Hanover run is about one inch in ten feet, but sufficient to carry off the water very well. The City Block was made to fill up to a door by making fast lands of that which was neither water nor dry land ever since his recollection, that it was always flat and marshy at that place within his memory, that from Water Street to the deep or navigable water, was about four or five hundred yards, which must have been first filled up before the navigation could have been much injured, that whether it was for the good of the whole that these waters should have been turned east instead of flowing west, was a matter of opinion, that the best in his opinion was for the general interest was done, that as the waters go west, it would have run in irregularities, but perhaps they might have been divided. And the Defendants further offered in evidence to this Jury by Frederick Schnauer, that he resided in Baltimore since 1784 that the stream from Hampstead Hill to the western bore, was some being of a stream and became very large when it rained, the City wished to turn it down Aun Street, and therefrom raised the grounds he thinks the City did the best that could be done for the good of the town, that even forty years ago the water in Harford Run and Gun Run got so high by a thunder shower as to drown a man, witnesses property situated near to Harford Run, it is between Eden and Caroline Streets and nearer to said run than to Aun Street, that he has known it to overflow twice since the great bridges were carried away, which was in 1817, but he has never known it to overflow since the extension below Pratt Street which was begun in 1823. The Defendants further offered in evidence by the said William McDonald, that there is a great tendency in every part of the harbour of Baltimore to become shallower from the washings from the surrounding hills and that the mud machine is necessarily occasionally used in every part of it in order to keep the water at its accustomed depth, and that it is applied by the City in the channel, and at ends of streets and public wharves, but is never applied at the expense of the City within fifty feet of a private wharf in any part of the City of Baltimore the individual owners have them dug out at their own expense. Whereupon the said Defendants prayed the opinion and direction of the Court to the Jury that in passing the several ordinances and Resolutions offered in evidence by the Plaintiff, the Mayor and City Councils of Baltimore acted within the scope of the authority conferred on the said Corporation by the laws of this State, and that the Plaintiff therefore is not entitled to recover damages against the said Corporation in this action for the loss he may have sustained by the filling up of the water at his wharf, as stated in the testimony. First, because the Corporation and its agents and servants in making the said alteration, acted as public agents in discharge of a public duty imposed on them by law. Second, because the Corporation consists of the inhabitants of Baltimore City, and they are not liable to any injury done by the acts of their servants and agents, which were not commanded by the said Corporation. Third, because the River and shore of the river

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