

# RULES OF CIVIL PROCEDURE

REPORT OF THE SUPREME COURT OF IOWA

on

RULES OF CIVIL PROCEDURE

To the Fifty-first General Assembly of Iowa:

In accordance with Chapter 311, Acts of the Forty-ninth General Assembly, the Supreme Court of Iowa has prescribed rules of pleading, practice and procedure and forms of process, writs and notices, for proceedings of a civil nature in courts of this state, for the purpose of simplifying the same and of promoting the speedy determination of litigation. They were reported by the court to the Fiftieth General Assembly and went into force and effect July 4, 1943.

After a year and a half of operation, there are a number of modifications in the Rules of Civil Procedure which appear to the court desirable. Accordingly, the court has prescribed the following Rules, in the nature of modifications and revisions in the Rules of Civil Procedure and Appendix I attached thereto, which were reported to the Fiftieth General Assembly, to wit:

## Rule 54

Rule 54 has been revised to read as follows:

**"Rule 54. Same; Special Cases; Appearance of Garnishee.**

"(a) Any statute of Iowa which specially requires appearance by a particular defendant, or in a particular action, within a specified time, shall govern the time for appearance in such cases, rather than Rule 53.

"(b) The officer serving a writ of attachment or execution shall garnish such persons as the plaintiff may direct as supposed debtors, or having in possession property of the principal defendant, which shall be effected by a notice served in the manner and as an original notice in civil actions, forbidding his paying any debt owing such defendant, due or to become due, and requiring him to retain possession of all property of the defendant in his hands or under his control, to the end that the same may be dealt with according to law, and, unless answers are required to be taken as provided by statute, it shall cite the garnishee to appear in not less than ten (10) days after service of the notice and at a time specified when court will be in session and a judge will be present, and answer such interrogatories as may be propounded, or he will be liable to pay any judgment which the plaintiff may obtain against the defendant."

## COMMENT

Section 12157 provided that the garnishee be cited to appear on the first day of the next term. Under the new procedure for commencement of actions, unreasonable delays have been experienced under Section 12157.

## Rule 56

Paragraph (b) of Rule 56 has been amended by adding thereto the following sentence:

"Where the notice upon a minor is served on behalf of one who is the guardian or other fiduciary and the guardian or other fiduciary is the

## RULES OF CIVIL PROCEDURE

only person who would be available upon whom service could be made, the court or a judge shall appoint, without prior notice on the ward, a guardian ad litem upon whom service shall be made and who shall defend for the minor."

Paragraph (c) of Rule 56 has been amended by adding thereto the following sentence:

"Where the notice upon an incompetent is served on behalf of one who is the guardian or other fiduciary and the guardian or other fiduciary is the only person who would be available upon whom service could be made, the court or a judge shall appoint, without prior notice to the ward, a guardian ad litem upon whom service shall be made and who shall defend for the incompetent."

## COMMENT

The foregoing amendments were made because of the fact that, under the rule as first prescribed, where the guardian or fiduciary is the only person who would be a proper person upon whom service could be made, it was either necessary for the guardian or fiduciary to resign or to serve himself as parent, etc.

## Rule 60

Clause (e) of Rule 60 has been amended by changing the semicolon at the end thereof to a comma, and adding thereto:

"or if his residence is unknown;".

Clause (k) of Rule 60 has been stricken and clauses (l) and (m) have been designated as clauses (k) and (l) respectively.

## COMMENT

The change in clause (e) was made to apply to those cases in which there are unknown defendants.

The second amendment was made to avoid an apparent conflict between Rule 60 (k), which was patterned after Par. 11, Section 11081 of the Code, and Section 11935 of the Code. Section 11935 is adequate without Rule 60 (k). Section 11081, Code, 1939, is shown by Appendix I of the Rules as having been superseded in toto.

## Rule 80

The first sentence of Paragraph (a) of Rule 80 has been stricken and the following inserted in lieu thereof:

"Pleadings need not be verified unless special statutes so require and, where a pleading is verified, it is not necessary that subsequent pleadings be verified unless special statutes so require."

## COMMENT

The change clarifies the language.

## Rule 85

The word "five" which appeared twice in the first sentence of Paragraph (a) of Rule 85, once in the first clause of Paragraph (b) thereof, and once in the second clause of Paragraph (e) thereof, has been stricken in each instance, and, in lieu thereof, the word "seven" inserted in each instance.

Paragraph (f) of Rule 85 has been amended by striking out the word "amend" in the first sentence and also by striking out the second sentence thereof and inserting, in lieu of said second sentence, the following:

## RULES OF CIVIL PROCEDURE

"For good cause but not ex parte, and upon such terms as the court prescribes, the court may grant a party the right to file a motion, answer or reply where the time to file same has expired."

## COMMENT

The first change, wherein the word "five" is stricken in four places and the word "seven" substituted therefor, was made to avoid confusion.

The change in Paragraph (f) was made to avoid miscarriage of justice by giving the court discretion in permitting the filing of motions, answers or replies, thus avoiding the loss of substantial rights through the strict application of an arbitrary rule of procedure. The reference to amendments was stricken to avoid a conflict with Rule 88.

**Rule 86**

Rule 86 has been revised to read as follows:

"If a party is required or permitted to plead further by an order or ruling, the clerk shall forthwith mail or deliver notice of such order or ruling to the attorneys of record. Presence of counsel when the court announces such ruling or order shall be the equivalent of such mailing or delivery. Unless otherwise provided by order or ruling, such party shall file such further pleading within seven (7) days after such mailing or delivery; and if such party fails to do so within such time, he thereby elects to stand on the record theretofore made. On such election, the ruling shall be deemed a final adjudication in the trial court without further judgment or order; reserving only such issues, if any, which remain undisposed of by such ruling and election."

## COMMENT

The change was made to clarify the language.

**Rule 117**

Paragraph (a) of Rule 117 has been amended by striking the second sentence and inserting in lieu thereof the following:

"Unless the parties or their counsel file a written stipulation to the contrary, all motions made prior to trial on issues of fact, on file for twenty (20) days or more, must then be submitted."

## COMMENT

This amendment was made to avoid a harsh situation by permitting counsel to agree to an extension of time for submitting a motion.

**Rule 153**

Rule 153 has been amended by adding thereto the following:

"(d) When the witness is in the military or naval service of the United States, his deposition may be taken before any commissioned officer under whose command he is serving, or any commissioned officer in the judge advocate general's department."

## COMMENT

This amendment was made to facilitate the taking of depositions of those in the armed forces.

**Rule 177**

Rule 177 has been amended by adding thereto the following:

“(d) Notwithstanding the failure of a party to demand a jury in an action in which such demand might have been made of right, the court, in its discretion on motion and for good cause shown, but not ex parte, and upon such terms as the court prescribes, may order a trial by jury of any or all issues.”

**COMMENT**

The federal rules give the trial court discretion in granting a jury trial where the right thereto would otherwise be lost because of failure to demand the same within the strict requirements of the rule. The amendment preserves the right to demand a jury trial and also accords the trial court discretion similar to that exercised by the federal courts which seems to be desirable for a proper administration of justice.

**Rule 288**

Rule 288 has been amended by striking the second sentence and inserting in lieu thereof, the following:

“No bond shall be required before the referee conveys real estate unless he is to sell personalty or take possession of real estate or is to receive a payment on the sale before conveyance, in which case, he shall give such bond as the court directs.”

**COMMENT**

This amendment was made for the purpose of affording protection in a case where a substantial down payment is made before conveyance.

**Rule 331**

Rule 331 has been revised to read as follows:

“Rule 331. From Final Judgment.

“(a) All final judgments and decisions of courts of record, and any final adjudication in the trial court under Rule 86 involving the merits or materially affecting the final decision, may be appealed to the Supreme Court, except as provided in this Rule and in Rule 333.

“(b) No interlocutory ruling or decision may be appealed, except as provided in Rule 332, until after the final judgment or order. No error in such interlocutory ruling or decision is waived by pleading over, or proceeding to trial. On appeal from the final judgment, there may be assigned as error such interlocutory ruling or decision or any final adjudication in the trial court under Rule 86 from which no appeal has been taken, where such ruling, decision, or final adjudication is shown to have substantially affected the rights of the complaining party.”

**COMMENT**

The amendment was made for the purpose of clarifying the situation where a ruling becomes a final adjudication under Rule 86 and to permit an appeal from such ruling as a matter of right but to further provide that, in the event such right to appeal is not exercised, the question presented by the ruling may be raised on appeal from the final judgment if it is shown to have substantially affected the rights of the complaining party.

## RULES OF CIVIL PROCEDURE

**Rule 332**

Paragraph (a) of Rule 332 has been amended by adding thereto the following sentence:

"No such application is necessary where the appeal is, pursuant to Rule 331, from a final adjudication in the trial court under Rule 86."

## COMMENT

This amendment was made for the purpose of clarifying the situation where an appeal as a matter of right exists under Rules 86 and 331.

**Rule 335**

Rule 335 has been amended by striking the period at the end thereof and adding the following:

"; provided however, that, where an application to the Supreme Court or any Justice thereof to grant an appeal in advance of final judgment under Rule 332 is made within thirty (30) days from the date of such ruling or decision, the Supreme Court or any Justice thereof may extend the time for filing the notice of appeal in the event the appeal is granted and the appeal, in such event, may be perfected within the time thus specified."

## COMMENT

This amendment was made to clarify the situation where an intermediate appeal is sought under Rule 332. Without this amendment, it was sometimes necessary to file the notice of appeal before the right to appeal was granted, in which case it has been contended that the filing thereof was premature. If application for leave to appeal is made within 30 days from the ruling, the Supreme Court or a Justice thereof will be accorded a reasonable time within which to determine whether or not to grant the appeal and then provide the time within which the notice of appeal should be filed.

**Rule 363**

Rule 363 has been revised to read as follows:

**"Rule 363. Filing and Docketing.**

"Unless the petition in class 'A' cases or the original notice in class 'B' cases is filed with the clerk of the court at least five days before the date set in the original notice for appearance, the defendant shall not be held to appear and answer, except that in any Municipal Court wherein class 'B' cases are included in rules prescribing the manner for settlement of controversies by conciliation, the original notice in such conciliation cases need not be filed until the time and the date set forth in the notice for appearance. If the petition or original notice, as the case may be, is not so filed the defendant may have the case dismissed at plaintiff's costs, without notice, by filing a copy of the original notice with the clerk and paying the filing fees. No new action shall be commenced in any court of this state based upon the same claim or demand unless the costs in such dismissed action are fully paid by the claimant and satisfied of record."

## COMMENT

This revision was made because of the fact that Rule 363, which required the filing of an original notice in a conciliation case five days before the defendant is required to appear, unnecessarily and seriously impeded the administration of the conciliation court.

**Rule 367**

Paragraph (a) of Rule 367 has been revised to read as follows:

“(a) In the event of the death or disability of a Judge in the course of a proceeding at which he is presiding, or while a motion for new trial or for judgment notwithstanding the verdict, or for other relief, is pending, any other Judge of the district may hear or act upon the same, and, if in his opinion he can proceed with the matter or determine the motion he shall do so; otherwise, he may order a continuance, declare a mistrial, order a new trial of all or any of the issues, or make such disposition of the matter as the situation warrants.”

**COMMENT**

This revision was made because, under the rule, it was not clear what was meant by the words “may be called in”.

**Rule 369**

Rule 369 has been revised to read as follows:

“Rule 369. **Effect of Notice by Posting.**

“Notice by posting shall not be recognized as having any effect, except in probate proceedings, or where expressly authorized by statute.”

**COMMENT**

This revision was made because of the fact that, under Rule 369, some lawyers contended that notice by posting was of doubtful validity in any case, even in probate, if the court were authorized to prescribe the notice. The revision more clearly states what the original rule was intended to provide.

**Rule 228**

Rule 228 has been amended by making the last two words thereof read, “for cancellation.”

**COMMENT**

This amendment was made to avoid uncertainty as to legibility of the court's report to the 50th General Assembly.

**Rule 244**

Clause (b) of Rule 244 has been amended by making the last two words thereof read “prevailing party;”.

**COMMENT**

This amendment was made to avoid uncertainty as to legibility of the court's report to the 50th General Assembly.

**Appendix I**

In column 1 of Appendix I, attached to the Rules of Civil Procedure, the figures “11083” have been inserted immediately following “11081”.

**COMMENT**

This amendment was made to avoid uncertainty as to legibility of the court's report to the 50th General Assembly.

## RULES OF CIVIL PROCEDURE

In column 1 of Appendix I, attached to the Rules of Civil Procedure, the figures "12157" have been inserted immediately following "11671". In column 2 opposite reference to Section 12157 is inserted "54 (b)".

## COMMENT

The foregoing is necessary to show that Section 12157 has been superseded by Rule 54 (b).

In column 1 of Appendix I, attached to the Rules of Civil Procedure, the figures "12312" have been inserted immediately following "12311".

## COMMENT

This amendment was made to avoid uncertainty as to legibility of the court's report to the 50th General Assembly.

In column 1 of Appendix I, attached to the Rules of Civil Procedure, the figures immediately following "12873" are amended and determined to read as follows: "12874

12874  
12876  
12879".

## COMMENT

This amendment was made to avoid uncertainty as to legibility of the court's report to the 50th General Assembly.

## CERTIFICATE

I, Oscar Hale, hereby certify that I am the Chief Justice of the Supreme Court of Iowa; that the above and foregoing Rules of Civil Procedure were adopted and approved by the Supreme Court of Iowa pursuant to Chapter 311, Acts of the Forty-ninth General Assembly, as amendments, revisions and additions to the Rules of Civil Procedure heretofore reported by the Supreme Court of Iowa to the Fiftieth General Assembly.

Dated at Des Moines, Iowa, this 24th day of January, 1945.

OSCAR HALE,  
*Chief Justice of the  
Supreme Court of Iowa.*

ATTEST:

CHAS. W. BARLOW,  
*Clerk of the Supreme Court of Iowa.*

## RULES OF CIVIL PROCEDURE

AMENDMENT TO REPORT OF THE  
SUPREME COURT OF IOWA  
ON  
RULES OF CIVIL PROCEDURE.

The Supreme Court of Iowa amends its report on rules heretofore filed on January 24, 1945 as follows:

**Rule 349**

Rule 349 has been amended by striking the figures "244 (b)" appearing therein and inserting in lieu thereof the figures "243 (b)".

COMMENT

This change was made to correct a typographical error.

**Appendix I**

In column 2 of Appendix I attached to the Rules of Civil Procedure, the figures opposite "12871" are amended to read "343

346  
349".

CERTIFICATE

I, Oscar Hale, hereby certify that I am the Chief Justice of the Supreme Court of Iowa; that the above and foregoing Amendment to Report of the Supreme Court of Iowa on Rules of Civil Procedure was adopted and approved by the Supreme Court of Iowa pursuant to Chapter 311, Acts of the Forty-ninth General Assembly, as amending and revising the Rules of Civil Procedure heretofore reported by the Supreme Court of Iowa to the Fiftieth General Assembly.

Dated at Des Moines, Iowa, this 26th day of January, 1945.

OSCAR HALE,  
*Chief Justice of the  
Supreme Court of Iowa.*

ATTEST:

CHARLES W. BARLOW,  
*Clerk of the Supreme Court of Iowa.*

CERTIFICATE

I, Kenneth A. Evans, hereby certify that I am the President of the Senate of the Fifty-first General Assembly of the State of Iowa, and I, W. J. Scarborough, hereby certify that I am the Secretary of said Senate, and we hereby certify, as such President and such Secretary, that, on the 24th day of January, 1945, the Supreme Court of the State of Iowa reported to said Senate and filed with it the attached and foregoing modifications, amendments, revisions and additions to the Rules of Civil Procedure, heretofore reported by said Supreme Court to the Fiftieth General Assembly of the State of Iowa, and, on the 26th day of January, 1945, said Supreme Court reported to said Senate and filed with it the attached and foregoing Amendment to said Report filed on January 24, 1945; that both of said dates were within twenty (20) days after the commencement of the regular session of said Fifty-first General Assembly; that no other report, pertaining to the Rules of Civil Procedure, was made or filed by said Supreme Court with said Senate; that no other or different changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure were made or enacted at such regular session of said Fifty-first General Assembly.

Signed this 14th day of April, 1945.

KENNETH A. EVANS, *President of the Senate.*  
W. J. SCARBOROUGH, *Secretary of the Senate.*  
*Fifty-First General Assembly of the State of Iowa.*

## RULES OF CIVIL PROCEDURE

## CERTIFICATE

I, Wayne M. Ropes, Secretary of State of the State of Iowa, do hereby certify that the above and foregoing changes, modifications, amendments, revisions and additions to the Rules of Civil Procedure, prescribed by the Supreme Court of Iowa and reported by it to the regular session of the Fifty-first General Assembly of the State of Iowa, and duly certified by Kenneth A. Evans, President of the Senate, and W. J. Scarborough, Secretary of the Senate, of said Fifty-first General Assembly, were filed and deposited with me on the 16th day of April, 1945.

WAYNE M. ROPES,  
*Secretary of State.*

## CERTIFICATE

I, Harold Felton, hereby certify that I am the Speaker of the House of Representatives of the Fifty-first General Assembly of the State of Iowa, and I, A. C. Gustafson, hereby certify that I am the Chief Clerk of said House of Representatives, and we hereby certify, as such Speaker and such Chief Clerk, that, on the 24th day of January, 1945, the Supreme Court of the State of Iowa reported to said House of Representatives and filed with it the attached and foregoing modifications, amendments, revisions and additions to the Rules of Civil Procedure, heretofore reported by said Supreme Court to the Fiftieth General Assembly of the State of Iowa, and, on the 26th day of January, 1945, said Supreme Court reported to said House of Representatives and filed with it the attached and foregoing Amendment to said Report filed on January 24, 1945; that both of said dates were within twenty (20) days after the commencement of the regular session of said Fifty-first General Assembly; that no other report, pertaining to the Rules of Civil Procedure, was made or filed by said Supreme Court with said House of Representatives; that no other or different changes, modifications, amendments, revisions or additions to the Rules of Civil Procedure were made or enacted at such regular session of said Fifty-first General Assembly.

Signed this 14th day of April, 1945.

HAROLD FELTON, *Speaker.*  
A. C. GUSTAFSON, *Chief Clerk of the House of  
Representatives, Fifty-first General As-  
sembly of the State of Iowa.*

## CERTIFICATE

I, Wayne M. Ropes, Secretary of the State of Iowa, do hereby certify that the above and foregoing changes, modifications, amendments, revisions and additions to the Rules of Civil Procedure, prescribed by the Supreme Court of Iowa and reported by it to the regular session of the Fifty-first General Assembly of the State of Iowa, and duly certified by Harold Felton, Speaker, and A. C. Gustafson, Chief Clerk, of the House of Representatives of said Fifty-first General Assembly, were filed and deposited with me on the 16th day of April, 1945.

WAYNE M. ROPES,  
*Secretary of State.*

## TABLE OF SENATE AND HOUSE FILES AND JOINT RESOLUTIONS

### SENATE FILES

No.	Page	No.	Page	No.	Page	No.	Page
2	173	84	244	175	81	360	276
3	77	85	265	177	278	385	261
5	93	90	305	189	168	388	192
6	87	94	289	192	203	390	80
7	225	96	288	195	172	394	201
9	93	102	104	197	161	396	162
10	98	103	109	199	64	397	175
15	249	109	267	203	169	398	37
17	299	113	171	205	85	400	97
19	294	114	106	218	298	402	284
23	175	122	281	220	72	405	1
25	248	125	199	222	113	406	43
30	78	126	228	224	109	412	310
31	148	128	276	229	195	413	53
32	63	129	133	233	79	414	50
33	290	135	264	248	114	415	250
35	80	139	225	254	246	416	58
37	96	141	226	255	242	424	309
39	133	146	266	274	265	426	84
45	247	149	181	289	322	427	61
51	312	151	202	290	323	428	52
52	142	153	150	291	230	430	36
53	285	154	240	295	261	431	57
54	254	155	241	309	103	432	34
57	283	156	242	310	108	433	35
62	302	157	304	311	108	434	305
71	239	158	203	314	245	435	44
74	166	165	49	323	229	436	115
78	244	166	49	330	179	442	301
79	86	167	54	335	197	443	46
81	84	168	44	345	275	444	47
82	131	169	55	347	314	445	48
83	86	172	315	356	313		

### HOUSE FILES

1	74	39	262	125	183	212	33
2	256	40	255	127	257	213	40
3	254	43	266	130	178	214	39
4	259	44	198	132	182	215	288
5	262	46	255	138	287	216	93
9	257	50	260	142	252	217	292
10	102	54	199	144	38	218	146
11	293	62	230	161	169	219	253
12	294	68	229	164	160	220	115
15	165	82	153	168	152	225	307
16	285	84	99	169	227	228	251
17	279	87	82	170	153	231	245
19	290	88	83	178	45	239	149
20	263	92	89	183	130	240	291
21	293	101	101	184	307	243	201
22	187	103	112	187	131	247	239
24	227	106	74	193	103	250	89
25	240	107	76	198	63	256	96
28	97	109	289	200	168	268	162
34	245	118	188	208	90	279	225
37	263	122	194	211	39	280	158

## TABLES

## HOUSE FILES—Continued

No.	Page	No.	Page	No.	Page	No.	Page
292	160	329	40	395	279	452	170
295	151	358	204	416	318	456	196
296	22	362	317	420	200	458	85
297	29	365	220	444	87	459	317
304	99	366	215	445	100	462	83
306	79	374	316	446	303	464	95
315	223	379	252	447	26	471	167
326	170	392	73	448	32	476	41
327	73	393	101	451	167	478	243
328	256						

## SENATE JOINT RESOLUTIONS

No.	Page	No.	Page
1	325	5	326

## HOUSE JOINT RESOLUTIONS

No.	Page	No.	Page
1	328	7	332
2	330	8	333
4	331		

## TABLE OF SENATE AND HOUSE FILES AND JOINT RESOLUTIONS

### SENATE FILES

No.	Chapter	No.	Chapter	No.	Chapter	No.	Chapter
2	124	84	171	175	49	360	208
3	43	85	203	177	210	385	195
5	65	90	238	189	116	388	134
6	59	94	222	192	146	390	48
7	154	96	220	195	123	394	143
9	64	102	81	197	109	396	111
10	72	103	86	199	36	397	126
15	179	109	206	203	118	398	10
17	232	113	122	205	55	400	71
19	230	114	82	218	231	402	215
23	125	122	213	220	37	405	1
25	178	125	141	222	88	406	17
30	44	126	158	224	85	412	242
31	99	128	209	229	136	413	28
32	34	129	95	233	45	414	26
33	223	135	201	248	89	415	180
35	47	139	152	254	176	416	32
37	69	141	155	255	169	424	241
39	96	146	204	274	202	426	53
45	177	149	129	289	251	427	33
51	243	151	145	290	252	428	27
52	97	153	101	291	162	430	9
53	217	154	166	295	196	431	31
54	185	155	167	309	79	432	7
57	214	156	168	310	83	433	8
62	234	157	236	311	84	434	237
71	163	158	147	314	173	435	19
74	113	165	25	323	160	436	91
78	172	166	24	330	128	442	233
79	58	167	29	335	138	443	21
81	54	168	18	345	207	444	22
82	93	169	30	347	245	445	23
83	57	172	246	356	244		

### HOUSE FILES

1	40	39	198	125	131	212	6
2	190	40	188	127	192	213	14
3	186	43	205	130	127	214	12
4	193	44	139	132	130	215	219
5	197	46	187	138	218	216	66
9	191	50	194	142	183	217	226
10	78	54	140	144	11	218	98
11	227	62	161	161	119	219	184
12	229	68	159	164	108	220	90
15	112	82	104	168	103	225	240
16	216	84	74	169	156	228	181
17	211	87	50	170	105	231	174
19	224	88	52	178	20	239	100
20	199	92	62	183	92	240	225
21	228	101	77	184	239	243	144
22	132	103	87	187	94	247	164
24	157	106	41	193	80	250	61
25	165	107	42	198	35	256	68
28	70	109	221	200	117	268	110
34	175	118	133	208	63	279	153
37	200	122	135	211	13	280	106

TABLES

---

No.	Chapter	No.	Chapter	No.	Chapter	No.	Chapter
292	107	329	15	395	212	452	121
295	102	358	148	416	250	456	137
296	2	362	248	420	142	458	56
297	4	365	150	444	60	459	249
304	73	366	149	445	75	462	51
306	46	374	247	446	235	464	67
315	151	379	182	447	3	471	114
326	120	392	38	448	5	476	16
327	39	393	76	451	115	478	170
328	189						

---

SENATE JOINT RESOLUTIONS

No.	Chapter	No.	Chapter
1	253	5	254

---

HOUSE JOINT RESOLUTIONS

No.	Chapter	No.	Chapter
1	255	7	258
2	256	8	259
4	257		

## TABLE OF SECTIONS REPEALED OR AMENDED

Table of Chapters of Code, 1939, on page 353

### CODE OF 1939

Section	Page	Section	Page	Section	Page
47	84	1460	108	3828.053	173
141	85	1511.11	110	3828.055	173
152	86	1551.09	110	3828.056	173
156	86	1551.10	110	3828.057	173
295.1	87	1551.13	110	3828.061	174
308.5	89	..... 111, 112, 113,	114	3828.064	174
373	63	1551.15	116	3828.065	174
375	89	1551.16	116, 130	3828.092	175
430	97	1551.17	116	3861	178
467.04	93	1551.20	114	3872.02	175
467.05	93	1551.25	111, 115	3872.03	175
489	96	1703.32	73	3872.06	176
490	96	1703.39	73	3872.07	176
537	65	1703.40	73	3872.08	176
539	65	1703.50	130	3872.09	176
547	65	1794.036	131	3872.10	176
548	65	1794.040	133	3872.11	176
560	97	1794.044	133	3873	178
601	65	1794.082	131	3875	178
617	65	1794.098	133	3876	178
655.04	66	2516	149	3877	178
655.09	66	2590	149	3879	178
655.14	66	2599	97	3880	178
738	97	2809	150	3881	178
774	70	2812	150	3882	178
928	67	2894	151	3883	178
930	67	2897	151	3884	178
931	67	2898	151	3885	178
937	69	2899	151	3886	178
1063	97	2900	151	3887	178
1159	98	2902.1	151	3888	177
1161	98	2903	151	3889	178
1225.09	99	2905	151	3890	178
1297.1	99	2907	152	3891	178
1361	100, 101	2909	152	4229	181
1387	101	2910	152	4233.3	182
1390	101	3058	158, 159	4277	182
1391	102	3100.23	160	4283.11	187
1392	106	3100.26	160	4283.13	187
1393	102	3100.28	161	4341	194
1394	102	3100.45	161	4644.11	195
1397	100, 106	3169.01	165	4686.20	196
1409	102	3291.1	166	4829.18	199
1421	100, 103	3384.09	167	5000.01	198, 199
1422	103	3388	167	5008.20	198
1424	106	3403	167	5010.08	264
1425	106	3466	167	5032.02	200
1435	108	3486	168	5032.05	201
1436	108	3616	168	5035.05	201
1437	106	3684.03	169	5035.06	201
1438	107	3684.21	170	5035.12	201
1440	107	3687	167	5039.02	202
1441	107	3707	167	5039.05	202
1442	107	3724	167	5100.26	203
1443	107	3741	170, 171	5130	225, 228
1444	107	3828.014	171	5130.1	225
1446	107	3828.018	171	5155	264
1447	108	3828.021	172	5173	226
1457	102	3828.051	173	5177	264

TABLES

CODE OF 1939—Continued

Section	Page	Section	Page	Section	Page
5191	227	7022	81, 279	8829	276
5223	227	7025	81, 279	8895.01	276
5228	74, 75	7076	263	8895.02	277
5229	76	7137	263	8895.04	277
5261	228	7183.1	262	8895.05	277
5354	229	7183.2	262	8895.06	277
5412	229	7183.3	262	8895.07	277
5413	230	7183.4	262	8895.08	277
5669	239	7263	264	8895.11	277
5798.1	240	7284	264	8895.13	277
5902	242, 243	7328	265	8916	279
5903.02	222	7420.22	265	8919	278
5903.03	222	7948	252	8940	279
5903.07	222	7949	252	9016	279
5903.09	222	8326	266	9060	81, 279
6211	245	8328	266	9092	81
6270	246	8424	266	9100	81, 279
6272	246	8612.1	81, 280	9329	284
6278.1	246	8655	268	9340.08	283
6280	246	8656	268	9354.1	284
6289	246	8657	267	9870	285
6293	247	8658	268	10031	265
6318	247	8659	268	10270	286
6326.08	247, 248	8664	268	10271	286
6517	249, 250	8665	268	10274	286
6610.58	251	8684.02	275	10275	286
6679.1	243	8684.03	275	10277	286
6704	252	8698	268	10282	286
6705	252	8699	268	10283	286
6781.2	243	8700	268	10287	287
6943.040	77	8701	268	10289	287
6943.047	253	8722	268	10290	287
6943.052	253	8735	268	10646	288
6943.064	253	8736	268	10656	299
6943.076	254	8737	268	10669.1	299
6943.084	254	8738	274	10688	287
6943.089	255	8739	274	10739	288
6943.100	79	8740	274	10748	288
6943.103	254	8741	274	10804	288
6943.137	256	8741.1	274	10811	289
6944	80, 222, 259	8742	274	11007	289
6946	260	8743	274	11028	290
6952.1	261	8744	274	11679.1	290
6986	261	8745	268	12077.1	293
6987	262	8746	268	13027	298
7017.11	262	8747	275	13029	298
7021	81, 279	8826	276	13645	299

ACTS OF THE THIRTY-EIGHTH GENERAL ASSEMBLY

Section	Chapter	Page
1	312	242

ACTS OF THE THIRTY-NINTH GENERAL ASSEMBLY

Section	Chapter	Page
1	125	242

ACTS OF THE FORTIETH GENERAL ASSEMBLY

Chapter	Page	Chapter	Page
119	240	121	241

## TABLES

## ACTS OF THE FORTY-FOURTH GENERAL ASSEMBLY

Chapter	Page	Chapter	Page
247	240	248	241

## ACTS OF THE FORTY-NINTH GENERAL ASSEMBLY

Section	Chapter	Page
	26	84
1	62	35
2	62	35
2	96	103
10	130	162
2	143	169
12	145	172
9	146	172
	157	181
	165	194
	178	201
1	209	222
1	209	243
1	210	222
1	236	255
1	237	256
	241	260
	274	278
2	303	293

## ACTS OF THE FIFTIETH GENERAL ASSEMBLY

Section	Chapter	Page
	19	37
	19	38
1	45	35
3	45	35
3	45	88
	47	85
2	51	63
	61	92
11	61	92
1	71	72
1	94	131
1	117	153
5	130	168
11	130	169
12	130	73
1	131	170
2	131	170, 171
1	136	172
1	155	199
4	165	195
35	165	195, 203
2	209	257
	245	284
1	264	82
2	264	82
3	264	82
	267	289

## ACTS OF THE FIFTY-FIRST GENERAL ASSEMBLY

House File	Page
88	84
Senate File	Page
15	250

353  
TABLES

**TABLE OF CHAPTERS REPEALED OR AMENDED**

CODE OF 1939

Chapter	Page	Chapter	Page	Chapter	Page
33 .....	96	154.1 .....	162	329.3 .....	78
35 .....	96	189.2 .....	174	383.1 .....	215
37.1 .....	66	193 .....	177	383.2 .....	215
37.2 .....	66, 67	193 .....	178	403.1 .....	278
44 .....	67, 71	194 .....	178	429.1 .....	265
76.1 .....	109	286 .....	239	494 .....	292
91.2 .....	133	303.1 .....	220, 221, 244	505 .....	291
114 .....	146	309 .....	244	539 .....	294
124.3 .....	148	329 .....	252	542.1 .....	294
152 .....	161				

**RULES OF CIVIL PROCEDURE**

STATUTES SUPERSEDED BY RULES

CODE OF 1939

Section	Page
11083.....	342
12157.....	343
12312.....	343
12871.....	344

**RULES AMENDED**

Rule	Page
54 .....	337
56 .....	337
60 .....	338
80 .....	338
85 .....	338
86 .....	339
117 .....	339
153 .....	339
177 .....	340
228 .....	342
244 .....	342
288 .....	340
331 .....	340
332 .....	341
335 .....	341
349 .....	344
363 .....	341
367 .....	342
369 .....	342

**VETOES**

The following bills were vetoed by the governor.

- S. F. 326 Relating to employment of minors.
- H. F. 460 Relating to legislative employees.

