

INDEX
TO THE
CODE OF IOWA
1946

PREPARED BY
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PUBLISHED BY THE CODE EDITOR
UNDER AUTHORITY OF CHAPTER 14
OF THE CODE
1946

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STATE OF IOWA

INDEXER'S PREFATORY NOTE

The function of an index is to provide a guide that will lead the searcher to the subject matter desired. An index is not a digest. Nevertheless, to be usable it requires not only a practical classification of the subjects and subheads thereunder but also a careful analysis of the subject matter and a concise statement of the gist of the question so as to indicate clearly the point involved.

In this index a strict alphabetical classification has been followed throughout, with indentations to indicate the subheads and subdivisions. Cross references are printed in italics with the main topics in capitals and the subheads and subdivisions thereunder with only the first letter of each word capitalized. This gives definiteness and certainty to the reference. Any type of cross reference which leads to another cross reference, and thus takes the inquirer from clue to clue as if on a treasure hunt, is exasperating. Each cross reference in this index has been designed to take the searcher to the place where the subject matter is indexed.

There has been a general demand to have section numbers follow the cross references to enable the searcher to turn at once to the proper section instead of having to follow up the cross reference to find the number. This may be misleading, as such numbers refer only to the general subject matter and may not lead the inquirer to the particular point involved, which may be in some other part of the code. However, in this index numbers have been inserted after many cross references to meet the demand, but a warning should be emphasized that such numbers are intended only to refer to the *general* treatment of the subject.

The classifications and subdivisions are important not only from the standpoint of the compiler of the index but also from that of the inquirer who is looking for a particular point of law. It has been the endeavor to break up the material into component parts or main headings that represent familiar designations. This provides workable units and headings to which a searcher would be most likely to turn. One looking for some duty or obligation of the Governor would naturally turn to GOVERNOR, or, if seeking the powers of the sheriff in a particular case, would turn directly to SHERIFF. Thus, also, NEGOTIABLE INSTRUMENTS is a topic with a well-known meaning; RAILROADS has a definite connotation; PHYSICIANS AND SURGEONS presents a cohesive subject, and so on. The various state officers, boards, and departments have been separately indexed under their most common distinctive name, as TREASURER OF STATE, ATTORNEY GENERAL, CONTROL BOARD, CONSERVATION COMMISSION. Likewise, county officers have been indexed under their separate names such as COUNTY TREASURER, COUNTY AUDITOR, SHERIFF, COUNTY BOARD OF SUPERVISORS. Where exceptions to this general arrangement became necessary, cross references lead directly to the correct topic.

It seemed advisable to break up the subject CIVIL PROCEDURE as it was more practical to treat the subjects PLEADINGS, MOTIONS, EVIDENCE, ACTIONS, JUDGMENTS AND DECREES, etc., under those various subjects. On the other hand, CRIMINAL PROCEDURE appeared to present a singleness of purpose that made it advantageous to treat that subject as a whole. So, also, CITIES AND TOWNS, HIGHWAYS, MOTOR VEHICLES, TAXATION, ESTATES OF DECEDENTS, and many other topics are each treated as a single subject. The various phases of each subject are handled through subheads and subdivisions.

The lawyer or layman seldom appreciates the limitations imposed in preparing an index. The Statutes and Rules of Civil Procedure cover a vast field of human endeavor, and the complicated nature of the subject matter makes any arrangement difficult. The statutory law embodied in the code has been built up through successive years by additions, changes, repeals, substitutions, and often by mere interlineation of a word or phrase. The result is not always logical. Important rules of law are many times buried in entirely different parts of the code from where one would expect to find them.

An attempt has been made to index thoroughly those new, elusive, or out-of-the-way statutes that cause so much trouble to a person who knows there is such a law but encounters difficulty in finding it. Instead of having part of a subject matter indexed under one head and part under another, the aim has been to bring together all matters of common nature under a single heading. Thus, under HOMESTEADS, all matter pertaining to homesteads will be found; under GIFTS,

all references to that subject are brought under that heading. This method has been followed throughout and provides another valuable feature in that anyone searching the index to find if there is any law on a certain question may conclude with reasonable certainty that, if he locates the correct topic and does not find it under that particular heading, then there is no statute on that subject.

Another condition that is often overlooked is that many topics overlap or logically may be placed under any one of a number of heads. Thus, JURY TRIAL may be placed under JURY or under TRIAL; MINORS may be placed under MINORS, INFANTS, or CHILDREN, and so on. In some indexes the problem is solved by repeating the items under each head. Such repetition is needless and greatly increases the cost and bulk of the index. The policy here adopted is to exercise arbitrarily a "fielder's choice" in selecting the topic under which the material is to be indexed, and by cross references under the others refer to the place where the indexed items are to be found.

The index in this code is entirely new. Every code section and the new rules and all new statutes have been read, analyzed, and the subject matter condensed into single lines with the key word first. Each item has been placed under as many different topics, subheads, and subdivisions in as many places in the index as seemed expedient. It is difficult for a compiler to anticipate where an inquirer may turn to find a particular subject. It has been the policy in this index to be liberal in placing references under all the various topics to which one might be expected to turn to look for that question. Findability is a significant attribute of an index, and it is deemed important that all classes of users will be able to find the desired point in question with reasonable facility. This has been the constant purpose in the preparation of this index.

DWIGHT G. McCARTY

Indexer

CODE OF IOWA

1946

DETAILED INDEX

Arabic numbers refer to code sections. Numbers in parentheses are subsection numbers. The letters R.C.P. followed by Arabic numbers are references to the Rules of Civil Procedure; the location in the code is designated by the page number in parentheses. References to the United States or Iowa Constitutions are to articles and sections.

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RULES OF CIVIL PROCEDURE

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