

REPORT

OF JAMES MEBANE, Esquire, commanding the Works on Cape Fear River, for the year 1829.

To the President and Directors of the Board for Internal Improvements in North Carolina.

GENTLEMEN: As Superintendent of the public works on the Cape Fear river during this year, it has become my duty to give you some account of the progress made in that work. I would in the first place remark, that the difficulties we have had to contend with, have been greater than we had anticipated. The first, and not the least of these, I would mention, was that of obtaining and keeping in the service good hands. Having learned by the experience of last year, that it was very difficult to have employed, at all times, a sufficient force of good able hands, by hiring them monthly, and that it was very difficult to keep white hands under proper discipline, I made an effort to hire negro men by the year; and for that purpose went agents to attend the mortification to learn, that guardians and owners would not hire their hands to work in the water, and was then compelled to hire such hands, and for such periods of time, as I could, but in instances for less than one month. Hence it happened that we had many very indifferent hands, and their time would often expire and they leave us by the time they would become well skilled in their work; and if they could learn that we considered them as good hands, and the work was pressing, they would demand an increase of pay, or leave us. Another serious obstacle to the progress of our work, was the great abundance of rain and many high freshets in the river, which prevented the hands from working for many whole days, and some weeks, during the spring and summer months. This was accompanied by sickness, which prevailed among the hands at one time, to an alarming degree; so much so, that several of them forsook the works. We lost two by sickness, and had the misfortune to have one drowned.

But notwithstanding these difficulties, I trust it is not going too far to say, that very important improvements have been made during this year on the Cape Fear river between Fayetteville and Haywood. In deed we now have a tolerable good navigation the whole distance between these two places, which is probably by water near fifty miles. For although much remains to be done before the navigation is as good as it can, and ought to be made for boating, but especially for rafting; yet all those places in the river, which have formerly been viewed as the worst, or so bad that they could not be rendered navigable, are completed, and can now be safely passed in boats either down or up stream. And what remains to be improved, are very many places, which although not near as bad or difficult to improve as those which have been completed, will yet require a great deal of work. It is doubtless very well known to your honorable Board, that the lands on and near the Cape Fear river and its branches, are covered with an immense quantity of the most valuable timber, and that for many years great quantities, both in plank and scantling, as well as in tun timber, from near and below Aversborough, have been rafted to Wilmington. Very few have ever attempted to descend the whole of Smylie's Falls on rafts; and of the few that have made the attempt, all have done so at the risk of their lives, and frequently with the loss of their rafts. I have not heard that any have ever attempted to descend Buckhorn Falls on rafts. Hence it has so happened, that whilst those people who live below these Falls, have enjoyed the advantage of sending their lumber to Wilmington by water, such as reside above them, have been entirely cut off from this market. There is no obstruction to the passage of rafts down any part of the Cape Fear in line of high water, but in what is called Smylie's and Buckhorn Falls. These obstructions are numerous large points of rocks, which project above the water at its common height, in some instances six or eight feet, but generally less. They appear in different places for some two or three miles in Smylie's Falls, and probably for one fourth or one half a mile in Buckhorn Falls. Rafting in Cape Fear is never attempted above Fayetteville, but in time of high water; and all that is necessary to give the rafts a safe passage over these Falls, will be, to blast off the tops of these rocks level with common winter water, in a proper direction, so as to form a clear passage of something more than one hundred feet in width. Some of the raftsmen say that the sluice should be so wide that a raft, when the foremost end happens to strike a rock, should have sufficient space to wheel quite round, for they cannot be stopped in these rapids; and if in wheeling the other end should also strike a rock, the raft must be destroyed or broken, and the lives of the hands endangered. It has been found on examination, that these projecting rocks are generally surrounded by deep water, so that after they are shattered by a proper use of gunpowder, they can, by means of iron crowbars, be easily thrown into the water, where they will be entirely out of the way. This work can be done when the weather is too cold and the water too deep to work in the boat-slides, and when the hands could not be otherwise well employed. On this account many of the projecting rocks in Smylie's Falls have been blasted off during the past season. And it would seem, that for this reason, as well as for the great importance of the work, a raft as well as a boat navigation should be made on this river. But it is believed, that although the balance of the funds now on hand may be sufficient to complete the boat navigation to Haywood, it will not be equal to the expense of making a raft navigation also. Whilst speaking of what remains to be done on this river, I hope it will not be considered as going beyond my province, if I solicit the attention of the Board to the branches of the Cape Fear above Haywood.

It seems to be admitted generally, that the Cape Fear is one of the most important rivers of our State, and has justly heretofore obtained the first attention of our Legislature; and that although much money hath been wasted by unskillful and badly directed measures, yet that, at this time, it is in a progressive state of improvement, which promises, at no distant day, to realise the hopes of the friends of Internal Improvement in our State; and to make it what it seems by nature to have been intended for, the great thoroughfare, through which all the produce of the middle, and many of the western counties of this State will be conveyed to the Atlantic. From Wilmington to Fayetteville, we have an excellent navigation for vessels properly constructed, and from Fayetteville to Haywood, enough has been done to prove, beyond a reasonable doubt to those who will take the trouble to inform themselves properly, that, as good a descending, and not very inferior ascending navigation will soon be had for the kind of boats suited to such rivers. Above Haywood we have the Deep and Haw rivers, and New Hope creek; all of which are capable of being made navigable for many miles. The Deep river, in its course, approaches the Yadkin and affords, probably, the most convenient route through which to turn our products of the country bordering on that stream to a market within our own State. The Haw river is a rocky stream, but will, at no great expense, afford a pretty good sluice navigation for many miles. The New Hope creek is a deep flat stream, with very little fall, with no obstructions to the passage of boats for a great part of the year, but logs which have either fallen or been thrown into it, and a few mill dams, and can easily be made navigable to a spot within nine miles of Hillsborough.

One powerful inducement to improve this stream, is the immense quantity of excellent timber which grows on and near its banks, especially of white and red oak of the best quality for staves. The people living on and near this stream, encouraged by the certain prospect of good navigation from Haywood to Fayetteville; have lately held several public meetings, with a view, in some way, to effect its improvement; but it is doubtful whether they will be able to complete so large and important a public work without the aid of the Legislature

and the Board for Internal Improvements. It is well known to your Board that these streams are all included within the charter of the Cape Fear Navigation Company; and it is equally well known that that company has not the improvement of the river under its control, and that its funds are by no means equal to its completion. Would it not, then, be best that it should be called upon to surrender these branches of the river either to the State, or such other companies as the General Assembly may incorporate for their improvement; or that instead of dividing the tolls collected on the river among the Stockholders, they apply them to the improvement of the several branches thereof, under the direction of your Board? But before this can be done, the General Assembly must consent that the dividends accruing to the State from stock held in this company, and now appropriated to the Literary Fund, may be applied to this object also. But I must leave this subject to those who have entrusted to them the power of providing the ways and means of promoting the internal improvement of the State, and proceed to give you a more particular account of the work done on the river this year.

On the 17th day of January, Mr. Keen, the overseer of this work, arrived at Buckhorn Falls, with his family, and about the 21st commenced building cabins for the hands, and a smoke house to preserve his provisions. By the last of January, we had about twenty-five hands, and the number fluctuated from twenty to near forty; but we usually had about thirty. As soon as the necessary houses were built, they began to get timber for the locks, and to excavate the lock pits and basins. The following is an account of the work of different kinds: Excavated 3 lock pits, 98 feet long and twenty-five feet wide; the upper one 4 feet deep; the middle one 8 feet deep; and the lower one 8 feet deep likewise. Nearly all this excavating, as well as that of the basins, was done in a very close, compact white flint gravel, which nothing but a sharp pointed pick would penetrate. Some part of the middle lock, and 4 feet of the lower one, for the whole length, had to be blasted through very hard rock. From the lower lock to the river on Buckhorn creek, blasted 3 feet deep, 13 feet wide, and twenty-five feet long. Excavated 2 basins; the one extending from the upper end of the lower lock to the lower end of the middle one, is 32 by 28 yards. The upper basin, at the entrance of the upper lock, is 34 by 25 yards. Thirty-six feet on one side of this basin, and cross the old canal, is secured by a stone wall of solid masonry thirty-six feet long, well puddled in front. Likewise made an embankment on the upper side of the locks, level with the bank of the canal, which extends towards the river 60 yards, and up the canal forty yards, protecting the locks from any freshet that may overflow the low grounds between the canal and the river. The canal was nearly full of drift wood, which with the great quantity of mud and gravel that had washed into it for the fifteen years that have passed since it was dug, was cleared out for 700 yards, and several hard rocks, that had been left when this canal was first made, were blasted, and with many loose rocks, taken out. Built three locks 98 feet long, ten feet wide and ten feet high, having about four feet left each, so as to overcome a fall of 15 feet, all the posts, plates and gate frames of the locks are of good lightwood, and all the plank of the best heart pine, without sap, well kiln dried, and nailed on with twenty penny nails. Besides this, there has been a considerable quantity of work done at Buckhorn Falls, in repairing the dams across the Buckhorn creek, the many sluices that make into the river, and the dam that extends across the river, to one end of which was added 30 feet. Since the locks were completed, several boats have passed through them both up and down, and they promise to answer the purpose for which they were intended very well.

After the locks were completed, the hands were removed to Smylie's Falls, near Aversborough, where they had, in the first place, to erect a house for Mr. Keen's family, a smoke house and kitchen; and then, whenever the water was low enough, they were engaged in blasting rocks, and making sluice dams.

The following is an account of the work done on that part of the falls called Stewart's Stand, or Hodge's Falls: Built one towing wall of stone, 252 feet long, 4 feet high, 6 feet wide at the bottom and 4 at top, laid in rough masonry.

One wing dam on the left hand, 36 feet long; one on the right hand, 52 feet long; two left hand do, one 194 feet long, and the other 50 feet do. Blasted and cut out a channel 200 yards, 50 of which was done last year. Blasted down, at the same place, three large ledges, and some points of rocks, for raft navigation. One of these ledges was eight feet high, 50 feet long and 20 feet wide.

At the place called Haralson's Landing—Built one towing wall of stone, 342 feet long, six feet wide at bottom and four at top, laid in rough masonry; one side wall, averaging three feet wide and three feet high, 605 feet long, built of the same materials, and in the same manner; blasted a channel through hard stone, 300 feet long and 12 feet wide, averaging two feet deep; cut and quarried through a soft rock and gravel, 300 feet long, averaging two feet deep and 12 feet wide; blasted down one ledge, 60 feet long 50 feet wide and 3 feet high, for rafts. One day's work with 27 hands, blasting and removing large stones and pulling up fish stands and dams.

At Shaw's Falls—Built one towing wall, 204 feet long, 6 feet wide at bottom and 4 at top, and five feet high; one side wall, 50 feet long; cut out a channel in soft rock 15 feet wide, 204 feet long, averaging two feet deep; blasted down 3 large ledges and some points of rocks for raft navigation. Having now completed the last very bad place in Smylie's Falls, the hands were removed to a fall near Norrington's mill, where they made 1 set wing dams, 6 set hand dams, 100 feet long; eight hand dams, 740 feet long; one side dam, 42 feet long; one do, 164 feet long; one check dam, 155 feet long; one do, 172 feet long, on left hand. Blasted through one ledge about 3 feet long and 10 feet wide. Blasted through the Harmon rock ledge, 12 feet wide, 12 inches deep and 15 feet long and removed some gravel, logs and promiscuous rocks, by blasting, for one half mile.

Soon after the work at Norrington's mills was completed, it became necessary to dismiss the hands, for this year, on account of the sickness of Mr. Keen, the overseer.

I have now, gentlemen, given you a general description of the work done on the Cape Fear this year, although many small pieces of work were omitted. The amount of the expenditure, including about five hundred dollars expended the last year, and for which vouchers had not been obtained previous to my settlement with the Board in November, 1828, is \$4,759 45, exclusive of one or two small sums for which I have not had it in my power to procure vouchers, and which, when obtained, will be very inconsiderable. I flatter myself that the work done has been both well planned and executed, and that it is in a good degree proportionate to the expense. For whatever success may have attended the labors of this year, we are much indebted to the practical knowledge, prudence, industry and integrity of Mr. Keen, the overseer. All the boats and canoes belonging to the Company, are secured in the basin, at the entrance of the locks; and the tools, tents, iron, steel, gun-powder and provisions, on hand when the hands were dismissed, are carefully put away in a secure house at Buckhorn Falls, and will be ready for use whenever the works may be resumed.

I remain, gentlemen, most respectfully, your obedient servant,  
JAMES MEBANE, Superintendent.

REPORT OF THE ADJUTANT GENERAL OF NORTH CAROLINA.

Adjutant General's Office, Raleigh, 4th December, 1829

To the General Assembly of the State of North Carolina.

GENTLEMEN,—I have the honor to transmit sundry papers in relation to the militia, embracing all the objects required to be reported from this office annually to the Legislature, marked as follows:

- A. Abstract exhibiting the organization and number of the militia, arms and accoutrements, including also the arms belonging to the State.
  - B. The strength of each regiment, brigade and division.
  - C. Roster of the general and field officers for this year.
  - D. Abstract of the arms belonging to the State.
  - E. List of delinquent officers on account of returns and of reviews.
- When we take into view the defective organization of the militia, out of which derangement and embarrassment have arisen, and new difficulties in its operation daily occurring, any evidence of the ability of the State to effect, almost the only object of practical importance attainable under such a system, (viz. a full return of the militia) cannot be otherwise than gratifying. It is, therefore, with much pleasure, I can report

this year more numerous on this point. The returns exhibit an increase over the last year, and, upon the whole, after making due allowance for casualties, always allowing more or less the possibility of officers, the deficiencies of this year are less than usual.

All who have had an opportunity of witnessing the operation of the existing militia system in this State must be fully convinced that it is, in every essential respect, a defective one, and that any essential improvement in discipline can be effected under it, and that, in relation, with a view to this object, will be fruitless and unnecessary. It is conceived, therefore, that the measures adopted by the Legislature, in relation to this subject, for the present, should be directed principally to a full enrolment and return of the militia. So long as the State is unable to furnish arms, it will be acquiring its full proportion of arms furnished by the General Government under the standing appropriation of Congress; and when Congress shall new organize the militia, which they will in all probability do before the rise of the ensuing season, reducing greatly, as will no doubt be the case, the number of men subject to military duty, the State will then in a few years be able to furnish, when it shall become necessary, the whole of the militia with arms from that source.

The arms belonging to the State, contemplated by act of the last General Assembly, to be placed in the public Arsenal, have not yet all been removed. It was deemed advisable to suspend their removal in part, till the walls of the building had become dried and attained their fullest strength, under a belief that till then there would be some risk of losing damage, by throwing the immense weight of the whole of the arms on them at once, which will be equal to 80 tons. The quota due from the General Government, which has, for some time, been expected, will consist of about 3000 stands, and that, as they will compose a large portion of our best arms, it is deemed advisable they be deposited in the most commodious Arsenal. When they shall have been received, and placed in the Arsenal here, the building may probably be found sufficiently filled as to render it necessary for the arms now in the Arsenal at Fayetteville to remain.

From an examination of the arms which have been removed to this place, which are a fair specimen of the condition of those at Fayetteville, their condition is found to be much better than could have been expected, after the lapse of from 6 to 12 years, without any dressing or oiling. Those displayed in racks have been slightly dressed over; otherwise they would afford a just conception of the condition of a large proportion of the whole. The most of the arms which have been longest on hand, are suffering considerably from rust, and those which may now be considered in good order, will soon require some dressing. I would, therefore, recommend that the Legislature make provision for having the whole of the arms, except those loaned to volunteer companies, dressed over and mounted with the composition in use in the United States' ordnance department, which, when done, will supersede any other expense of the kind for seven years to come.

The salary allowed to the keeper of arms, at this place, is sufficient for superintending and airing the building and for keeping the arms in the racks in good order; for dressing over the whole in manner proposed, will require a specific appropriation; and the performance of the work can be better executed by the gentleman who holds that appointment than any other in the State. He is a gun smith, and may justly be ranked with the first artists of his profession in the United States; and in addition to his acquirements as an artist, his habits of industry and sobriety are not less distinguishing traits of his character, or usefulness. He has been instructed to prepare an estimate of the cost, which will be laid before the military committee, whenever the subject shall be taken under consideration by them.

It is deemed necessary that at some points of the State, a portion of the arms should be deposited, to wit: Wilmington, Newbern, Washington, Edenton, Elizabeth City and Halifax, provided the police authorities of those places will become responsible for their safety and preservation; allowing the militia the use of them only on parade, and in cases of emergency. This arrangement is approved by his Excellency the Governor, and, I am assured, will be cheerfully acceded to by the corporations of those towns. It is proposed that out of the arms located at Edenton, these places be furnished the number required at each, except Wilmington, which will be supplied from the Arsenal at Fayetteville. To carry this arrangement into effect, it will be necessary that provision be made by the Legislature for defraying the expense which will be incurred in their transportation.

In the conclusion of these remarks, I would beg leave to suggest the propriety of causing to be printed a sufficient number of copies of the Roster communicated this year, to furnish each general and field officer with a copy. Vacancies frequently occur in the commands of brigades and divisions. For want of information, on the part of the officers, as to their relative rank, returns are prevented from being made. A copy of the Roster, in possession of each officer, will, in every case of vacancy in the above commands, enable them at once to determine on whom the command devolves; to whom the lower grades are to make their returns; and from whom a return of the whole is required at this office.

With considerations of the highest respect, I have the honor to be, very respectfully, gentlemen, your obedient servant,  
BEV. DANIEL, Adj. Gen. N. C.

Legislature of North Carolina.

SENATE.

Wednesday, Dec. 16.

On motion of Mr. Wellborn, a select committee was appointed, consisting of Messrs. Wellborn, Love, Welch, M'Entire and Meares, to enquire into the expediency of amending the revenue laws in relation to large entries of land, say from 30,000 to 200,000 acres, on which grants have issued to citizens of other States, and where, for the space of thirty years, said land has never been given in nor sold for the taxes payable to law.

Mr. Meares, from the Judiciary committee, who were instructed to inquire into the expediency of providing by law for the establishment of a Superior court of law and equity in Macon county, made report, requesting to be discharged from the further consideration of the subject. Concluded in.

Mr. Sanders submitted a resolution instructing the committee of Internal Improvement to inquire into the expediency of instructing our Senators and Representatives in Congress to use their influence to obtain from the general government a sum sufficient to make Neuse river navigable from Newbern to Lockhart's Falls; which was read and laid on the table.

Mr. Meares, from the Judiciary committee, who were instructed to inquire into the expediency of passing a law to make the Journals of Assembly competent evidence on the trial of defendants on indictments in certain cases, reported that such a law would be unconstitutional, and requested to be discharged from the further consideration of the subject. Concluded in.

Mr. Meares, from the same committee, reported the bill fixing the fees of the clerks of the county and superior courts and sheriffs' fees, without amendment; when the said bill was committed to a committee of the whole House, and made the order of the day for to-morrow.

Mr. Martin, from the committee of Claims,

made a report, recommending the adoption of the resolution in favor of Benjamin H. Blount, late sheriff of Nash. The said resolution was then read the first time and passed.

Mr. Mitchell presented a resolution in favor of James Calloway, agent of David Graybeal; which was read and referred.

Mr. Brower presented the petition of sundry citizens of Randolph county, praying the passage of a law to prevent obstructions to the runs of Big and Little Pine Cat creeks, in said county, accompanied by a bill to carry into effect the prayer of the petitioners; which bill passed its first reading.

Mr. Mosely presented a bill to authorize Nathan G. Blount to erect a spiral wharf on Neuse river; which passed its first reading.

On motion of Mr. M'Entire, a message was sent to the other House, proposing to ballot for major of Cavalry in the 10th brigade, and stating that Thomas Dewes is in nomination for the appointment.

Mr. Sanderson presented a bill to compensate the board of wardens in Hyde county for their services in the management of the poor in that county; which passed its first reading.

Mr. Miller presented the petition of James Moore, of Duplin county, a revolutionary soldier, praying compensation for the loss of his land warrant. Referred.

Mr. Martin presented the following resolution, which was postponed indefinitely:

Resolved, that no private or public bill shall be introduced in this Legislature from and after Monday, 31st instant, except such as may be reported by the committee already organized.

The proposition of the other House, that a joint select committee be raised to examine the laws regulating the Treasury Department, was agreed to and Messrs. Sneed, Brower, Dick, Melcher and Spaight were appointed the committee on the part of the Senate.

The Senate resolved itself into a committee of the whole House, Mr. Sneed in the Chair, on the bill to establish a Bank on behalf of, and for the benefit of the State; and, after some time spent therein, the committee rose, reported progress, and obtained leave to sit again.

Thursday, Dec. 17.

Mr. Mitchell, from the committee on Internal Improvement, reported against the expediency of making an appropriation for the improvement of the road from Rockford to Jefferson. Concluded in.

Mr. Mitchell, from the same committee, to whom was referred the petition of sundry inhabitants of Buncombe county, praying an appropriation to open a road in said county, made a report recommending the rejection of said petition. Concluded in.

Mr. Mitchell, from the select committee, also made reports, recommending the rejection of the bill providing for the repairs of certain roads; and also the bill to amend the act of 1827, chapter 25, entitled an act to amend an act, passed in the year 1824, entitled an act giving the assent of North Carolina to certain acts of the General Assembly of Tennessee relative to the Smoky Mountain Turnpike road; which reports were concurred in.

On motion of Mr. Live, a message was sent to the other House, proposing that the resolution offered yesterday by Mr. Wellborn, be referred to a joint select committee of this House.

Mr. Hinton of Wake presented a communication from the Comptroller relative to the settlement of the sheriff of Macon county for the present year. Referred.

Mr. Pool presented a bill to amend the act of 1817, to prevent persons from obstructing the passage of fish up New Begun creek, in Pasquotank county; which passed its first reading.

The bill to amend the law relative to securities for the stay of executions on judgments given by justices of the peace, was amended on motion of Mr. Cowper, read the second time and passed.

Mr. Sneed, from the committee of Claims, made a report, recommending the rejection of the resolution instructing them to enquire into the expediency of imposing a tax on gold mines. Concluded in.

Mr. Williams of Martin, from the committee of Propositions and Grievances, made a report, recommending the rejection of the bill to erect out of a part of the counties of Cumberland, Moore, Wake and Chatham, a new county. Concluded in.

Mr. Williams also made a report, recommending the passage of the bill to authorize Andrew Welch and William Thomas to erect gates. The said bill was then read the second time and passed.

On motion of Mr. Sneed, the committee of Finance were instructed to inquire into the nature and extent of the duties imposed upon the Comptroller since the session of 1827, and ascertain whether the proper discharge of those duties requires the aid of a clerk or not.

On motion of Mr. M'Parland, the committee on Education were discharged from the further consideration of the bill for the education of the poor children of the State, and the said bill