



AND

North-Carolina State Gazette.

Ours are the plans of fair, delightful Peace,  
Unwary'd by party rage, to live like Brothers.

THURSDAY, DECEMBER 27, 1810.

No. 588

Vol. XII.

AN ACT to redeem the Paper Currency now in circulation, and to establish a Bank, by the Name and Title of the

STATE BANK OF NORTH-CAROLINA.

Be it enacted, That a Bank shall be established in the State of North-Carolina, the Capital Stock whereof shall not exceed one million six hundred thousand dollars, divided into shares of one hundred dollars each.

II. Be it further enacted, That the Bank so established shall consist of one central or principal Bank, to be fixed at the City of Raleigh, the capital of which shall be three hundred thousand dollars, and the several Branch Banks hereinafter named, viz. At Edenton, the Capital Stock whereof shall be two hundred thousand dollars; at Newbern, with a Capital Stock of three hundred thousand dollars; at Fayetteville, with a Capital Stock of two hundred thousand dollars; at Tarborough, with a Capital Stock of one hundred thousand dollars; and at Salisbury, with a Capital Stock of two hundred thousand dollars. It shall and may be lawful for the Treasurer to cause to be subscribed for and in behalf of the State, the sum of two hundred and fifty thousand dollars, which sum shall be reserved for the use of this State, to be paid for in Stock of the United States, and the residue in gold or silver, at such time or times as it may be convenient for the State to pay the same. The Stock so subscribed and paid for on account of the State, consisting either in money or certificates of the United States, shall be distributed and divided among the Principal and Branch Banks, in proportion to the Capital Stock allotted and set apart for each establishment. Subscriptions shall be opened on the first day of April next, and remain open for sixty days, at the following places, viz. At Raleigh, under the superintendance of John Haywood, Henry Seawell, William Peace, William Boylan, Joseph Gales, William Polk, Theophilus Hunter, Benjamin Brickell, James Mebane, James Turner, Stephen Outerbridge, Duncan Cameron and Beverly Daniel; at Edenton, under the superintendance of Josiah Collins, Samuel Tredwell, Matthias E. Sawyer, Frederick Norcom, Joseph Bozman, Joseph B. Skinner, William T. Muse, Isaac Barber and Joseph Blount; at Newbern, under the superintendance of William Sheppard, John S. West, Eli Smallwood, William Blackledge, Moses Jarvis, Asa Jones, Jeremiah Mastin, William Croom, Vine Allen, Henry Selby, William Orr, Thomas Holliday, Jesse Stocumb; at Wilmington, under the superintendance of Nathaniel Hill, John Lord, Robert Cochran, Hanson Kelly, Owen Kennan, Thomas F. Davis, John Owen, James B. White, Daniel Kenan, Edw. Ward, jun John C. Sull; at Fayetteville, under the superintendance of Robinson Mumford, jun. Thomas Davis, David Anderson, Henry Branson, John M'Millan, Simeon Belden, Charles Chalmers, John Eccles, John Kelly, Oliver Pearce, Hugh Campbell, Duncan M'Lerran, Duncan M'Rae, Elisha Stedman, Robert Holliday; at Salisbury, under the superintendance of Francis Locke, Dr. William Moore, Samuel S. Savage, John Fulton, James Locke, Alexander Gray, Charles F. Bagge, John Nesbit, George Mumford, Lewis Beard, Richard Trotter, Gotlieb Shober, John Kelly; at Tarborough, under the superintendance of Thomas Blount, Edward Hall, Amos Johnston, William Amis, Simmons J. Baker, Robert Williams, Jacob Battle, Thomas B. Hill, Halcott J. Pride, John Hiliard, William Arrington. A majority of the said Commissioners, at each or any of the above mentioned places, shall be competent to perform the duties of their appointment; and if the number of shares allotted for each place shall not be subscribed within the term of sixty days, they shall keep the said books open for six months, and no longer. But the Corporation by this act created, may, at any future time, open books to receive subscriptions for the remaining shares unsubscribed, at such time and place, and under the superintendance of such persons as they may deem advisable and expedient. But in the mean time, it shall be the duty of the Commissioners of the respective Branch Banks, as soon as they shall actually have received twelve thousand five hundred dollars, to give notice of the same to the Commissioners of the principal Bank at Raleigh, who shall forthwith notify the same in all the papers published in Raleigh; and the same persons shall at the same time notify the time and place within the city of Raleigh, at the distance of thirty days from the time of such notification, for proceeding to the choice of nineteen Directors; and it shall be lawful for such choice then and there to be made: and the nineteen persons who shall be then and there chosen, shall be the first Directors, and shall be capable of serving until the first Monday in December thereafter, by virtue of such choice, or until their successors shall be duly elected; and the said Directors shall forthwith commence the operation of a Bank in each of the towns previously enumerated, whose Commissioners shall have given them notice of the requisite sums being actually received for the use of the Corporation.

III. And be it further enacted, That three fourths of the amount of the share or shares subscribed for by the several and respective subscribers, shall be paid in Gold or Silver, and the last and remaining fourth, or any lesser part thereof, the subscribers shall pay in the Paper Currency emitted by this State; one fourth of which said payments to be made at the time of subscribing, to the Commissioners; one fourth within sixty days after the Bank shall go into operation; one fourth within one hundred and twenty days, and one fourth within twelve months, to the Bank Directors for the time being: Provided always, That it shall be lawful for any subscriber to pay the whole of his subscription, or any greater part than is hereby required, before the time limited for the same; and each and every subscriber, so paying in advance, shall have a discount at the rate of six per centum per annum on such advance, computing the same, from the commencement of the operation of the said Bank.

IV. And be it further enacted, That the paper currency now in circulation, and which was emitted by law in 1783 and 1785, on the faith and credit of this State, shall, immediately after the said Bank goes into operation, cease to be a legal tender in payment for all debts due to, or owing from the said Bank, and notification thereof shall be made by the Proclamation of his Excellency the Governor in the papers published in the city of Raleigh.

V. And be it further enacted by the authority aforesaid, That all courts of justice within this State, when any such suit may be brought before them, or any debt due by bill, bond, note or otherwise, against the President and Directors of the State Bank of North Carolina, by any person or persons, or by any bodies politic or corporate; or when any suit may be brought by the President and Directors of the State Bank of North Carolina, against any person or persons, bodies politic or corporate, who shall or may be indebted to the Bank aforesaid, by bill, bond or note, or otherwise, it shall and may, in such cases, be lawful, and the Courts are hereby authorised and empowered to grant judgments, in gold or silver, in the same manner as if no tender law existed. And the sheriffs are hereby required, in all such cases where executions shall have been awarded, to collect the amount in gold or silver, and make due return of the same.

VI. And be it further enacted, That the dividends accruing upon the shares of the said Bank, owned by the State, shall be applied towards the redemption of the Paper Currency paid into the said Bank by virtue of this act.

VII. And be it further enacted, That the subscribers to the said Bank, their successors and assigns, shall be, and are hereby created and made a Corporation and body politic in law and in fact, by the name and style, of "The President and Directors of the State Bank of North Carolina," and shall so continue until the first day of January, in the year 1830; and by the name and style aforesaid, they shall be, and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to themselves and successors, lands, rents, tenements, hereditaments, goods, chattels and effects, to an amount not exceeding in the whole, two millions five hundred thousand dollars, including the capital stock aforesaid, and the same to sell, grant, demise, alien, or dispose of, to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record or any other place whatever; and also to make, have, and use a common seal, and the same, to break, alter and renew at their pleasure, and also to ordain, establish and put in execution, such by-laws, ordinances, and regulations as shall seem necessary and convenient, for the government of said corporation, not being contrary to the laws of this State or of the United States; and for the making whereof, general meetings of the Stockholders may be called by the Directors in the manner hereinafter specified; and generally to do and execute all acts, matters and things which a corporation or body politic in law, may, or can lawfully do or execute; subject to the rules regulations, restrictions, and provisions hereafter prescribed and declared.

VIII. Be it further enacted, That the Directors of the central or principal Bank for the time being, shall have power to appoint thirteen Directors for each Branch Bank, and such officers, clerks and servants under themselves, as well as at the several Branches, as shall be necessary for executing the business of the said Corporation, and to allow them such compensation for their services, respectively, as shall be reasonable; and shall be capable of exercising such other powers and authorities for the well governing and ordering the affairs of the said Corporation, as shall be described, fixed and determined, by the laws, regulations and ordinances of the same.

IX. Be it further enacted, That the following rules, restrictions, limitations and provisions, shall form and be the fundamental Articles of the Constitution of the said Corporation, viz.

First. The number of votes to which each Stockholder shall be entitled, except the State, shall be according to the number of shares he shall hold, in the proportions following, that is to say:—For one share and not more than two shares, one vote; for every two shares above two, and not exceeding ten, one vote; for every four shares above ten, and not exceeding thirty, one vote; for every six shares above thirty, and not exceeding sixty, one vote; for every eight shares above sixty, and not exceeding one hundred, one vote; and for every ten shares above one hundred, one vote. But no person, copartnership or body politic, shall be entitled to a greater number than thirty votes. The Treasurer, at all elections for Directors, shall, on behalf of the State, have the same number of votes to which the greatest number of stockholders may be entitled, possessing an equal number of shares with those owned by the State at the time of such election. And after the first election, no share or shares shall confer a right of suffrage, which shall not have been holden three calendar months previous to the day of election. Stockholders actually resident within the State, and none other, may vote in elections, and at general meetings of the stockholders, by proxy.

Second. None but a stockholder, being a citizen of the State, shall be eligible as a Director.

Third. None shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the President for his extraordinary attendance at the Bank, as shall appear to them reasonable.

Fourth. Not less than seven Directors, at the principal Bank, and five Directors at each one of the Branch Banks, shall constitute a Board for the transaction of business; of whom their respective Presidents shall always be one, except in case of sickness or necessary absence, in which case, his place may be supplied by any other Director whom he, by writing under his hand, shall nominate for the purpose.

Fifth. A number of Stockholders, not less than sixty, who together shall be proprietors of two hundred shares or upwards, shall have power at any time to call a general meeting of the Stockholders for purposes relative to the Institution, giving at least ten weeks notice in a public gazette of the place where the Principal Bank is kept, and specifying in such notice the object or objects of such meeting.

Sixth. Every Cashier or Treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the Directors, in a sum not less than ten thousand dollars, with condition for his good behaviour.

Seventh. The lands, tenements, hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

Eighth. The total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, shall not exceed the sum of four million eight hundred thousand dollars, over and above the sum then actually deposited in the Bank for safe-keeping, unless the contracting of any greater debt shall have been previously authorised by a law of the State. In case of excess, the Directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities, and an action of debt may in such case be brought against them, or any of them, their or any of their heirs, executors or administrators, in any court of record of the State, by any creditor or creditors of said corporation, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding. But this shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattels of the same, from also being liable for and chargeable with the said excess. Such of the said Directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, with or before some Notary Public, and to the stockholders at a general meeting, which they shall have power to call for that purpose.

Ninth. The said corporation may sell any part of the public debt whereof its stock shall be composed, but shall not be at liberty to purchase any public debt whatever; nor shall directly or indirectly deal or trade in any thing except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time, or of goods which shall be the produce of its lands. Neither shall the said corporation take more than at the rate of six per centum per annum for or upon its loans or discounts.

Tenth. No loans shall be made by the said corporation for the use, or on account of the Government of the United States, to an amount exceeding one hundred thousand dollars, or of any particular State to an amount exceeding fifty thousand dollars, or of any Foreign Prince or State, unless previously authorised by a law of the State.

Eleventh. The stock of said Corporation shall be assignable and transferable, according to such rules as shall be instituted in that behalf by the laws and ordinances of the same.

Twelfth. The Bills obligatory and of credit, under the seal of said Corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees, successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their own name or names. And Bills or Notes which may be issued by order of the said Corporation, signed by the President and countersigned by the principal Cashier or Treasurer thereof, promising the payment of money to any person or persons his, her, or their order, or to the bearer, though not under the seal of the said Corporation, shall be binding and obligatory upon the same, in the like manner, and with the like force and effect, as upon any private person or persons, if issued by him or them, in his, her or their private or natural capacity or capacities, and shall be assignable and negotiable, in like manner as if they were so issued by such private person or persons, that is to say:—Those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement, in like manner and with like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be negotiable and assignable by delivery only.

Thirteenth. Half yearly Dividends shall be made of so much of the profits of the Bank, as shall appear to the Directors advisable; and once in every three years, the Directors shall lay before the Stockholders at a general meeting, for their information, an exact and particular statement of all the affairs relative to the Bank, and divide the surplus profits.

Fourteenth. It shall be the duty of the Directors of the principal Bank, to cause discounts to be granted and deposits to be received by the Directors of the several Branch Banks, upon the same terms and in the same manner as shall be practised at the Principal Bank, due regard being had to the amount of Capital actually possessed by the several establishments: They may require the Cashiers of each Bank to furnish them from time to time, as often as they may think necessary, not exceeding once a week, with statements of the amount of the capital Stock of their particular Office, and of the debts due the same, of the monies deposited therein, of the notes in circulation, and of the cash in hand. Nothing, however, shall be construed in this section, to give a right to the Directors of the Principal Bank, for removing the Capital Stock, or any part thereof, of one Branch to that of another, or to the Principal Bank, or to establish any Branch Bank other than that which is now or may be hereafter established by law. The officer at the head of the Treasury Department of the State, shall be furnished from time to time, as often as he may require, not exceeding once in three months, with a statement of the amount of the Capital Stock of the said corporation, and of the debts due to the same, of the monies depo-