inches in 10 feet, to the corner of Argyle alley, and from thence descend quite to the W. gutter of Ann St. which is to cross Dulany, and the east gutter to be 4 inches higher than the West - and from thence to ascend with a regular grade, of about 6 inches in 10 ft. so as to meet the grade of the turnpike road on the surface at or about the old City line, E of castle alley - reserving the right on the grade from Ann St. to lay Wolfe & Washington Sts. & the alleys within said limits across Dulany St. by giving the cross gutters the proper descent and ascent, so as to raise proper abutts on said cross streets and alleys. Note. The foregoing grade will sink about 18 inch. on the E. side of Market St. and at Argyle alley, about 21 inch. and will require raising at Ann St. and Wolfe St., each about 12 inches above the present surface, and will sink at Washington St. about 48 inches below the present surface."

He also gave in evidence the plan and estimate of John Boulden for carrying the water, complained of, eastward, into Harris' Creek through Wilk's Street, as shewn on the face of a plat in the City Atlas, dated February 1st. 1814, entitled, a plat of the ground east of Ann Street to Harris' Creek, with levels for a canal prepared by John Boulden, at the instance of the Subscribers, Wardens of the Port of Baltimore, together with an estimate of the expense of constructing a canal from Dulany at Ann Street, to Harris' Creek at Wilk's Street, and signed by E. Ellicott, John Snyder and W. McDonald, who, it was admitted were then Port Wardens, affiliated by, and acting under, the ~~Plaintiff~~ Defendants; the Plaintiff also gave in evidence the whole of said plat which it was agreed by both parties that the Defendants should would produce in the ~~Court of appeals~~ at the argument of this cause, to be regarded as part of this Bill of exceptions. The Plaintiff also gave in evidence another plat in the City Atlas, respecting which the same agreement was made, the last mentioned plat is described on the face thereof, as having been made at the instance of Edward Johnson, Esquire, Mayor of the City of Baltimore, for the information of the City Council, is dated December. 1822. and signed John Boulden; upon it is delineated that part of the City bounded North by Monument Street, West by Market Street, and East by Patapsco Street, and Harris' Creek.

The Plaintiff further to support the issue on his part, offered, ~~offered~~ proof to the Jury, that a considerable ~~par~~ time before the date of the aforesaid Deed, the Plaintiff and John Craig, now deceased, purchased the property in the deed mentioned and described, received a bond of conveyance therefor, and is that the possession thereof was at the time of said purchase, delivered to the Plaintiff and the said Craig in the life time of the latter. He also offered evidence by Ephraim Smith, a competent witness, that the Water from a small spring called Giles' old Spring, and the Waters collecting between Hamstead Hill and Lowndslayers hill, and ran across the street then called Dulany Street (now Baltimore Street extended,) and then across the grounds discharged itself into the Cove, on the west side of the Point, at a place marked E, on the plat, that he has been well acquainted with the said stream its course, and the grounds over which the same passes since the year 1784, and that the blue line ending at E, on the Cove, shows the natural Channel of said stream, and of the Waters accumulating between the two hills aforesaid - In 1809 the said Waters passed over Patterson's vacant lot, and then in front of Witnesses door, through deep gully a passing in consequence of the Memorial of the Witness and others to the City Council

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