

intercourse with such persons so engaged, he has never heard of any bars, deposits or accumulations of sawdust in the channel thereof which interfered with or impeded navigation in the least; nor has deponent ever heard of any complaint or objection having been made to the casting of sawdust into said river, that it obstructed or impeded, or that it had a tendency to obstruct or impede navigation; or that it was objectionable in any way whatever.

Deponent further says that he was for six years employed in a shipyard at the village of Athens; that said village of Athens is situated on the west bank of the Hudson River, about twenty-five miles below the city of Albany, and about thirty-one miles below the city of Troy. That in the said shipyard the sawmill was located over a small bay, where there was no perceptible motion of tide water, except such currents as were caused by the tides, and where the bottom was of soft mud; that the sawdust from said mill was deposited into the water of the said bay; that there was never, so far as deponent knows, any accumulation of sawdust upon the bottom of the river at that point, but that the sawdust so deposited or cast into the river was floated off, and, as deponent verily believes, was carried by the current to the sea.

Finally, deponent says that, in his opinion (which is based upon his experience and observation upon the said Hudson River), sawdust, when cast into a navigable river like the Hudson in such quantities and at such rates as it would naturally be produced in the manufacture of lumber, will not produce bars or obstructions to navigation in the channel thereof.

Subscribed and sworn to,
before me, this 17th day
of February, 1871.

DANIEL H. SULLIVAN.

D. M. GREENE,
Commissioner of Deeds.

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STATE OF NEW YORK, }
RENSSELAER COUNTY. } ss.

HENRY SMALLEY being duly sworn, deposes and says that he is a resident of the City of Troy in said County. That said city of Troy is located upon the Hudson River, about fifty miles below the river of Glen's Falls, in the County of Warren in said State, and about one hundred and fifty miles above the City of New York; and that large volumes of the waters of the Erie and Champlain Canals, together with the sediment therein contained, are deposited in said Hudson River within the limits of the said City of Troy. Deponent further deposes and says that he has been familiar with, and has been engaged in navigating said Hudson River for the period of sixty years; that from 1849 to 1870, a period of about twenty years, he was employed as Captain of the Troy city dredge; that while so employed he had occasion to remove from the channel of the said Hudson River, within the limits of the said City of Troy, all deposits tending to obstruct or impede the navigation of the same. That he personally saw and knew