the issue above joined, it is ordered by the court here that twenty persons from the panel of jurors returned to the court here by the sheriff of Baltimore county aforesaid