

SEC. 54. The Governor, if he be satisfied that the law has in all respects been complied with, shall issue his proclamation, setting forth that such branches are authorized to commence and carry on banking, at the places severally designated in their certificates of association; which proclamation shall be recorded in the office of the Governor, and a copy of said record certified under the great seal of the State of Iowa, shall be prima facie evidence of the organization of such bank.

SEC. 55. The bank commissioners, and all agents appointed by them, shall each be entitled to receive for their services under this act, five dollars per day for every day necessarily employed in the discharge of their duties, and the same mileage as is received by the members of the General Assembly, to be paid by the State Bank of Iowa.

SEC. 56. This act shall take effect and be in force from and after its approval by a majority of all the electors of this State voting for and against it, at an election provided by law, and not otherwise.

Approved March 20th, 1858.

CHAPTER 88.

CHARTER OF DAVENPORT.

AN ACT to amend an Act entitled an Act to Incorporate the City of Davenport, and to amend the several Acts amendatory thereto.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That so much of said Act and the several amendments thereto, as provides for a City Council consisting of a Mayor and Aldermen, requiring that the Board of Aldermen shall consist of two Aldermen from each Ward, is hereby repealed, and the terms of said several Aldermen are hereby terminated. The said City Council shall hereafter consist of a Mayor, a Board of Councilmen, and a Board of Aldermen. The Board of Aldermen to consist of twelve (12) members, chosen from

twelve separate Wards in said city annually, by the Aldermen. qualified electors of said city; the Board of Councilmen Council. to consist of six members, representing three districts, two Councilmen from each district, elected by the qualified electors of said districts, one-half of said Councilmen, after the first election herein provided for, to be elected annually, each to serve two years. Wherever City Council defined. the term "City Council" shall occur in this Act, the Act to which this is amendatory thereto, the same shall be taken to mean and apply to the City Council, as at present constituted in this section of this Act, consisting of the Mayor, Board of Councilmen, and Board of Aldermen; and whenever it is required by the act of incorporation of said city or otherwise, a commissioner, officer or person, to perform any act or duty under said act or other authority, shall be appointed or elected by the City Council, when no other mode or manner shall be designated. It shall be lawful for each person, agent, or officer, to be designated on joint ballot, a majority of both Boards being necessary to constitute a joint ballot, who shall assemble and conduct their deliberations according to ordinance.

SEC. 2. To be eligible for Councilman a person shall be a citizen of the United States, and possess, otherwise, Eligibility of Councilman. the qualification required of a person to be eligible for Mayor. In case of a vacancy in the office of Mayor or Councilman, it shall be filled by election, and in case of Vacancies. the Mayor, and until such election shall be had, and the person elected and qualified, or absence from the city of the Mayor, the President of the Board of Councilmen shall act as Mayor *pro tem.*, and for that purpose, and Mayor pro tem. for the purpose of having a presiding officer in case of absence of the Mayor from the meetings of the Board of Councilmen at any time, the Board of Councilmen may, at any regular meeting, shortly after the annual election, elect a President who shall preside at their meetings in the absence of said Mayor, and act as Mayor, *pro tem.*

SEC. 3. Each Councilman shall, by virtue of his office, be a Justice of the Peace, and so much of section Councilman shall be Justice of the Peace.

Laws repealed.

two hundred and thirty-nine (239), and two hundred and forty (40), of the Code of Iowa, on page forty-three (43) and forty-four (44), as requires at the April election of any year, the election of two or more Justices of the Peace, so far as the same is applicable to Davenport Township, lying within the corporate limits of the city of Davenport, is hereby repealed. That from and after the first Monday in April, 1859, Chapter 18, of the laws of the Sixth General Assembly of Iowa, entitled "An Act providing for the election of an additional Justice of the Peace in Davenport Township, Scott County," approved 22d December, 1856, be, and the same is hereby repealed. The provisions contained in sections (4), five (5), six (6) and seven (7) of the Act to which this is amendatory, approved February 5th, 1851, shall be construed to read and apply to each of said Councilmen, as well as to the said Mayor. Said Mayor and Councilmen shall severally, as ex-officio Justices of the Peace, as such, in addition to other powers, have jurisdiction of all offenses less than felony, and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, on information under oath, saving to defendant the right of appeal.

Jurisdiction of officers.

Office of Police Magistrate abolished.

SEC. 4. Section twenty-six of an Act entitled "An Act to amend an Act entitled an Act to Incorporate the City of Davenport, and amend the several Acts amendatory thereto, approved January 23d, 1857, is hereby repealed, and the duties of such Police Magistrate shall devolve upon the several Councilmen, whose election is herein provided for; and said Councilmen, as such Justices of the Peace, shall have and possess all the powers and jurisdiction of other Justices of the Peace in Scott county, and concurrent jurisdiction with the Mayor of said city, in all cases arising under the ordinance of said city, who shall take the same oath of office and qualify as other Justices of the Peace of Scott county.

Duties of Mayor.

SEC. 5. It shall be the duty of the Mayor to attend all meetings of the Board of Councilmen, and not of the Board of Aldermen; and when present, shall preside over their deliberations—shall have a casting vote

in their proceedings, and no other vote. The only persons authorized to call special meetings of the City Council shall be the Mayor or any three of the Councilmen, which shall be done by notifying in writing each Alderman, each Councilmen, the Mayor and the Clerk of the city. The notice may be served personally, or left at the usual place of residence of those to be notified. The notice shall state the time and place of meeting, and the business to be transacted. A copy of such notice shall be spread upon the minutes of each Board, and no other business at such meeting, than that expressed in the notice, shall be in order or transacted.

SEC. 6. On the first Saturday after the first Monday in April next, an election shall be held in each ward of said city, for a Mayor, for two Councilmen for each council district, and one Aldermen for each ward, and forever thereafter, on the first Saturday after the first Monday in April, of each year, there shall be an election held for a Mayor for the city, a Councilman for each council district, and an Alderman for each ward, and for such other officers whose election is provided for in this act, the act to which this is amenatory and the several amendments thereto, and the ordinances enacted in conformity thereto. And at said election in April next, a separate ballot may be given by every person having a right to vote at said election, to be deposited in a separate box; those in favor of the amendments shall have on their ballots the words "For Amendments," those opposed to amendments shall have on their ballots "Against Amendments"—and if a majority of the ballots so cast be "against amendments" then the present charter of the city of Davenport shall be and continue in force as if this act had not passed.

SEC. 7. At the first election under this act, which shall take place in April next, the present Mayor and the Clerk of the city of Davenport, together with H. B. Hoffman, C. G. Blood, Wm. Effy, Geo. G. Arndt and M. C. Davis, or a majority of them, may assemble together at some convenient time and place within said city, ten days before the time of holding such election,

Special meetings

Notices served.

First election.

This act submitted to the people.

Duties defined. Officers of election appointed.

and appoint three (3) discreet and proper persons possessing the qualification of electors in each ward, to conduct the election herein contemplated. Two of said persons so appointed in each ward shall act as judges, the other as clerk, who shall conduct said election according to the provisions of this act, the act to which this is amendatory, the several amendments thereto and the laws of the State of Iowa. Returns of said election shall be made to said Mayor, a similar return to the Clerk of the city of Davenport, and a similar return with poll books, ballots and tally list, to the clerk of the District Court of Scott county, within five (5) days after such election, (Sunday included) to be by said Clerk of the District Court retained until after all questions as to the result of said election shall be determined and settled, when he shall pass over said poll books, tally lists and ballots, to the clerk of the city of Davenport, to be by him preserved as other poll books, tally list and ballots are under the charter of said city. Within ten days after said election, it shall be lawful, and it is hereby made their duty, for the said Mayor, Clerk, H. B. Hoffman, C. G. Blood, Wm. Effy, Geo. G. Arndt, M. C. Davis, the Clerk of the District Court, and Sheriff of Scott county, or a majority of them, to assemble at the office of the Mayor, of the Clerk of the city of Davenport, or of the Clerk of the District Court, as they shall deem most convenient or proper, and when a majority shall be so assembled, examine said poll books, tally lists, (and if necessary, ballots) and determine the persons elected voted for at said election, and shall make out a certificate to that effect for each person so elected, which shall be signed by a majority of the persons and officers above enumerated. The person having the greatest number of votes for any office is to be declared elected. The certificate so given shall be prima facie, that such person is the legally elected officer to the office therein mentioned, and by virtue thereof, he shall proceed and qualify as is in this act provided. In case there is no contest or dispute as to the result of such election about either one or more of the officers voted for ac-

Returns of elec- tion.

Canvass of votes.

Plurality elects.

Credentials.

Notice to persons elected.

Qualify for office

ording to the provisions of this act, then the Clerk of the city of Davenport shall within eight days (Sunday included) after the issuing of the certificate as above provided, give to each person a notice of his election in conformity with said certificate, and the office to which he is elected, or such notice may be left at the person's place of residence entitled to the same. It shall be each person's duty receiving such notice of his election, if he has not already done so, to qualify within ten days after the issuing of the certificate aforesaid, (Sundays included) and a failure to do so shall be deemed and taken as a refusal of such office, and such office shall be dealt with as if vacant. In case of a tie between any one or more of the officers voted for, or in case of contest on account of illegality of the election of any one or more of the persons voted for, for any one or more of the offices voted for the same shall be determined in the same manner as if it was a question of tie between two or more voted for a county office. The election may be contested for the same causes that are allowed by law where elections are contested for county offices, and trial had and decided in like manner, as near as practicable. The Clerk of the District Court of Scott county, however, acting in each and every case of tie or contest in the place and stead of the County Judge, and chapter thirty (30) commencing on page fifty-nine (59) of the Code entitled "Contesting Elections of County Officers," embracing section three hundred and thirty-nine, (339) all intermediate sections to, and including section three hundred and sixty-seven (367,) shall apply with like power and authority conferred upon said Clerk of the District Court and with like effect. Thereafter in all city elections for the foregoing purposes in this section mentioned, the Board of Councilmen shall appoint said Judges and Clerks, and the returns shall be made to said Board and to the Board of Aldermen, and the poll books, ballots and tally lists to the city Clerk instead of the Clerk of the District Court, and the City Council shall provide by ordinance for cases of tie and of contested elections, the Board of Al-

Tie and contest
of election.

Clerk acts instead
Co. Judge.

Election, officers
and returns of
election.

dermen and the Board of Councilmen shall respectively determine the election returns and the qualifications of the members of their respective Boards which shall be regulated by ordinance in conformity with this act: the Councilmen of the election returns, and qualifications of the Mayor and all other city officers, elected by the legal voters of said city, which shall also be regulated by ordinance in conformity with this act.

TERMS OF OFFICE OF COUNCILMEN. SEC. 8. At the first meeting of the board of councilmen or at some regular meeting thereafter, the councilmen shall be divided by lot into two classes, the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one half of the members of the board shall be elected annually. If any councilman shall after his election remove from his district for which he is elected to represent, or be absent from the city of Davenport at any one time for two consecutive months, his office shall thereby become vacant, which shall likewise vacate all other offices, which by virtue of being councilman, such person was or might be entitled to enjoy or possess.

LEGISLATIVE AUTHORITY. SEC. 9. The Legislative authority of said city shall be vested in a city council, which shall consist of a board of councilmen, and a board of aldermen, selected as contemplated in this act. The style of every ordinance shall be, "Be it enacted by the City Council of the city of Davenport;" the sessions of the City Council shall be held in conformity to ordinance unless convened specially as provided for in section four (4). Each board may choose its own officers except clerks, and where it is otherwise provided in this act.

QUORUM OF ALDERMEN. The board of aldermen shall choose their chairman from their own body. A majority of each board shall constitute a quorum to transact business, but a smaller number may adjourn from day to day and may compel the attendance of absent members in such manner and under such penalties as such board may provide. Each board shall sit upon its own adjournments.

The clerk of the city shall keep or cause to be kept a

journal of the proceedings of each board; said boards severally may cause the same to be published, determine the rules of proceedings, punish members for disorderly behavior, and with the consent of two-thirds, expel a member but not a second time for the same offence, but such expulsion shall be of no effect unless accompanied with a provision for a special election, within two weeks. The boards shall sit separately, and not necessarily at different times, but may do so at their option or convenience. Their deliberations shall be public at all times except when the public welfare shall require secrecy. Every member of the city council shall have the liberty to dissent from, or protest against any act or resolution which he may think injurious to the public, or any individual, and have the reasons for his dissent entered on the journals of the board of which he is a member. The yeas and nays of the members of either board, on any question shall at the desire of any two members present, be entered on the journals. The journals of each board shall be signed by the presiding officers respectively, and together with all papers, books, records, files, and other papers and documents belonging to either board preserved separately and in convenient order and style by the clerks, which shall at all reasonable hours be open to the inspection of the members of the city council, and electors of said city.

Powers of City Council.

Protest.

Yeas and nays.

Documents of each board.

Sec. 10. Ordinances and legislation of any kind may originate in either Board, and may be amended, altered or rejected by the other, and every ordinance having passed both Boards shall be signed by the presiding officers of each Board and approved by the Mayor of the city, and dated the day of its approval. No ordinance or other subject of legislation by the City Council shall be passed unless by the assent of a majority of the members elected to the Board of Councilmen, and a majority of the members elected to the Board of Aldermen, and the question upon the final passage of the same, shall be taken immediately upon its last reading in each Board, and the yeas and nays entered upon the journal. No person who may hereafter be a collector or holder of

Origin and passage of ordinances.

Qualification for member of Council.

public moneys shall have a seat in either Board, or be eligible to hold any office of trust or profit under the City Council, the Charter, and the several amendments thereto, or the ordinances passed in conformity thereto, until he shall have accounted for, and paid into the Treasury of the city, or to such persons or parties entitled thereto, all sums he may be liable, and his duty to pay over, in conformity to ordinance or otherwise.

Oath of office.

SEC. 11. Members of each Board, together with the Mayor, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the State of Iowa, and that I will faithfully discharge the duties of Councilman (or Alderman, as the case may be) according to the best of my ability, that I will not become a party, in my own name or as member of a firm, to any contract wherein the city of Davenport shall be a contracting party, or liable in damages for the performance of the same, or required to pay money out of the treasury at law on mesne, final process or otherwise."

Oath administered and filed.

Members of the City Council are hereby empowered to administer to each other the said oath or affirmation, which said oath or affirmation shall be filed with and preserved by the City Clerk.

Mayor fill vacancy.

SEC. 12. When an office under the Charter or Ordinance of the city shall from any cause become vacant and no mode is provided for the filling of such vacancy, the Mayor is hereby authorized to fill the same by writing under the seal of the corporation, which shall expire at the next election by the people, or the next meeting of the City Council; each member of the Board of Aldermen shall receive the annual salary now allowed by ordinance. The salary of the Mayor, Marshal, Treasurer, City Attorney, City Clerk, Assessor and Street

Salary of officers.

Commissioner shall be fixed and regulated by ordinance, nor shall they in any instance receive fees or extra allowance for services done and performed by them in their official capacity. Councilmen may be allowed fees as Justices of the Peace, and the Sexton such compen-

sation for his labor and time as shall be reasonable and right; all other subordinate officers and employees of the city, such compensation as shall be allowed by joint resolution of the two Boards. The salaries fixed by ordinance or those of the Aldermen hereby established, shall not be increased or diminished except by ordinance, and such ordinance submitted to and approved by a majority of the legal voters of said city. Provided the members of the Council shall receive the same compensation as an Alderman over and above his regular fees as a Justice of the Peace.

SEC. 13. The Mayor shall be head of the Police force, assisted by the Marshal and Policemen as the Board of Councilmen may authorize and appoint, from time to time, in conformity with any ordinance that may be passed by the city providing for a Police force. The Mayor and Marshal shall have the same authority and power to make arrests and to summon the *posse comitatus* of the city to prevent violence of the city ordinances. Police regulations, city laws and the laws of the State of Iowa, as the Sheriff of any county under the laws of said State in criminal cases; also to suppress riots, disperse mobs, prevent disorderly persons from assembling together, and generally to be conservators of the peace. The City Council are hereby authorized and shall pass all ordinances necessary to carry out the provisions of this section, and provide for their due execution. All the powers and authority herein conferred upon said Mayor, Marshal, his deputies, and the Police force under them, which shall secure the property, protect the lives, morals and comfort of the citizens of the city of Davenport, at all hours of the night and day, with sufficient penalties for the violation of such ordinances, by fine and imprisonment, in the judgment of the Council, as will affect the object herein contemplated.

SEC. 14. All vacancies occurring in the office of Mayor, Alderman, Councilman, Marshal or other elective office, by the votes of said city shall be filled immediately by another election, to be provided for by ordinance, until such provision shall be made. It shall be

lawful for the Mayor, or in case of his neglect or refusal, any member of the Board of Aldermen, to give five days notice (ten after such vacancy shall occur) of the time and place of such election, in writing, posted in each ward of the city, and by causing a notice to be published in one of the daily city newspapers three (3) consecutive days, of the same, and said election shall be holden accordingly, the electors assembled at the time and place for holding said election, selecting the judges and clerks from their own numbers. The person elected in conformity with the above requirements shall be entitled to qualify and serve the balance of the term unexpired, as if said election had have been conducted in regular form; said election however shall be conducted in the same manner and places as near as practicable, as the election would have been for filling the office vacated in the first instance.

SEC. 15. At the time and places for holding the election for Mayor, a poll shall be opened for the election or City Clerk, Treasurer, City Attorney and Marshal, when and where all persons entitled to vote for Mayor, may assemble and vote for said officers. The election shall be conducted and the returns made in the same manner as is now or may hereafter be required for Mayor. The persons elected shall qualify in manner and form as shall be prescribed by the city Charter amendments thereto and the ordinances passed in conformity therewith on said subjects. All other city officers shall be appointed by the Mayor, by and with the advice and consent of the Board of Councilmen. An individual once rejected by said Board shall not again be presented for the same position until three monts has expired. Appointed officers shall hold their offices during the pleasure of the Board or officers appointing them. Elective officers above enumerated except the Mayor, shall be removed by impeachment heard and determined by the Board of Councilmen. The Board of Aldermen shall have the sole power of impeachment and may be for misconduct or malfeasance in office, oppression or neglect of duty. No person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit under the city government, but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment, according to law; Councilmen may be dealt with in like manner for like offences as is provided for by law and as provided in section six, (6), article six (6) of the act of incorporation of the city of Davenport, approved February 5th, 1851, for misdemeanor and malfeasance by the Mayor.

Punishment of impeached officers.

SEC. 16. All work to be done and all supplies to be furnished by the corporation involving an expenditure of two hundred dollars or more, shall be by contract founded on sealed bids or proposals made in compliance with public notice, for the full period of ten days; and all such contracts, when given, shall be given to the lowest bidder with adequate security. All such bids or proposals shall be opened by the Mayor in the presence of the board of councilmen and such of the parties making them as may desire to be present. No additional allowance beyond the legal claim under any contract with the corporation, or for any service on its account or in its employment shall ever be allowed. No bids shall be accepted from, or contract awarded to the Mayor or any member of the city council or an elective or appointed officer of the city personally, or to a firm of which they are members, or to another for their benefit. All such contracts if entered into knowingly, or otherwise, shall be null and void, and all such officers so intrusted shall, upon conviction, be disqualified from holding any public office, trust or appointment, under the charter or ordinances of the city of Davenport, and shall forfeit their office; nor to any person who is in arrears to the corporation upon debt or contracts, who is a defaulter as security or otherwise upon any obligation to the corporation.

Contracts and work given to lowest bidder.

City officers cannot be contractors.

SEC. 17. No money shall be drawn from the treasury but in consequence of appropriation made by the city council. The city Attorney shall be ex-officio Auditor, and, as such officer, shall revise, audit and settle

Money drawn.

City Auditor. all accounts in which the city is concerned as debtor and creditor; he shall keep an account of each claim for or against the corporation and of the sums allowed upon each and certify the same with reasons therefor to the Mayor; the Mayor shall report to the city council once in ninety days the name and decision of the Auditor upon the same, together with the final action of the Mayor thereon. All monies drawn from the city treasury shall be upon vouchers for the expenditure thereof, examined and allowed by the Auditor and approved by the Mayor.

Vouchers.

Bribery and corruption punished by fine and imprisonment. SEC. 18. Every person who shall promise, offer or give, or cause, or aid, or abet in causing to be promised, offered or given, or to be promised, offered or given to any member of the city council, Mayor, city Attorney, or to any other office of the corporation after his election as such member, or before or after he shall have qualified as such, any money, goods, rights in action or other property, or any thing of value, or any pecuniary advantage present or prospective with intent to influence his vote, opinion, judgment or action, on any question, matter, cause or proceeding which may be then pending or may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office, trust or appointment under the charter or ordinance of the city of Davenport, and shall forfeit his office and shall be punished by imprisonment in the penitentiary of Iowa not exceeding five years, or by fine not exceeding five thousand dollars for the use of said city, or by both such fine and imprisonment at the discretion of the court trying such offender. Every officer in this section enumerated who shall accept any such gift, or any promise, or undertaking to make the same, under any agreement or undertaking that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any particular way, or upon any particular side of any question, matter, cause or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified

Brib'd officers punished by fine and imprisonment.

from holding any public office, trust or appointment under the charter or ordinances of the city of Davenport and shall forfeit his office, and shall be punished by imprisonment in the penitentiary of Iowa not exceeding five years, or by fine not exceeding five thousand dollars, for the use of said city, or by both such fine and imprisonment, at the discretion of the court trying such offender. Every person offending against either of the provisions of this section shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury or any court, in the same manner as other persons, but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

Evidence of corruption.

SEC. 19. The Treasurer of the city of Davenport shall be ex-officio collector of the revenue of said city, and shall do and perform all the duties enumerated and enjoined upon the Marshal in section one (1), article five (5), and section (5) in article eight (8) of the Act to which this is amendatory, approved February 5th, 1851, in the same manner and with the like effect as if said Treasurer was specially named and therein required to perform the duties designated. Nothing in this section shall hereafter be so construed as to affect the proceedings had, or to be had under an Act entitled "An Act to amend an Act to incorporate the City of Davenport and amend the several Acts amendatory thereto," approved January 23d, 1857, or to abridge or interfere with said Marshal in performing any of the duties therein required of him.

City Treasurer and his duties.

SEC. 20. At the first election under this Act, and annually thereafter, the qualified voters of each Council District shall elect one person for such District as Street Commissioner, to hold his office for the term of one year, who shall qualify in such manner as shall be required of him by ordinance, and said Commissioners shall have charge of all road matters, and the jurisdiction and authority conferred in sections four, five and six of chapter fifty-seven of the laws of the Fifth General Assembly,

Election, qualification and duties of Street Commissioner.

approved January 22d, 1855, entitled "An Act to amend an Act entitled an Act to incorporate the City of Davenport." Nor shall the City Council have power to appoint any other Street Commissioners than in this section contemplated. The Street Commissioners herein created shall from time to time account to the Board of Aldermen, under such regulations and penalties as may be provided by the ordinances now in force or hereafter to be enacted upon the subject. Any assessment of taxes for revenue purposes shall be levied on the basis of the general assessment for county purposes, so far as applicable, and no separate assessment and valuation shall be necessary to be had, and the Council shall provide when and how said levies shall be made, and when the City Clerk shall deliver to the Treasurer the copy of assessment, together with the taxes due or assessed thereon for collection.

Assessment of taxes for revenue purposes.

Districts formed. SEC. 21. The Districts contemplated in this Act for road Districts, Council Districts and assessor Districts, within which two Councilmen shall be elected and reside and represent said District in the Board of Councilmen, shall be by metes and bounds as follows, to-wit :

1st District. First District to consist of all that part of the city of Davenport lying and being East of the West side of Farnam street and Farnam road.

2d District. Second District to consist of all that part of the city of Davenport lying and being East of Harrison street and West of Farnam street and Farnam road.

3d District. Third District to consist of all that part of the city of Davenport lying and being West of the East line of Harrison street.

Wards formed. SEC. 22. The Wards, as established by ordinance, or otherwise, as they now exist in the city of Davenport, are hereby abolished. Hereafter there shall be twelve Wards in said city, each Ward to be represented in the Board of Aldermen by one Alderman, who shall be a resident of said Ward, and shall be elected annually.—The boundaries of a Ward as herein established shall in no case be altered or changed unless by ordinance, and said ordinance submitted to and approved by a majority

of all the legal voters of said city. The metes and bounds of said Wards shall be as follows, and within the following limits:—

Ward number One—Of that portion of said city South of Locust street and East of that portion of said city known as Fulton's Addition. ^{1st Ward.}

Ward number Two—That portion of said city South of Locust street and embraced within that portion of said city known as Fulton's Addition. ^{2d Ward.}

Ward number Three—That portion of said city South of Locust street West of Ward number two (2) and East of Farnam street. ^{3d Ward.}

Ward number Four—That portion of said city North of Wards numbered one (1), two (2) and three (3) and East of Farnam road. ^{4th Ward.}

Ward number Five—That portion of said city South of Locust street West of Ward number three (3) and East of Rock Island street. ^{5th Ward.}

Ward number Six—That portion of said city South of Locust street West of Ward number five (5) and East of Brady street. ^{6th Ward.}

Ward number Seven—That portion of said city South of Locust street, West of Ward number six and east of Harrison street. ^{7th Ward.}

Ward number Eight—That portion of said city North of Wards numbered five (5), six (6) and seven (7) West of Ward number four (4) and East of Harrison street. ^{8th Ward.}

Ward number Nine—That portion of said city South of Locust street, West of Ward number seven (7) and East of a line drawn North and South through the middle of Western Avenue from Locust street to the South line of said city. ^{9th Ward.}

Ward number Ten—That portion of said city south of Locust street, west of Ward number nine (9) and east of a line drawn north and south through the middle of Vine street, from Locust street to the south line of said city. ^{10th Ward.}

Ward number Eleven—That portion of said city south of Locust street, west of Ward number ten (10) to the western limits of said city. ^{11th Ward.}

12th Ward.

Ward number Twelve—That portion of said city north of Wards numbered nine (9) ten (10) and eleven (11) and west of Ward number eight (8), Farnam road, is hereby declared a continuation of Farnam street. Locust street is hereby declared to be the section line dividing sections numbered twenty-four (24) from twenty-five (25), twenty-three (23) from twenty-six (26), of T. 78, R. 3, E.

Re apportionment of districts and wards after the next census.

SEC. 23. After the first enumeration of the inhabitants of said city, under the law of the State of Iowa, the city council may re-district said city into council districts and re-organize the Wards of said city. In doing so each council district shall, as near as practical, contain one-third of the inhabitants, each district to contain four (4) wards, and each ward one-twelfth of the inhabitants of said city. In all instances the boundaries of districts and wards shall be streets, and the outer limits of the city, each of contiguous territory, and as compact as the the streets and city limits will admit. All districting of said city, for the purposes aforesaid, shall be by ordinance, and said ordinance submitted to and approved by a majority of all the legal voters of said city, provided that nothing herein contained shall authorize the increase or a diminution of the members of councilmen, or of aldermen, except in the same ratio as fixed by this act, nor the increase or diminution of the districts and wards of said city, except in the same ratio as fixed by this act, and each district to contain four wards and no district to contain a fraction of a ward.

Conflicting Acts repealed.

SEC. 24. All such parts of the act to which this is amendatory, and the several amendments thereto, or any act in any manner affecting the same, as inconsistent with this act, are hereby repealed; but so much, and such parts thereof, as are not inconsistent with the provisions of this act shall not be construed as repealed, altered or modified, or in any form affected thereby, but shall continue and remain in full force and effect. To be an elector, or qualified to vote under this act, under the act to which this act is amendatory, the several amendments thereto, or under any ordinance passed under and

Qualification of electors.

in conformity thereto, shall be to be a citizen of the United States and of the State of Iowa, a citizen of Davenport, and an actual residence therein of three months, and actually reside in the ward at least thirty (30) days next preceding the day of the election at which such applicant presents himself to vote; and the Judges and Clerk of said election may, at their own discretion, require the best evidence of qualification to vote, and require the same to be sustained by oath administered to such applicant and witnesses, in such manner as is most likely to elicit the truth, and not inconsistent with existing law.

Judges of election
administer oath

Sec. 25. All ordinances and resolutions passed by the city council of the city of Davenport, previous to the passage of this act, shall remain in force until the same shall have been repealed by the city council, as constituted by this act; nor shall this act invalidate any act done by said city council previous to the passage of this act, unless so expressed, nor divest said city of any right which may have accrued to it prior to the passage: but the same shall inure to, and be enjoyed by said city, as if this act had never passed.

Acts of previous
City Council de-
clared in force

The repeal, however, of an ordinance, resolution, law, or act, of the city, shall take effect immediately, or at such time as the city council in such repeal shall designate.

Repeal of acts.

Sec. 26. This act shall be published in the Davenport Daily Gazette, Daily Der Demokrat, and the Evening News, at the expense of the city of Davenport, and shall take effect and be in force from and after its publication in any two of said papers.

Approved March 20th, 1858.

I hereby certify that the foregoing Act was published in the Evening News, March 20th, 1858, and in the Davenport Daily Gazette March 26th, 1858.

ELLJAH BELLS,
Secretary of State.