intersection of George and Ann Streets, was erected by the Port Warden, in 1813, to prevent the Water from passing westwardly, and for the purpose of diverting it down Ann Street - that Ann Street, South of Dulany Street, was cut down and filled up, so as to turn the Water down said Street, in pursuance of the resolution directing the same, and that the abutment at J. K. at the intersection of Ann and Bank Streets, was also erected in the year 1815, to prevent the wash from passing further down Ann Street, and directing it eastwardly into Bank Street, and from thence into Washington Street, and that the abutment at O, at the intersection of Gough and Ann Streets, was erected in the year 1822, to prevent the Water from passing across Gough Street down Ann Street, and for diverting it into Gough Street, and from thence into Washington, and down into the harbour at Q Q. The Defendants then further to support the issue on their part, offered in evidence to the Jury, by Henry Mouffer, a Witness affirmed at bar, that from the year 1809 to the year 1818, both inclusive, he was one of the City Commissioners, that during that time his attention was especially directed to the situation of a stream of Water which flows into the Cove at E, from the intersection of Dulany and Ann Streets - that except during the fall of heavy rains, the said stream was very inconsiderable, and did no injury - but that the stream, by the fall of heavy rains was increased by the rain which fell to the northward, and eastward, and between and on the hills CBD & EFH, into a formidable torrent, and that it was calculated to do great injury to the navigation in consequence of the great quantity of earth, gravel and sand, which the said torrent carried with it to tide Water - That it became his duty to examine into the best and most practicable mode of conducting the said stream into the harbour; that a grade had been already established by his predecessors on Dulany Street, at its intersection with Market Street, the level of which grade was above the level of the grade of Dulany Street, at its intersection with Ann Street, that the ground north of Dulany Street, between Ann and Market Streets, rise to a considerable elevation - that Harford run already carried down a great quantity of Water, earth and gravel, into the Western Cove - that the ground south of Dulany Street, between Bond Street & Harford run, is a level surface, and would be liable to be overflowed by introducing an additional quantity of Water into Dulany Street, and that the introduction of the Water, earth and gravel which came into Dulany Street at Ann Street, into Harford run, would in his judgment, have produced, in time, a serious injury to the Western navigation between the town and Point - that a great quantity of earth, gravel and sand were already carried into the Basin from the west end of the City from the south side of the Basin, through the different Streets of the City by Jones's Falls, and also by Harford run, and that it was of great consequence to divert the Wash from Dulany Street to the east end of Fells Point - That the said Wash was in part diverted from the Western Cove by the paving of German Street, in the year 1813 and afterwards flowed down Market Street, and from thence into Fleet and Alisanna Streets, and from thence a portion of it flowed into the Eastern & Western Coves, and a portion of it down Market Street; that a portion of the said Wash in heavy rains passed from Market Street to Boris Street, and from thence through Wilk's Street into the cove, passing also over the lots of individuals; that in consequence of their inconvenience to the settled parts of Fells Point, in the year 1815, the said Water was diverted into Ann Street, and from thence into Bank Street, and from thence into Washington Street, and from thence into the harbour at the intersection of Washington and Alisanna into the Basin at Q Q, and that in his

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