

following order, to wit: Ordered, that an earth abutment be raised near the intersection of Ann and Smith streets, in order to convey the water down Ann street, and that Jehu Boulden, the surveyor, be directed to give the grade of said street."

Also, the following contract between the port wardens and Jehu Boulden, dated September 6, 1813:

"*Monday, September 6, 1813.*—An agreement was this day made by the board with Jehu Boulden, by which he covenants, for the consideration of \$130, to raise an abutment of earth near the intersection of Ann and Smith streets, of at least 12 feet wide at the top, and a proportional width at the bottom, and also to dig down and fill up, where necessary, the ground in Ann street, for 350 feet southerly from the said abutment, and of a sufficient breadth, to convey the surplus water down Ann street; and that the said work shall be done in such permanent and substantial manner as shall be approved of by the port wardens."

He also gave in evidence the following report of the city commissioners, made to the first branch of the city council on the 19th July, 1815:

WEDNESDAY, July 19, 1815.

*To the mayor and city council of Baltimore:*

GENTLEMEN: It is with reluctance we address you a second time at the present session, but deem it our duty to make a fuller representation of facts, in order that your honorable body may, in your wisdom, make the necessary appropriations to attain the most permanent advantages. We have taken another view of the injury sustained by the late rains on Dulany and Wilk's streets, to the east of Ann and Washington streets, and are of opinion that the repairs on Dulany street, east of Ann street, as first contemplated, had best be abandoned; and that the far better plan would be, to proceed to the cutting down and filling up Ann street, south of Dulany street, and turn the water down said street on its surface, as contemplated and expressed by an ordinance appointing the port wardens; by which means, the rebuilding of the bridge on Dulany street, which now stands opposite to private property, will be avoided, and the stones of it reserved for other purposes, and all the streets west of Ann street relieved from all the waters east of Ann street. To accomplish the above object, an appropriation of five hundred dollars, in addition to the five hundred prayed for the repairs of the damages in Dulany and Wilk's streets, making in the whole one thousand dollars, is all we ask for; all which is respectfully submitted.

HENRY STOUFFER.  
ADAM FONERDON.  
NATHANIEL HYNSON.

He also gave in evidence the following reports of the city commissioners and port wardens, acting in conjunction, dated May 26, 1817:

"*Monday, May 26, 1817.*—A joint meeting of the city commissioners and port wardens took place, when the following communication was read, approved, and sent to the mayor, to wit: The undersigned, city commissioners and wardens of the port of Baltimore, beg leave respectively to report to the mayor and city council, that, in pursuance of a joint resolution

of the council, passed at the last February session, they have, with the assistance of Messrs. Boulden and Wampler, surveyed as many of the streets east of Caroline to Ann street, inclusive, as they conceived necessary, in order to attain the object contemplated in the said joint resolution, the result of which is, that would be impracticable to turn any of the water that was directed to be conveyed down Ann street, westerly, across Market street, into the basin or cove, except on Dulany and Smith streets. They find, that, by raising Ann street at Dulany street 4 feet above the present surface, and cutting down Dulany street about 4 feet at Argyle alley, a part of the water which now goes down Ann street may be turned down Dulany street, and emptied into Harford run, if it should be considered necessary and proper so to do; and further, that a part of the water of Ann street may be carried into Harford run, along Smith street, if it should be deemed requisite and advisable to do so. Respecting the streets east of Ann street, they did not conceive it necessary to survey them, from a belief that the measures directed to be adopted at the last session of the city council would be sufficient for the present, with the addition of ordering Castle alley to be paved from Fleet street to the water; all which is respectfully submitted.

HENRY STOUFFER.  
NATHANIEL HYNSON.  
WILLIAM McDONALD.  
JOHN SNYDER.  
JAMES TAYLOR."

He also gave in evidence the resolution of the city council therein referred to, being the twelfth of , 1817, and to be found in the Ordinances of that year, page 43. He also gave in evidence the following resolution of the city commissioners, fixing the grade of Dulany street, dated June 19, 1817, and the note thereto appended.

"*Tuesday, June 19, 1817.*—The full board met. Resolved, that Dulany street, from Bond street, easterly, have an ascent on a regular grade to the west gutter of Market street, meeting the grade as heretofore established, and the east gutter of Market street to be carried across Dulany street six inches above the level of the west gutter, and to ascend six inches to the east line of said street; and from thence ascend 1½ inches in 10 feet to the centre of Argyle alley; and from thence descend 9 inches to the west gutter of Ann street, 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 feet, so as to meet the grade of the turnpike road on the surface, at or about the old city line east of Castle alley, reserving the right, on the grade from Ann street, to lay Wolfe and Washington streets, and the alleys within said limits, across Dulany street, by giving the cross gutters the proper descent and ascent, so as to raise proper abuts on said cross streets and alleys.

"*Note.*—The foregoing grade will sink about 18 inches on the east side of Market street, and at Argyle alley about 21 inches, and will require raising at Ann street and Wolfe street each about 12 inches above the present surface, and will sink at Washington street about 48 inches below the present surface."

He also gave in evidence the plan and estimate of Jehu Boulden, for carrying the water complained of, eastward, into Harris's creek, through Wilk's