

APPENDIX C

CHANGES TO WILMINGTON CHARTER, 1868-1901

**Changes to Wilmington City Charter
1740-1901
(From the *Public Laws of North Carolina*)**

1740

Wilmington chartered as Newton.

February 1, 1866 (partially repealed)

- Wilmington incorporated
- Mayor and 8 Aldermen eligible for office if: native or naturalized citizen; 25 years old; resident of city for 1 year prior to election; freeholder of property valued at \$1,000 for 6 months prior to election; resident of ward represented for 6 months prior to election
- Mayor and Aldermen elected by voters, two aldermen from each ward and city-wide election for Mayor. Mayor's salary no more than \$2,000
- Meet at least monthly
- Marshal and Deputy appointed by Aldermen. Marshal's salary no more than \$2,000. Deputy salary no more than \$1,200. Clerk and Treasurer appointed by Aldermen. Salary for each no more than \$1,500.
- City divided into 4 wards
- Qualified voters: Eligible to vote in state elections; resident of city for 6 months; resident of ward for 30 days; OR owner of property valued at \$2,000 can vote in ward where property is located
- Annual elections for one year terms; first election to be held 1866 and terms of aldermen to be staggered with 50% rotation yearly; vacancies filled by vote among aldermen to fill spot

December 18, 1868 (partially repealed in 1870)

- Section 13, 2-1-1866 amended
- Section 14, 2-1-1866 repealed
- Creation of a special court for city and creation of a position for a Special Magistrate to oversee the court (all repealed 12-20-1870)
- Sheriff to replace City Marshal for tax collection (partially repealed 12-3-1873)
- Officers appointed by Board of Aldermen and Mayor serve at their will
- Sections 10-23 untouched re: Board of Assessors for taxation and management of public schools in city
- Elections to be held annually on 1st Monday in January for one year term and until successors qualified. Two aldermen elected from each of four wards and will hold one year terms with first year seeing one set of aldermen hold office for 2 years so as to stagger board rotation. (repealed 12-20-1870)
- Section 17 of Act of Incorporation (2-1-1866) for city repealed (repealed 12-20-1870)
- Duty of Aldermen to appoint ward Registrars to open registration books for 5 days preceding Sunday before elections. (repealed 12-20-1870)
- Section 5 of Act of Incorporation (2-1-1866) amended: voters to vote for Mayor and Aldermen on one slip of paper to be placed in a box at polling site. (repealed 12-20-1870)

March 26, 1870 (repealed 12-20-1870)

- 3-14-1870 act to define city limit extended from Wilmington & Weldon Railroad to Campbell Street; next election to be held in January, 1871 instead of August
- Number of Aldermen increased to 10 from 8

December 20, 1870

- Corporate limits of city described
- City divided into 5 wards with boundaries defined in text

- 10 Member Board of Aldermen elected annually on 1st Monday of May; one member selected by Board to serve as Mayor. Eligible candidates should be 25 years old, U.S. citizen, resident of city 1 year and ward resident 6 months. Election for 1871 to be held 2nd Monday in January and officers continue in office until annual election in May, 1872.
- Voter eligibility: qualified to vote for General Assembly, 90 day resident of city; 30 day resident of ward
- Registrars keep record of voters by lot and block; challenges allowed
- Voting by boxes and ballots that can have only 2 names printed on them (repealed/amended 1872)
- Board vacancies filled by members of Board until successor elected; if Board fails to provide for elections, each shall pay \$200, guilty of misdemeanor, imprisoned 30 days and fined \$300?
- 3-14-1868 Repealed
- 7-17-1868 Repealed
- 12-18-1868, sections 1, 2, 3, 4, 5, 24, 25, 26, 27, 28 repealed
- 3-14-1870 Repealed
- 3-26-1870 Repealed
- No election to be held before 2nd Monday of Jan. 1871; term of present Board to continue until election and qualifications of successors elected that day
- Act to be published in newspapers

February 8, 1872 (entire amended repealed 1875)

- Sec. 4, 12-20-1870 amended. Mayor can appoint challengers on behalf of candidates. Challengers can have access to registration books and attend polls on voting day to challenge votes or qualifications for voters. Ballots can have written or printed up to ten names, including repetition of one or more names, as long as there are no more than ten names on paper. More than ten names will disqualify a ballot and if a name is listed more than once, each time name is listed counts as a vote.

December 3, 1873

- Sec. 6, 12-18-1868 repealed
- Sec. 3, 12-20-1870 re-written to change alderman elections from biennial to annual provided that men in office as of the 1st of May 1874, serve until successors elected and qualified at next election
- Sec. 1, 2-8-1872 re-written to make additions to section 4 instead of section 3 of 12-20-1870 (see 2-8-1872 act for details re: voting procedure)

February 3, 1875

- Act of Dec. 20, 1870 remain effective
- Act of Feb. 8, 1872 (amendment of Act of Dec. 20, 1870) repealed
- Act of December 3, 1873 repealed
- City divided into 3 wards and wards lines described; nine member Board of Aldermen – 3 from each ward (repealed Mar. 6, 1877)
- Alderman eligibility: 21 yrs. old, resident of city 1 yr, resident of ward 90 days
- Aldermen elected under this act to take office after terms of current board expire and serve until April, 1877 when their successors
- Vacancies on Board of Aldermen filled by Board
- Mayor selected from within Board of Aldermen
- Board to hold new registration for election to be held on 2nd Thursday in March, 1875 with subsequent elections on 1st Thursday in April, beginning with 1877 (repealed 3-6-77)

- Wards divided into precincts for largest wards, precincts described and named (repealed 3-6-77)
- Polling and registration points identified; registrars named (repealed 3-6-77)
- Electors must be 21, resident of state 12 months, of city ward, block and lot for 90 days prior to election (repealed 3-6-77)
- Any elector can challenge eligibility of another elector and elector can challenge vote made on election day (repealed 3-6-77)
- Inspectors of election named (repealed 3-6-77)
- If alderman refuses to give up office after term expires, guilty of misdemeanor, \$2000 fine and serve 2 years in jail

February 28, 1877

- Governor to appoint biennially five members to Board of Audit and Finance (one from each ward)
- Board to meet at least twice a month
- Board to audit all financial claims against city, approve taxation by Board of Aldermen, set and pay salaries of city employees, chairman of Board of Audit and Finance also Chair of Sinking Fund.

March 6, 1877

- Sec. 4 of February 3, 1875 Act repealed and replaced with division of city by five wards. Ward boundaries delineated.
- 10 member Board of Aldermen with two elected from each ward. Aldermen have to be qualified voter, resident of city for a year, resident of ward for 90 days.
- Vacancy “for any cause whatsoever” to be filled by election [by voters?]
- Biennial elections with first held on 4th Thursday in March, 1879.
- Eligible voters: 21 years old, resident of state one year, resident of ward 90 days prior to election.
- Elector eligibility can be challenged by other electors.
- Registrars, precincts and locations named.
- Elections inspectors named by precinct and ward.
- Board of Aldermen can levy taxes and seize property for non-payment.
- Office of Marshall and Assistant Marshall replaced by Chief of Police.
- Repeal of Sec. 4, 5, 7, 8, 9, 10, 11, 12, 15, 21 of February 3, 1875 Amendment.

February 27, 1879

- Mayor and Board of Aldermen in office as of March 26, 1879 to continue in office until regular election (as described in act of March 6, 1877) on 4th Thursday of March, 1881 and successors are qualified.

March 9, 1883

- Amended Sec. 5, Ch. 192 (March 6, 1877): valid voter registration should include name, lot number, block number and ward number (amended again 1885)
- Sec. 2: Aldermen required to have blocks and lots number 30 days prior to election (repealed 1885)

February 26, 1885

- Change word “lot” to “house” in section 1 of Chapter 308 (March 9, 1883)
- Section two of Ch. 308, March 9, 1883 repealed.

February 20, 1891

- After election, new Board of Aldermen to select a mayor from either their ranks or from city electors. If mayor selected from within aldermen, he should resign his seat as alderman before becoming mayor and his vacancy to be filled by qualified elector from his ward, selected by Board of Aldermen. (repeal of Sec. 2, Ch. 192 of 1866-7 law)
- Sec. 6, of 1874-5 repealed.

March 9, 1895

- Police Board created: William H. Chadbourn, John B. Melton, Silas P. Wright, John E. Taylor, Frederick B. Rice
- Term begins when Board of Aldermen are seated in 1895 for two years
- No compensation for members of Board
- Ability to hire and pay: chief of police, chief of fire department, city clerk, city treasurer, city attorney, city physician, harbor master, clerks of markets, policemen, street workers, other city employees. Policemen and street hands fired only by Police Board.
- Board of Aldermen and Mayor cannot remove employees placed by Police Board.
- Salary of Mayor fixed at \$1,000
- Chair of Police Board also commissioner of sinking fund
- Expenses of Board of Audit and Finance limited to \$1,000
- Current mayor and aldermen to remain in office until next election on fourth Thursday of March, 1897 and until elected successors are duly qualified.

March 5, 1897

- Act of March 3, 1895 repealed
- One alderman elected from each ward (5) and governor appoint additional one from each ward
- Mayor can be impeached and replaced by alderman
- Elections to Board according to Charter
- Registration books for elections open 10 days prior to election

March 4, 1899

- Act of March 9, 1895 repealed
- Act of March 5, 1897 repealed
- All laws and clauses of laws in effect as of ratification of Act of March 9, 1895 declared in effect unless amended by this act
- Aldermen elected according to charter; registration books open for only 10 days
- Aldermen not eligible to hold office of Mayor or other city office or employment until term expires
- Mayor paid salary instead of all other compensation; salary fixed by Board of Audit and Finance between \$1,200 - \$2,000 per year and salary will not be reduced during term.
- People arrested by city police to be brought before Mayor for trial "except upon the usual affidavit for removal now provided by law"
- Vagrants arrested and brought before Mayor and must find employment within 24 hours or leave city
- Term of city clerk and treasurer 2 years
- Board of Audit and Finance appointed for two year term: Jesse Wilder, C. W. Yates, S. P. McNair, H. C. McQueen and W. A. Riach
- Municipal elections to have primaries -- rigorous rules established for holding primaries, qualifications for voters in primaries, majority vote in ward determines result of primary, misdemeanor if a person votes illegally in primary, chief of police and sheriff to maintain order during primary, primary can be held if 100 electors of same political party as the political party in control of city government petitions for election

March 11, 1901

- Entire city charter re-written to incorporate city and grant it powers to buy and sell land, enter into contracts, etc. with power vested in aldermen (two per ward plus mayor elected by board of aldermen).
- Ward boundaries identified
- Lengthy descriptions on management of elections: voter registration, selection of election officials, voter qualifications, challenges, descriptions of ballots
- Vacancies on Board of Aldermen filled by internal selection
- City officials appointed by Board of Aldermen
- Mayor's Court established for crimes in city to replace courts held by Justices of Peace, convicted can appeal to Superior Court; Mayor can force vagrants to find job within 24 hours or leave city; provisions for Mayor to arrest and close houses of "ill-fame"
- Aldermen's powers listed: licensing for saloons; suppress gaming and "bawdy houses;" regulate public performances for money; regulate butcher shops, storage of combustibles, street and sidewalk maintenance, railroad traffic, public drunkenness, animal control, ringing of bells, contagious disease controls, burials, markets, food markets, public water and sewage, trash controls, building construction; new street construction and ability to condemn land to construct streets; assess taxes for street maintenance; to oversee sewage, electrification, police and fire departments; maintain hospital; power to tax animals, real and personal property, provisions, trades, occupations, etc to operate city; power to penalize citizens for failure to list or pay taxes and foreclose on property for non-payment
- Board of Audit and Finance with five members appointed by Governor for two year term; Board reviews expenditures of city and pays city bills, approves tax rates set by Aldermen, fix salaries of city employees, must approve contracts for city work before contract signed; manage "sinking fund"
- City can borrow money for expenses of city
- Establishment of a public park
- Rules for holding primaries for municipal elections established
- Most prior statutes related to Wilmington since incorporation in 1756 repealed
- New charter to be approved by citizens through a vote

March 11, 1901

Board of Commissioners of New Hanover County authorized to collect taxes to fund annual appropriation of \$300 for the Wilmington Light Infantry and Wilmington Division of the North Carolina Naval Brigade.

- ** Subsequent changes to the charter, beginning in 1903 and for at least the next decade, were minor and were efforts to solidify control over city affairs by the leaders within the Democratic Party.
- ** There were 15 changes to the charter between 1866 and 1897 and, beginning in 1899, there were only five changes over the next ten years.
- ** Ward structure changed three times between 1870 and 1877:
 - 1870: 5 wards
 - 1875: 3 wards
 - 1877: 5 wards
- ** The standard structure of five wards for the city became the norm and was perpetuated in the 1901 charter. The re-drawn ward lines of 1877 were used for the 1901 re-write of the charter.