Griffith. Samuel N. Griffith, a witness of lawful age, produced on behalf of the Complainant, being by me first duly sworn on the Holy Evangelys of Almighty God, makes Oath, deposeth and saith as follows, that is to say:

That he is a Miller at Rockdale Mill. He went there about the middle of June past. He knows pretty well the property along Jones Falls. There are six dams below Rockdale. 1. The Mount Vernon. 2. Rock Mill. 3 Mounts Royal. 4 Land Vale. 5 Salisbury. 6 The City Mill dam. The City takes the supply first from Rock Mill dam. The first dam above the Rockdale is the Clipper Mill dam, formerly called White Hall. The second is Woodbury. They have stopped repeatedly at Rockdale, since he has been there for want of water, Clipper Mill always stops at dinner time, he believes for half an hour. At dinner time the Waste gate is drawn, which runs the head of Water off. In the Morning about four O'Clock Waste gate is usually shut. At the ordinary stage of the water it is held back until there is sufficient light to start, which, at this time, is between 6, and 7 O'Clock. The effect of holding the water, and the stoppage by the Clipper Mill is is to cause Rockdale Mill to stop for want of Water, the Water being held in the Clipper Mill dam and prevented from coming down. The Rockdale Mill has never stopped since he has been there, while the Mills above were running. Last week when the water was so low in the Rockdale dam as to stop the running of the Mill, when the Water was let on from the Clipper Mill, it took the Rockdale dam ten minutes to fill, Tried it twice. The first time it took six minutes. By the natural flow of the Stream it might take a little longer. Should suppose that it would take about fifteen minutes ordinarily. At present it would not take any time as the water is running over the dam. Rock-dale dam is a very small one. The Mill will do work until the water in the dam runs down ten inches below the head of the dam. Griffith Witness knew Rockdale Mill before the twelfth of May. There has been no change in the location of the dam, head gate, race, Waste gate, forebay, Water Wheels, tail race or Mill since the tenth of May.

Cross Examined for Defendant

Jones Falls is now tollerably full of water. There has been a good deal of rain. The water gate of Rockdale Mill is not raised when the Waste gates of the Mills above are raised. It is kept down to fill the dam with water. None runs over while it is filling. The time taken to fill the dam depends somewhat upon the stage of the water. At the lowest stage which he has seen this summer, the water being ten inches below the head of the dam, when they commenced filling, it did not take over fifteen minutes. When the gate was drawn out of the dam, and the Griffith water was two feet below the forebay, and between four and six feet below the top of the dam, it took about an hour to fill the dam.

Mr Chief again.

Drawing up of Waste gate of which he has spoken, took place about week before last, and was done under the direction of Mr Suter, the Water Engineer. The gate was broken as it fell over the dam and was carried away by Mr Suter. Dam remained open four or five days. Waste gate was opened once before, sometime in July previous to the starting of the Mill, for the purpose of cleaning out forebay and head race, It was never opened but on these two occasions.

Cross Examined again.

When the Waste gate is opened it makes the Water muddy for a little time, but it does not wash the mud out of the bottom of the dam, because the waste gate is four feet above the bottom of the dam. When the Water Engineer opened

the waste gate one of his men started down to shut water off, so as the muddy water should not get into the pipes of the City. He had to shovel the mud out of the Forebay, some of which was thrown upon the rocks, and some into Jones' Falls.

The Commission was then adjourned to the thirteenth day of November in the same year, at ten in the forenoon, and the same place: at which last mentioned time and place the Commission met pursuant to notice, and proceeded in presence of the Solicitors of the respective Parties to take the following depositions, that is to say:-

Kennedy. William Kennedy, a witness of lawful age produced on behalf of the Complainant, being by me duly sworn on the Holy Evangelys of Almighty God, makes oath, deposeth and saith as follows, that is to say:

That he is the President of the Mount Vernon Company. The Mount Vernon Mill is located immediately below the Rockdale Mill. He is acquainted with the Mill dam and other appurtenances of the latter. The Witness can see no reason why the dam of the Rockdale Mill should in any way interfere with the supply of pure water to the City of Baltimore. In his opinion it would take but a few minutes to fill the Rockdale dam, which is a small one, and the Mount Vernon dam being below, and being a higher and larger dam, it takes longer to fill it: therefore, if there is any obstruction (which he does not think there is) it would be caused by the Mount Vernon dam, which is lower down the Stream. The use of the Water by the Rockdale Mill does not in the slightest degree affect its purity.

Cross Examined by Defendants.

The pipes which convey the water to the City are below the Mount Vernon dam. If the Water is held up by the Rockdale dam while it is filling, it would affect the supply of the City for a few moments. He imagines that there is always Kennedy a sufficient quantity of Water in the Stream to supply the pipes even, when it is held up by the dams above. He states this as an opinion because he is not located on the Stream, and his visits to Mount Vernon Mill vary from once or twice a day, to once in every ten days. He thinks that even in the driest times he has seen sufficient Water in the Stream to fill the pipes, although the same may be held up by the dams above. Has never been to the Mount Vernon Mill except when the Mills were in operation.

Gambrill Horatio N. Gambrill, a Witness of lawful age, produced on behalf of the Complainant, being by me first duly sworn on the Holy Evangelys of Almighty God, makes Oath, deposeth and saith as follows, that is to say:

That he is now forty eight years of age, and has known Jones Falls all his life. He knows Rockdale Mill very well. The dam of this Mill does not in any degree interfere with the supply of the City with pure water. It might check the supply in certain seasons of the year for a few minutes at a time, but could not interfere with the supply. The difference in the size of the Rockdale and Rock Mill dams is very slight, he means the difference in the Water Surface of the two dams. If the Rockdale dam was entirely removed, there would be the same check to the supply of Water there is now, because when the Mills above are stopped, the Rockdale Mill must stop also. All the Mills must shut down and open their gates about the same time. This is the Case when the Mills are using all the water in the Stream that passes them; when the water is in excess, all the Mills can work without reference to each other. It is difficult to define High Water Mark on Jones Falls.