

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;

Or, may deduct after death of assured.

But no other deduction to be made unless fraud shown.

To take effect,

rates of premium of such person or company, upon which such policy was issued; or such person or company so issuing the policy may after the decease of the assured deduct from the amount payable by such policy, the difference of premium, if any, which would so have been payable from year to year, by reason of any difference of age at time of issuance of such policy; and no other defense or deduction by such person or company issuing such policy, shall be permitted after the death of the person assured, on account of such misstatement of age of [the] assured, notwithstanding any warranty of such statement of age by terms of policy or otherwise, except when it be shown by the person or company insuring, that the policy was procured by fraud in fact.

SEC. 4. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Iowa State Register, and the Iowa State Leader, newspapers published at Des Moines.

Approved March 8, 1876.

I hereby certify that the foregoing act was published in the *Iowa State Leader*, March 11, and in the *Iowa State Register*, March 15, 1876.

JOSIAH T. YOUNG, *Secretary of State*.

## CHAPTER 56.

### CREATING THE FOURTEENTH JUDICIAL DISTRICT.

H. F. 156.

AN ACT Creating the Fourteenth Judicial District, and providing for the Election of District and Circuit Judges and a District Attorney therein, and Changing the Boundaries of the Fourth Judicial District.

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

Shall constitute the 14th judicial district.

4th judicial district.

Electors of 14th judicial district shall elect, etc.

SECTION 1. That the counties of Calhoun, Sac, Ida, Buena Vista, Pocahontas, Humboldt, Kossuth, Palo Alto, Clay, Dickinson, and Emmet shall constitute the fourteenth judicial district.

SEC. 2. That the counties of Harrison, Monona, Woodbury, Plymouth, Cherokee, O'Brien, Sioux, Lyon and Osceola shall constitute the fourth judicial district.

SEC. 3. There shall be elected by the qualified electors of the fourteenth judicial district, at the general election in 1876 and every four years thereafter, a district judge and district attorney, and a circuit judge, who shall receive the same compensation as other district and circuit judges and district attorneys; and the said judges and district attorney shall enter upon the discharge of their duties on the first day of January, A. D. 1877, and shall hold their offices for four years and until their successors are elected and qualified.

Jurisdiction. SEC. 4. The district and circuit courts shall be held in the several counties of the fourth judicial district as heretofore pro-