his opinion Harford Street was insufficient to receive the same, and that the in-
flow of said wash into Harford Street would have been highly injurious to the western
section and would have tended in conjunction with other causes as stated by Hon.
Dougall, to destroy the said navigation and that in his judgment having regards
to the best interest of the City at large, the best disposition which could be made of the
said wash from Duke Street was the introduction of it into the Eastern Cove, thereby
he was informed and by the Board of the navigation, and carrying it across should
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 Albemarle Streets into the east cove, near the property of the Plaintiffs. And
the witness further offered in evidence that what was called the Town interest was for
diverting the water east, but the Port 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
drain would not have been sufficient but if the run had been enlarged, the waters
could not have been discharged, unless in case of such a rise as occurred in August 1817.
that the said disposition of the waters was made after much deliberation and after
taking them 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 years 1813 to 1819 inclusive, that the dams at the
intersections Dulany and Ann Streets, and the dam at the intersection of Smith
and Ann Streets, were erected in the year 1813 that 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 collected in Dulany Street at its intersection
with Ann Street did great injury to the navigation of the harbour whenever
it met the tide, and that when the said wash was diverted into Market Street an
dam 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 Dulany Street and Ann
Street, and to prevent it from passing into the harbour. And also offered 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 gullied 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