27.

to prevent the water from passing westwardly and for the purpose of diverting it down Ann Street that Street south of Dulany Street was cut down and filled up so as to cause the water down said Street in pursuance of the resolution directing the same, and that the culvert at **J.K.** at the intersection of Ann and Wards Streets, was also erected in the year 1815 to prevent the wash from passing further down Ann Street and diverting it eastwardly into Bond 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 Stouffer, 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 flowed 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 the 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, rose 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 Ward Street & Harford Run was of 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 an immediate serious injury to the Western navigation between the Docks and Piers, that a great quantity of earth gravel and sands were already carried into the Basin from the westward 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 and of Jones Fall. 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, and a portion of the said wash in heavy rains passed from Market Street to Bond