judgement this was the best possible cause of introducing the said Wash into the harbour, having regard to the general interest and prosperity of the City.

And the Defendants further offered in evidence by the same Witness, that in the year, 1817, a great freshet took place, which did great mischief to the harbour - that the dam at J. K., was carried away - and also, a dam between Washington and County Streets on Wilks Street, which did great injury to the navigation of the Eastern Cove in addition to the Wash from ann Street - And the Defendants ~~further~~ offered in evidence by the same Witness, that in his opinion it was impracticable, altho' not absolutely impossible, but inexpedient, to carry the water from Ann Street into Harris' Creek, and that, in the year 1817, an abutment was erected on Gough Street near County Street, to divert the water which passed from the north east into the Harbour, as delineated by the small blue line at C., into County Street, for the purpose of relieving in a degree, the property of the Plaintiffs, and diverting the Water from Washington Street; and in order to prevent too much Water from entering the Basin at one Point, that he thought the public convenience requires the diversion of the Water to the east which tended West and injures the navigation. If Market Street had been raised and paved, it might have sent ~~the Water~~ into different directions, but this was not done. As to the Dam at Harris' Creek, it was impracticable, as the distance was perhaps a half mile or more, and through high ground, and the Commissioners, one of whom he was, had several reasons for seeking for an eastern direction for the Waters, which were principally four: first, because it would require a change in the grade of a part in Dulany Street, on the east ~~side~~ of Market Street; secondly, because Ann Street must have been raised 4 feet, and Dulany Street depressed 4 feet, or what would have been equivalent. Dulany Street must have been raised 8 feet to carry off the Water from Ann and Washington Streets, to Harford run; and thirdly, because Harford run in his opinion, was not sufficient to carry off the Waters - and fourthly, because the navigation must have suffered - that all of these measures for turning the Waters into the eastern Cove, were recommended by the Witness to the ~~Mayor~~ City Council particularly the diversion of the Waters down Ann Street. And the Defendants further offered in evidence by Nathaniel Stinson, a Witness sworn at the bar, that he was one of the City Commissioners from the year, 1818 to the year 1819, both inclusive - that the said Witness concurred with Henry Stouffer and James Martin the other Commissioners, that it would be inexpedient, and productive of great evil to carry the Wash from the Ravine north of Dulany Street, into Harford run and thence into the Western Cove - that in his opinion Harford run was insufficient to receive the same, and that the introduction of said Wash into Harford run would have been highly injurious to the Western navigation, and would have tended, in conjunction with other ~~causes~~ causes as stated by Henry Stouffer, to destroy the said navigation, and that, in his judgment, having regard to the best interest of the City at large, the best disposition which could be made of the said Wash from Dulany Street, was the introduction of it into the Eastern Cove, thereby receiving the same out of the heart of the navigation, and carrying it where it would do least injury - and the said Witness further gave in evidence that after the said Wash was diverted into Market Street and before Ann and Gough Streets were opened, that part of said Wash which came down the east gutter of Market Street, passed through Fleet and Alisanna Streets into the east cove, near the property of the Plaintiffs. And the Witness further offered in evidence

That