the mud and earth came from Washington Street. The Plaintiff further offered in evidence by Jacob Burnham, that, about nine or ten years ago, the Ship Franklin, drawing about seventeen feet water, lays always at Plaintiff's Wharf, and many other large Vessels, but none have been there for many years past. In 1811, several considerable Vessels lay at Dawson's Wharf, where it is now dry land - Dawson's is about a square from Plaintiff's, there being several narrow lots between. In Witnesses opinion, the mud was erected at the intersection of several Streets designated on the plots, occasioned the whole injury, by diverting all the waters to the eastern instead of the Western Cove. Witness thinks & thinks that the filling up of the Plaintiff's water has nothing to do with any deposits coming down from County Street - the mud and earth coming at Q Q, is the only source worth mentioning. That the washing from the east of Argyle Alley comes down Lancaster Street, and empties into the Cove immediately north of the Plaintiff's Wharf, and the pedestrian has been dug out by the City at that place three times in the last seven or eight years. The Plaintiff further offered in evidence by Ephraim Smith, on his second examination, that he had known the western Cove for forty years - that in his opinion it would have taken an immense time (if ever) to fill up the cove, if all the Waters had been permitted to flow naturally there. The Town navigation could never have been materially injured, for the chief injury which that navigation has received is from the Deposits left by Jones' falls - Witness always thought that the whole of the waters complained of, could have been carried down Harford run canal, into the Western Cove, and so the Commissioners also admitted, though there was some difficulty on account of George Street, formerly Smith Street - Witness was of this opinion at all times, though his own property would have been somewhat injured, as it lies in that direction, but this was the natural course of the Water, and there he thought it ought and might have been permitted to continue. That, after German Street was paved, the Waters divided themselves naturally into four parts - one fourth might be said to run into the eastern cove, one fourth down Market Street, and one half into the Western Cove - but afterwards the whole was diverted into the Eastern Cove - turning the Water down Ann Street injured the health of the Point, and occasioned (in his opinion) the great epidemic in 1819 - Witness is not a Physician - Witness thinks the whole of the Waters might have been suffered to flow in the western Cove even with advantage. And the Plaintiff further offered evidence by Ephraim Smith, that Bond Street was paved before German Street, and in such a Way as to be assisted to carry the Water, now turned down Ann Street, along Smith and German Streets, both into Harford run, and that after the paving of German Street, the Water might have been carried back nearly into its original natural course, without altering any of the established grades of the Streets, and that the Water might have been carried down Ann Street to its intersection with Smith Street, and thence after raising Smith Street to its proper established grade along Smith Street, into the Harford run, and that it might have been done without paving Ann Street or altering the established grade of Dulany Street or Ann Street, and that this, the Witness thinks may or could be done at the present day. And the Plaintiff further offered in evidence by said Smith, that the navigation between the Town and Point is not injured by the Wash of Harford run, and could not be so by any wash down that run, but that it is injured by the Wash from Jones's falls, which is much further West. -

The Defendants, to support the issue on their part, then offered in evidence to the Jury an act of the General Assembly of Maryland, passed at November Session, 1782, entitled an act for the more effectual paving of the Streets of Baltimore Town, in Baltimore County

(and -