that what was called the Town interest, was for diverting the Water east, but the Point interest was for its running west, and in order to divide responsibility, the City Commissioners united with the Port Wardens, and agreed upon the erection of mounds for the purpose of giving the Waters an eastern direction, as a Western direction would require a very inconvenient grade. That Harford Street itself would not have been sufficient, but if the run had been enlarged, the Water could have been discharged, unless in case of such a freshet as occurred in August 1817 - that the said disposition of the Waters was made after much deliberation, and after taking then what he considered the best advice. And the Defendants further offered in evidence to the Jury, by William McDonald, a Witness sworn at the Bar, that he was one of the Port Wardens from the year 1813 to 1819, inclusive - that the dams at the intersection of Delany and Ann Streets, and the dam at the intersection of Smith and Ann Streets, were erected in the year 1815 that the whole of the work done under the direction of the Port Wardens, was done with a view to preserve the navigation of the harbour; that the wash which collects in Delany Street at its intersection with Ann Street, is great injury to the navigation of the harbour whenever it met the tide, and that when the said Wash was diverted into Market Street a pier was erected at the end of the said Street, to prevent the said Wash from going into the navigation, that the dam at N. across Ann Street, was erected to intercept the Wash, which came down the ravine at the intersection of Delany Street and Ann Street, and to prevent it from passing into the harbour - And also offered in evidence by the same Witness, that the grounds eastward from Ann Street to County Street, rise to a great elevation and are very much broken and gullyed, and have been a good deal dug for pebble ballast, and that these causes have increased the Washings from the hills, & that in his judgment it was of great importance to the general interests of the City, to divert the washings from Ann Street from the Western navigation - that the washings from the hills to the east of Ann Street, were, in his opinion, very detrimental, and that the interest of the City required their division from the Western navigation - that his motive for uniting in this order, was the existance of a deep hole, dug in the high bank on the side of George or Smith Street, by the City and others, for procuring paving sand and that the waters carried much of these loosened sands into the Western Cove, whereby the navigation was suffering - his opinion was, that if the Waters had been divided and diffused, instead of being united, either into eastern or a Western direction, the evil would have been inconsiderable - that their general duties as Wardens, extended to the protection of the whole navigation, but in the particular alteration made, they thought the water would be diffused, and would not do injury any where - the eastern navigation did not occur to them, or that any injury could be there done that he now thinks that the dam above referred to, and made, independent of any alterations subsequently made, may have caused injury to the navigation any where. The Defendants further offered in evidence by Witnesses sworn at the Bar, that they and each of them, have been for many years residents of Baltimore, and are acquainted with the progressive improvements in the different parts of the City and with the opening of Ann Street, Gough Street, Washington Street, Wilks Street, County Street and Castle Alley; that they are well acquainted with the nature of the Wash which collects at the intersection of Delany and Ann Streets, and in their judgment the said Wash should have been carried into the eastern Cove, in preference to the western Cove; and that the same, having regard to the general interest and prosperity of the City, was properly carried there - Frederick Schaeffer, one of the

(said