

CHAPTER 53.

LEGALIZING SALE OF SCHOOL LANDS IN ALLAMAKEE COUNTY.

AN ACT to Legalize the Sale of certain School Lands in Allamakee S. F. 128. county.

WHEREAS, The board of supervisors of Allamakee county Preamble. made sale, by contract, of certain school lands in said county to different parties, which land is described as follows, to wit: The e½ ne of section 27, and the ne sw of section 22, 96, 5; the se nw of section 7, 96, 3; the e½ nw of section 9, 96, 6, west of the fifth p. m., the appraisalment of which fails to appear of record; and,

WHEREAS, The said board made sale of a certain other parcel of school land, by contract, to-wit: The sw se of section 16, 99, 6, west of the fifth p. m., the same having been sold for a sum less than the appraised value; therefore,

Be it enacted by the General Assembly of the State of Iowa:

[Section 1.] That the sales of said land are hereby legalized Sales legal-
ized. and made valid to the same extent as if the said appraisalment appeared of record; and that the sale of the said sw of se of section 16, 99, 6, be also legalized and made valid to the same extent as if it had been sold for a sum equal to or above its appraised value; and that upon the transmission of a certificate to the state land office, by the county auditor of said county, certifying that the several purchases[rs] of said parcels of land have When pur-
chasers shall
be entitled to
patent. paid the contract price for the same, the said parties thus purchasing shall each be entitled to a patent for said land.

Approved March 8, 1876.

CHAPTER 54.

RELATING TO THE CONSTRUCTION OF SEWERS.

AN ACT to Authorize Cities Organized under Special Charters to provide for the Construction of Sewers. S. F. 30. [Additional to Code, Chapter 10, Title IV: "Of Cities and Incorporated Towns."]

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. That all cities in this state organized and existing under special charters, having a population of not less than ten thousand as shown by the last preceding state census, may provide by ordinance for the construction of sewers, or may divide the city into sewerage districts in such manner as the council What cities
may.

may determine, and pay the cost of constructing same out of the general revenue of the city, or assess the cost upon the adjacent property, or may levy a certain sewerage tax within the sewerage district, out of which to pay for the construction of the same, which sewerage tax shall not exceed in any one year, two mills on the dollar of the assessed value of the property within such district. Or may pay a part of the cost of such construction out of the general revenue, a part by the assessment of adjacent property, and a part by levying a tax upon all the property within the sewerage district, or may pay for the same by pursuing any two of the methods herein named.

How cost of construction shall be paid.

SEC. 2. It shall be the duty of such city council to require the work of constructing such sewers to be done under contract therefor to be entered into with the lowest responsible bidder, and bonds with surety for the faithful performance of such work shall be required to be given by the contractors.

To be done under contract.

Provided, That all bids for such work may be rejected by such council, if by them thought to be exorbitant and new bids ordered.

Provisions respecting special tax: lien upon property, which may be sold as for ordinary taxes;

SEC. 3. All special tax levied for the construction of sewers under this act shall be payable by the owners, personally at the time of such assessment, and shall also be a lien upon the lots and lands so assessed and shall bear such rate of interest, and the said property assessed may be sold for the payment thereof in the same manner at any regular or adjourned sale or special sale called therefor, with the same forfeitures, penalties and right of redemption and certificates, and deeds on such sales shall be made in the same manner and with like effect as in case of sales for non-payment of the ordinary annual taxes of such cities respectively as now or hereafter provided by law in respect thereto, or the city council may provide by ordinance for the sale of such assessed property at a special tax sale to be called therefor, after giving notice therefor three consecutive weeks in one of the newspapers published in said city; the last of which publications shall be at least ten days before the day of sale.

By publish'g notice.

City council to provide mode of assessment.

SEC. 4. Such city council may provide by ordinance for the particular mode of making and returning the assessments hereinbefore authorized, and payment of such assessments may, if so directed by said council, be enforced by suit in court, in the manner and by the proceedings provided for by sections 478, 479, and 481 of the Code.

Code, §465, not to be impaired.

SEC. 5. Nothing in this act contained shall take away, impair, or interfere with the powers conferred by section 465 of the Code for the construction of sewers, and payment therefor in whole as therein provided.

Cross sewers.

SEC. 6. The city council shall have power to provide, by ordinance, terms and conditions on which cross sewers may be attached to or connected with main sewers; and in cases where sewers have been constructed in whole or in part by special assessment, may pay unto the parties who have been so assessed, the money, or a part thereof charged and collected for the privilege of attaching such cross sewers.

SEC. 7. *Provided*, That any such city which has heretofore

adopted a system of sewerage by which the cost of construction has been paid out of the general revenue, shall not be permitted to abandon such system, anything in this law to the contrary notwithstanding. Proviso.

SEC. 8. This act being deemed of immediate importance, it shall take effect from and after its publication in the Des Moines State Register, and the Des Moines State Leader, without expense to the state. To take effect.

Approved, March 8, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Register*, March 14, and in the *Iowa State Leader*, March 14, 1876.

JOSIAH T. YOUNG, *Secretary of State.*

CHAPTER 55.

RELATING TO LIFE INSURANCE.

AN ACT relating to Life Insurance and to prevent injustice to the assured. [Additional to the Code, Chapter 5, Title IX: Of Life Insurance Companies.] H. F. 196.

Be it enacted by the General Assembly of the State of Iowa:

SECTION 1. In all suits now or hereafter pending in any court of this state on policies of life insurance, wherein the defendant seeks to avoid liability upon the alleged ground of the intemperate habits or habitual intoxication of the assured, it shall be a sufficient reply for the plaintiff to show that such habits or habitual intoxication of the assured was generally known in the community or neighborhood where the agent of the defendant resided or did business, if thereafter the company continued to receive the premiums falling due on such policy. In suits where defendant pleads habitual intoxication of assured. Sufficient reply.

SEC. 2. In any case where the medical examiner, or physician acting as such, of any life insurance company doing business in this state, shall issue a certificate of health or declare the applicant a fit subject for insurance under the rules and regulations of such company, the company shall be thereby estopped from setting up in defense of suit on such policy, that the assured was not in the condition of health required by the policy, at the time of the issuing of such policy, except where the same is procured by or through the fraud or deceit of the assured. Company estopped by examining physician's certificate; Unless there is fraud on part of assured.

SEC. 3. That in all cases where it shall appear that the age of the person insured has been misstated in the proposal, declaration or other instrument upon which any policy of life insurance has been founded or issued, then and in such case, the person or company issuing such policy, shall upon the discovery of such misstatement be permitted to demand and collect the difference of premium, if any, which would be due and payable on account of the true age of the assured, from year to year, according to the If age of assured has been misstated; Company may collect the difference of premium;