vel, and from thence through Wilks Street into the bow, passing also over the lots of individuals, that in consequence of their inconvenience to the called Falls of Falls 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 Ann Streets into the Basin at **Q.Q.** and that in his judgment this was the best possible cause of introducing the said wash into the harbour, having regard to the general interests 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 bow in addition to the wash from Ann Street, and the Defendants 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 in Gough Street near County Street divert the water which passed from the north east into the harbour as delineated by the small blue line at **G.** 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 required the diversion of the water to the east which tended west as it injured the navigation. If Market Street had been raised and paved, it might have sent the waters into different directions, but this was not done. As to the tunnel at Harris' Creek, it was impracticable, as the distance was perhaps a half mile or more and through high grounds, 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 point in Dulany Street, on the east 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 bow, were recommended by the witness to the City Council particularly the diversion of the waters down Ann Street. And the Defendants further offered in evidence by Nathaniel Hynson, 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 conferred 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 bow, that in