

## CHAPTER 377

## RULES OF CIVIL PROCEDURE

IN THE MATTER OF  
THE  
RULES OF CIVIL PROCEDUREREPORT OF  
THE SUPREME COURT  
OF  
THE STATE OF IOWA

*To the Sixtieth General Assembly of the State of Iowa:*

1 In accordance with sections 684.18 and 684.19, Code of Iowa,  
2 1962, the Supreme Court of Iowa has prescribed and herewith  
3 reports to you rules of practice and procedure in the nature of  
4 amendments to the following designated Rules of Civil Procedure.

5 Rule 94 is revised to read:

6 **94. Judicial notice—statutes.** Matters of which judicial notice is  
7 taken, including statutes of Iowa, need not be stated in any plead-  
8 ing. A pleading asserting any statute of another state, territory or  
9 jurisdiction of the United States, or a right derived therefrom, shall  
10 refer to such statute by plain designation and if such reference is  
11 made the court shall judicially notice such statute.

12 *Comment:* This change is to assure judicial notice of Iowa stat-  
13 utes without reference thereto in a pleading.

14 **Rule 149. Reading and signing.**

15 Rule 149(a) is revised to read:

16 (a) No oral deposition reported and transcribed by an official  
17 court reporter or certified shorthand reporter of Iowa need be sub-  
18 mitted to, read or signed by the deponent.

19 *Comment:* The addition of certified shorthand reporters is to in-  
20 crease the number of those available for taking oral depositions.

21 Rule 174 is revised to read:

22 **174. Jury fees.** If trial is by a jury after change pursuant to Rule  
23 167 the court shall certify the amount of county expenses incurred  
24 for meals, lodging, mileage and fees of jurors and the county where  
25 the action was brought shall pay the county where it was tried the  
26 difference between the sum so certified and the jury fee taxable as a  
27 part of the costs in the action.

28 *Comment:* This change is to permit a more reasonable reimburse-  
29 ment for jury expenses in civil cases transferred to another county  
30 under R. C. P. 167.

31 The Comment which follows each of the foregoing rules does not  
32 form a part of the rule but explains the reason for the change which  
33 has been made.

34 Respectfully submitted,  
35 THE SUPREME COURT OF IOWA  
36 s/ By T. G. GARFIELD  
37 T. G. Garfield, Chief Justice

38 Des Moines, Iowa  
39 January 24, 1963

40

## ACKNOWLEDGEMENTS

41 I, Carroll Lane, Secretary of the Senate of the State of Iowa,  
42 hereby acknowledge delivery to me on the 24th day of January,  
43 1963 of the foregoing report of the Supreme Court of Iowa per-  
44 taining to Amendments to the Rules of Civil Procedure.

45

s/ CARROLL A. LANE

46

Secretary of the Senate

47

Sixtieth General Assembly

48

of the State of Iowa

49 I, W. R. Kendrick, Chief Clerk of the House of Representatives  
50 of the State of Iowa, hereby acknowledge delivery to me on the  
51 24th day of January, 1963 of the foregoing report of the Supreme  
52 Court of Iowa pertaining to Amendments to the Rules of Civil  
53 Procedure.

54

s/ WILLIAM R. KENDRICK

55

Chief Clerk of the House

56

of Representatives,

57

Sixtieth General Assembly

58

of the State of Iowa

59

## CERTIFICATE

60 I, W. L. Mooty, do hereby certify that I am the President of the  
61 Senate of the Sixtieth General Assembly of the State of Iowa; and  
62 I, Carroll A. Lane, do hereby certify that I am the Secretary of the  
63 Senate of the Sixtieth General Assembly of the State of Iowa,  
64 and we do hereby jointly certify that as such President and Secre-  
65 tary that on the 24th day of January, 1963, the Supreme Court of  
66 the State of Iowa reported to said Senate, and filed with it, the  
67 attached and foregoing modifications, amendments, revisions and  
68 assitions\* to the Rules of Civil Procedure, heretofore reported by  
69 said Supreme Court to the Sixtieth General Assembly of the State  
70 of Iowa;

71 THAT the date of making said report to the Sixtieth General As-  
72 sembly was within the twenty days subsequent to the convening of  
73 the regular session of the Sixtieth General Assembly;

74 THAT no other report pertaining to the Rules of Civil Procedure  
75 was made or filed by said Supreme Court with said Senate;

76 THAT the herein above modifications, amendments, revisions and  
77 additions to the Rules of Civil Procedure were made and enacted at  
78 such regular session of said Sixtieth General Assembly.

\*According to enrolled Act.

79 Signed this 23rd day of May, 1963, being the last legislative day  
80 of the Sixtieth General Assembly.

81 s/ W. L. MOOTY  
82 W. L. Mooty  
83 President of the Senate  
84 s/ CARROLL A. LANE  
85 Carroll A. Lane  
86 Secretary of the Senate  
87 SENATE  
88 Sixtieth General Assembly\*  
89 of the State of Iowa

90

CERTIFICATE

91 I, Robert W. Naden, do hereby certify that I am the Speaker of  
92 the House of Representatives of the Sixtieth General Assembly of  
93 the State of Iowa; and I, William R. Kendrick, do hereby certify  
94 that I am the Chief Clerk of the House of Representatives of the  
95 Sixtieth General Assembly of the State of Iowa, and we do hereby  
96 jointly certify that as such Speaker and Chief Clerk that on the  
97 24th day of January, 1963, the Supreme Court of the State of Iowa  
98 reported to said House of Representatives, and filed with it, the  
99 attached and foregoing modifications, amendments, revisions and  
100 additions to the Rules of Civil Procedure, heretofore reported by  
101 said Supreme Court to the Sixtieth General Assembly of the State  
102 of Iowa;

103 THAT the date of making said report to the Sixtieth General As-  
104 sembly was within the twenty days subsequent to the convening of  
105 the regular session of the Sixtieth General Assembly;

106 THAT no other report pertaining to the Rules of Civil Procedure  
107 was made or filed by said Supreme Court with said House of Repre-  
108 sentatives;

109 THAT the herein above modifications, amendments, revisions and  
110 additions to the Rules of Civil Procedure were made and enacted at  
111 such regular session of said Sixtieth General Assembly.

112 Signed this 23rd day of May, 1963, being the last legislative day  
113 of the Sixtieth General Assembly.

114 s/ ROBERT W. NADEN  
115 Robert W. Naden  
116 Speaker of the House  
117 s/ WM. R. KENDRICK  
118 William R. Kendrick  
119 Chief Clerk  
120 HOUSE OF REPRESENTATIVES  
121 Sixtieth General Assembly  
122 of the State of Iowa

\*According to enrolled Act.

123           **ADDITAMENT TO RULES OF CIVIL PROCEDURE**124                           **CERTIFICATE**

125       I, W. L. Mooty, do hereby certify that I am the President of the  
 126 Senate of the Sixtieth General Assembly of the State of Iowa; and  
 127 I, Carroll A. Lane, do hereby certify that I am the Secretary of the  
 128 Senate of the Sixtieth General Assembly of the State of Iowa, and  
 129 we do hereby jointly certify

130       **THAT** no changes, modifications, amendments, revisions or addi-  
 131 tions to the Rules of Civil Procedure were made or enacted at such  
 132 regular session of said Sixtieth General Assembly.

133       Signed this 6th day of June, 1963.

134

s/ W. L. MOOTY

135

W. L. Mooty

136

President of the Senate

137

s/ CARROLL A. LANE

138

Carroll A. Lane

139

Secretary of the Senate

140

SENATE

141           **ADDITAMENT TO RULES OF CIVIL PROCEDURE**142                           **CERTIFICATE**

143       I, Robert W. Naden, do hereby certify that I am the Speaker of  
 144 the House of Representatives of the Sixtieth General Assembly of  
 145 the State of Iowa; and I, William R. Kendrick, do hereby certify  
 146 that I am the Chief Clerk of the House of Representatives of the  
 147 Sixtieth General Assembly of the State of Iowa, and we do hereby  
 148 jointly certify

149       **THAT** no changes, modifications, amendments, revisions or addi-  
 150 tions to the Rules of Civil Procedure were made or enacted at such  
 151 regular session of said Sixtieth General Assembly.

152       Signed this 6th day of June, 1963.

153

s/ ROBERT W. NADEN

154

Robert W. Naden

155

Speaker of the House

156

s/ WM. R. KENDRICK

157

William R. Kendrick

158

Chief Clerk

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HOUSE OF REPRESENTATIVES