

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 854,
2 Page 1, in the Title, Line 5, by inserting after "RSMo," the following:

3 "and sections 1 to 21 of an act of the general assembly of the state of Missouri approved on
4 February 26, 1885, Laws of Missouri, pages 116 to 120, sections 1 to 11 of an act of the general
5 assembly of the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 131 to
6 133, and sections 1 to 10 of an act of the general assembly of the state of Missouri approved on
7 February 26, 1885, Laws of Missouri, pages 134 and 135,"; and

8
9 Further amend said bill and page, Section A, Line 4, by inserting after "RSMo," the following:

10 "sections 1 to 21 of an act of the general assembly of the state of Missouri approved on
11 February 26, 1885, Laws of Missouri, pages 116 to 120,"; and

12
13 Further amend said bill, Page 52, Section 300.320, Line 4, by inserting after all of said line the
14 following:

15 "[Section 1. In pursuance of a notice published in accordance with the provisions of law, the
16 tenor of which is as follows: Notice is hereby given by the householders and citizens of Randolph
17 county, Missouri, that a bill will be presented to the thirty third general assembly of the state of
18 Missouri, asking that two terms of the Randolph county circuit court be held at the city of Moberly,
19 in said county, with like jurisdiction in all civil and criminal cases arising in said county or removed
20 to the same by change of venue from any other county and like concurrent jurisdiction with, and
21 appellate jurisdiction from, and like superintending control over the probate court, county court,
22 municipal corporation courts, justices of the peace and all inferior tribunals in said county, and like
23 power and jurisdiction over all persons, subjects, matters and things as is or may be provided by law
24 in reference to circuit courts in this state, and for the repeal of "an act to establish a court of common
25 pleas, and define the jurisdiction thereof in the city of Moberly, Randolph county, Missouri,"
26 approved February 26, 1875, and all acts amendatory thereof. It is hereby provided that the judge of
27 the Randolph county circuit court shall hold two terms of the circuit court each year in the city of
28 Moberly in the county of Randolph, at the following times, to wit: on the first Monday in February
29 and the third Monday in September.]

30
31 [Sec. 2. The judge of the circuit court in Randolph county shall select a suitable place for
32 holding said court at the city of Moberly, and for the various offices herein provided for, and the
33 place so selected by the said judge for the holding the said courts shall be known and designated as
34 the court house at the city of Moberly; and cause the same and said offices to be furnished in a proper
35 manner for said court and its officers and report the rental, cost and expense thereof to the county
36 court of Randolph county, which shall pay the same as other claims against said county are paid out

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1 of the county treasury, and the judge of said court may change the place of holding said court in said
2 city of Moberly when he deems it advisable, to some other place in said city.]

3
4 [Sec 3. Said court shall have and exercise like powers and jurisdiction in all civil and
5 criminal causes and proceedings whatsoever arising in said county or removed to the same by change
6 of venue from any other county, and like concurrent jurisdiction with, and appellate jurisdiction
7 from, and like superintending control over the county courts, probate courts, municipal corporation
8 courts, justices of the peace, and all inferior tribunals in said county; and like powers, control and
9 jurisdiction over all persons, corporations, subjects, matters and things as is or may be provided by
10 law with reference to circuit courts in this state.]

11
12 [Sec. 4. The circuit clerk of Randolph county shall be clerk of said court and shall attend the
13 same in person or by deputy, and shall perform such duties as may be required of him by law, for
14 which he shall receive the same fees as are provided by law for similar services in like courts.]

15
16 [Sec. 5. The clerk of said court shall procure and keep a seal to be used as the seal of said
17 court. He shall also keep an office at the said city of Moberly and shall appoint a deputy, resident of
18 said city of Moberly, for whose acts he shall be responsible, and who shall in his absence have the
19 care and management of all books and papers pertaining to said court, and exercise the powers and
20 perform all the duties of the office in the absence of his principal.]

21
22 [Sec. 6. The sheriff of Randolph county shall attend said court in person or by deputy, and
23 perform such duties as shall be required of him by law. He shall also keep an office at said city of
24 Moberly and shall appoint a deputy, resident of said city, who shall keep said office and have the care
25 and management of the same, and exercise the powers and perform all the duties of sheriff of said
26 county in the absence of his principal, for whose acts said principal shall be responsible.]

27
28 [Sec. 7. The books, stationery, furniture, fuel, light, rent and other incidental expenses
29 necessary for said court and offices shall be from time to time supplied and paid for out of the county
30 treasury.]

31
32 [Sec. 8. All general laws now in force or which may hereafter be enacted, regulating and
33 governing courts of record, and all laws defining the practice and proceedings in such courts, are
34 declared to be in force and effect in the court hereby established.]

35
36 [Sec. 9. All causes taken by change of venue from any other county to the circuit court of
37 Randolph county may be transferred and certified into the circuit court either at the city of Huntsville
38 or at the city of Moberly, in said county, unless one of said courts be designated in the order of
39 removal, in which case said cause shall be certified into the court so designated in the order granting
40 the change of venue.]

41
42 [Sec. 10. The parties to any suit or proceeding pending in the circuit court of Randolph
43 county may, by agreement, in writing, signed by the said parties or their counsel and filed therein,
44 remove the same from the city of Moberly to the city of Huntsville, or from the city of Huntsville to
45 the city of Moberly, or the judge of the circuit court of said Randolph county, upon the application of
46 either party, and upon reasonable notice to the adverse party may, for good cause shown by affidavit
47 or otherwise, remove any cause as aforesaid from the circuit court at Moberly to the circuit court at
48 Huntsville, or from the circuit court at Huntsville to the circuit court at Moberly; and in such case the

1 judge of said court may order the original papers transferred without the cost of copying the same,
2 and the cause so transferred and removed shall be proceeded with in every respect as in changes of
3 venue from one county to another.]
4

5 [Sec. 11. All judgments, orders and decrees of said court shall be a lien upon real estate to
6 the same extent, and shall have like force and effect in every part of said county as similar
7 judgments, orders, decrees and process of the circuit court of said Randolph county held at the city of
8 Huntsville, and all real estate taken in execution by the sheriff of Randolph county under judgments
9 rendered by the said circuit court at the said city of Moberly on all real estate situated in said county,
10 and sold in pursuance of the judgment, order or decree thereof, shall be exposed to sale at the door of
11 the court house at the city of Moberly, in the same time and manner as is or may be regulated by
12 law.]
13

14 [Sec. 12. All mechanics' liens upon real estate situate in Randolph county, and all papers,
15 notices and process necessary to be filed or taken in the circuit court to obtain, maintain and
16 complete a lien of any kind authorized by law, upon real estate situate in said county, or upon any
17 personal property, debts, credits, bonds, notes, assets or effects whatsoever may be filed and taken in
18 the circuit court at the city of Moberly with like force and effect as if the same had been filed and
19 taken in the circuit court at Huntsville, in said county. And all suits and process for the enforcement
20 thereof shall be brought in the court where filed.]
21

22 [Sec. 13. All appeals from the county court, probate court, municipal corporation courts,
23 justices of the peace and all inferior tribunals in said county of Randolph, may be granted and
24 certified into the circuit court at the city of Moberly, or the circuit court at the city of Huntsville, in
25 said county, as the one place or the other shall, in the opinion of the judge or justice granting the
26 appeal, be most convenient to the parties, unless the parties to the cause, either by themselves or their
27 attorneys, shall, in writing, filed in said cause, agree as to the appellate court, in which event the
28 appeal shall be certified into the one of said courts so agreed upon in the manner provided by law.]
29

30 [Sec. 14. The secretary of state shall, after the passage of this act, forward to the clerk of said
31 court, from time to time, all statutes, reports and other books required by law to be furnished to
32 courts of record, for the use of said circuit court of the city of Moberly.]
33

34 [Sec. 15. The dockets now required by law to be kept by the clerk of the circuit court at the
35 city of Huntsville, of all judgments rendered there, and notices and liens of every kind filed there
36 shall include and contain all judgments, notices and liens rendered by and filed in the circuit court at
37 the city of Moberly, and he shall also keep similar dockets at his office at the city of Moberly, which
38 shall also include and contain all judgments rendered by and notices filed in the circuit court at the
39 city of Huntsville.]
40

41 [Sec. 16. An act entitled, "an act to establish a court of common pleas, and define the
42 jurisdiction thereof, in the city of Moberly, Randolph county, Missouri," approved February 26th,
43 1875, and all acts amendatory thereof, are hereby repealed. All the records, books, papers and
44 furniture pertaining to the said court of common pleas are hereby transferred into the said circuit
45 court at Moberly, together with all suits, process and business of every kind pending therein, which
46 shall be proceeded with and determined by the said circuit court in the same manner, and with like
47 effect, as if the same had been begun in said circuit court; and the clerk of said circuit court shall
48 have the custody and control of all the books, records, papers, furniture, and other effects

1 appertaining to the said court of common pleas, which are or may be transferred to the said circuit
2 court, and be responsible therefor, and perform such duties in relation thereto as he is required by
3 law to perform in regard to similar things appertaining to his own office, and he shall, when
4 required, make and certify copies, transcripts and exemplifications of such books, papers and
5 records, which said copies, transcripts and exemplifications shall have the same force and effect as if
6 said act had not been repealed and the same had been made by the clerk of said court of common
7 pleas, and the said circuit court shall have the same power and control over the books, papers and
8 records so transferred, including the power to alter or amend the same in cases allowed by law as it
9 has or may have over its own books, papers and records.]

10
11 [Sec. 17. All mechanics' liens and other liens of every kind filed in said court of common
12 pleas, and all judgments, orders and decrees of the said court of common pleas remaining
13 unsatisfied, unperformed or unexecuted shall be enforced by the said circuit court to be held at the
14 said city of Moberly, in the said manner as if the same had been filed, rendered or made therein; the
15 said circuit court shall complete the unfinished process of said court of common pleas. The lien of
16 all such process, judgments and decrees shall continue as if the law establishing said court of
17 common pleas, and the acts amendatory thereof, were still in force, and may be revived by the said
18 circuit court, in the manner provided by law for reviving the lien of judgments and decrees of circuit
19 courts in this state; and the clerk of said circuit court may, whenever required, issue execution upon
20 any such judgment or decree in any case authorized by law.]

21
22 [Sec. 18. All cases which may have been taken by appeal or writ of error from said court of
23 common pleas to the supreme court, upon the decision of said supreme court remanding the same,
24 shall be remanded to the said circuit court to be held at the city of Moberly, and be therein proceeded
25 with as if the same had been taken from that court, and if any party to any action or proceeding in
26 said court of common pleas shall, after the passage of this act, desire to sue out a writ of error
27 therein, said writ shall be directed to the said circuit court held at the said city of Moberly and be
28 returnable by the clerk thereof.]

29
30 [Sec. 19. All writs, rules, process and orders issued or made by the said court of common
31 pleas and returnable to any term of said court, which would be held after the day that this act takes
32 effect if the said court continued in existence, and which shall not have been returned before that day,
33 shall be valid and shall be returned to the said circuit court at the city of Moberly at such time as they
34 would respectively have been returnable in said court, and the said circuit court at Moberly may
35 enforce the return thereof.]

36
37 [Sec. 20. All writs and other process of every kind issued from the said court of common
38 pleas, being and remaining unexecuted in the hands of the sheriff of Randolph county, or any other
39 county, shall be proceeded with and executed according to law, and shall be returned to the first term
40 of said circuit court at Moberly, after the taking effect of this act, and all sales of real estate
41 advertised to be made by said sheriff, and not made before the taking effect of this act, shall be made
42 at the first term of the said circuit court at the city of Moberly, to be held after this act takes effect,
43 and the said sheriff shall execute deeds for the same, acknowledge the same before the said circuit
44 court as provided by law. In all cases where sales of real estate have been made upon execution
45 issued from the said court of common pleas, and the deeds therefor have not been executed, the same
46 shall be executed according to law, and the acknowledgment taken and certified before the said
47 circuit court at the city of Moberly.]

1 [Sec. 21. The necessity of securing to the people of said Randolph county the benefits of this
2 act at as early a day as practicable, by reason of the special circumstances of said county, creates an
3 emergency in the meaning of the constitution of this state; therefore, this act shall take effect and be
4 in force from and after its passage.]

5
6 Section B. Sections 1 to 11 of an act of the general assembly of the state of Missouri
7 approved on February 26, 1885, Laws of Missouri, pages 131 to 133 are repealed as follows:

8 [Section 1. In pursuance of notice published in accordance with the provisions of law, the
9 tenor of which is as follows: Notice is hereby given by the householders and citizens of Randolph
10 county that a bill will be presented to the thirty-third general assembly of the state of Missouri,
11 asking that four terms of the county court of said Randolph county be authorized and required to be
12 held at the city of Moberly in said county, with like power and jurisdiction co-extensive with said
13 county as pertains to similar courts of record in this state, and for the establishment of a place of
14 holding said court, and a county court clerk's office at the city of Moberly, in said county, and a
15 deputy clerk of said court to reside in said city of Moberly and be in charge of said office. It is
16 hereby provided that the judges of the county court of Randolph county, in addition to the terms of
17 the county court of said county, required by law to be held at the city of Huntsville, in said county, be
18 and they are hereby authorized, empowered and required to hold four terms annually of said county
19 court of Randolph county, at the city of Moberly, in said county, commencing on the second
20 Mondays in February, May, August and November, and may hold special and adjourned terms of
21 said county court at said city of Moberly at any time required, with like power and jurisdiction in all
22 respects co-extensive with said Randolph county as pertains to county courts in this state.]

23
24 [Sec. 2. The judges of the county court of Randolph county shall select a suitable place for
25 holding said court at the city of Moberly, and also an office for the clerk of said court at said city of
26 Moberly, which, when so selected, shall be known and designated as the county court room and the
27 county clerk's office at the city of Moberly, and cause the same to be furnished in a proper manner
28 for said county court and said county clerk, the rental cost and expense of which shall be paid as
29 other claims against said county are paid out of the county treasury.]

30
31 [Sec. 3. The county clerk of Randolph county shall be clerk of said county court at Moberly,
32 and shall attend the same in person or by deputy, and shall perform such duties as may be required of
33 him by law, for which he shall receive the same fees as are provided by law for similar services in
34 county courts in this state, and in addition thereto he shall be paid out of the county treasury three
35 hundred dollars per annum, in quarterly installments, to enable him to furnish a competent clerk for
36 said office at Moberly as hereinafter provided.]

37
38 [Sec. 4. The county clerk of said county shall procure and keep a seal, to be used as the seal
39 of said county court at Moberly. He shall also keep an office at the said city of Moberly and shall
40 appoint a deputy clerk, resident of said city of Moberly, for whose acts he shall be responsible, and
41 who shall, in his absence, have the care and management of all the books and papers pertaining to
42 said county court at Moberly, and exercise the powers and perform all the duties of the office of
43 county clerk at said city of Moberly.]

44
45 [Sec. 5. The sheriff of Randolph county shall attend said court, either in person or by deputy,
46 and shall perform such duties as are required of him by law, and for his services he shall receive the

1 fees allowed by law for like services in similar cases, and all process to him directed from said
2 county court at Moberly shall be by him returned into said court at Moberly.]

3
4 [Sec. 6. All the books, papers and records pertaining to matters and causes of action pending
5 in said county court, and all business transacted in said county court at the city of Moberly, shall be
6 kept at the county clerk's office herein provided for, at the said city of Moberly; and all business
7 begun in said county court at Moberly, shall be proceeded with to final determination therein, unless
8 removed out of said court according to law; but the parties to any matter or cause of action pending
9 in said county court at Moberly may, by agreement, in writing, signed by the parties or their
10 attorneys, and filed in said court, remove the same into the county court at Huntsville in said county,
11 and parties to any matter or cause of action pending in the county court at the city of Huntsville, in
12 said county, may, in like manner, remove the same into the county court at Moberly, in said county,
13 and said matter or cause of action, when so removed, shall be proceeded in as if it had originated in
14 said court into which it is so removed; and in every such case the clerk of the county court may
15 transfer the original papers on file in said matter or cause, with a certified copy of the record entries
16 in the same, into said court into which said matter or cause of action has been so removed, and the
17 record in said cause shall show such removal and transfer.]

18
19 [Sec. 7. all sales of real estate sold at public sale in said county of Randolph in pursuance of
20 the judgments or order of the said county court at Moberly, shall be exposed to sale at the court
21 house door at the city of Moberly, in said county, during the session of the said county court, or some
22 other court of record, at said city of Moberly.]

23
24 [Sec. 8. Said county court, at the said city of Moberly, in the exercise of its jurisdiction, shall
25 be governed by the statutes now, or that may hereafter be enacted, defining and limiting the practice
26 in county courts in this state.]

27
28 [Sec. 9. The books, stationery, furniture, fuel, lights, rent and other incidental expenses
29 necessary for said court and clerk's office shall be, from time to time, supplied and paid for out the
30 county treasury of Randolph county.]

31
32 [Sec. 10. The secretary of state shall, after the passage of this act, forward to the clerk of said
33 county court at the city of Moberly, from time to time, all statutes, reports and other books required
34 by law to be furnished to similar courts of record for the use of said county court at the said city of
35 Moberly.]

36
37 [Sec. 11. The necessity of securing to the people of said Randolph county the benefits of this
38 act at as early a day as practicable, by reason of the special circumstances of said county, creates an
39 emergency in the meaning of the constitution of this state; therefore, this act shall take effect and be
40 in force from and after its passage.]

41
42 Section C. Sections 1 to 10 of an act of the general assembly of the state of Missouri
43 approved on February 26, 1885, Laws of Missouri, pages 134 and 135 are repealed as follows:

44 [Section 1. In pursuance of notice published in accordance with the provisions of law, the
45 tenor of which is as follows: Notice is hereby given by the householders and citizens of Randolph
46 county, that a bill will be presented to the thirty-third general assembly of the state of Missouri,

1 asking that four terms of the probate court of Randolph county be held at the city of Moberly, in said
2 county, with like power and jurisdiction co-extensive with said county as pertain to similar courts of
3 record in this state, and for the establishment of a probate office at said city of Moberly and the
4 appointment of a separate clerk, to reside in said city and be in charge of said office. It is hereby
5 provided that the judge of probate in said Randolph county, in addition to the terms of the probate
6 court required by law to be held at the city of Huntsville, in said county, be and he is hereby
7 authorized, empowered and required to hold four terms annually of said probate court at the city of
8 Moberly, in said county, commencing on the first Monday in February, May, August and November,
9 and may hold special and adjourned terms of said court at said city of Moberly at any time required,
10 with like power and jurisdiction co-extensive with said Randolph county in all matters as pertain to
11 similar courts of record in this state.]
12

13 [Sec. 2. The judge of probate of said Randolph county shall have and keep, at the said city of
14 Moberly, an office for the transaction of the business of said court and the keeping of the records
15 thereof, to be selected by himself, and which, when so selected, shall be known and designated as the
16 probate office at the city of Moberly. He shall also appoint a separate clerk, resident of said city of
17 Moberly, for whose acts he shall be responsible, who shall qualify according to law and have charge
18 of said probate office at Moberly, and in the absence of said judge of probate shall have the custody
19 and control of the books, records, papers and furniture pertaining to said office, and shall discharge
20 all the duties of clerk according to law, and have power and authority to do and perform all acts and
21 duties in vacation, which the judge of said court is or may be authorized to perform in vacation,
22 subject to the confirmation or rejection of said probate court at Moberly at the next regular term
23 thereafter.]
24

25 [Sec. 3. The judge of probate of said court shall procure and keep a seal, to be used as the
26 seal of said probate court at Moberly, the expense of which, together with the necessary expense
27 incurred by said probate court for books, stationery, furniture, fuel, light, rent and other necessities,
28 shall be paid by the said Randolph county.]
29

30 [Sec. 4. All the books, papers and records pertaining to matters and causes of action pending
31 in said court, and all business transacted in said probate court at Moberly, shall be kept at the office
32 herein provided for at the said city of Moberly; and all business begun in said court at Moberly shall
33 be proceeded with to final determination therein, unless removed out of said court according to law.
34 But the parties to any matter or cause of action pending in said probate court at Moberly may, by
35 agreement, in writing, signed by said parties or their attorneys, and filed in said court by order of
36 said court, remove the same into the probate court at Huntsville, in said county; and parties to any
37 matter or cause of action pending in the probate court at Huntsville, in said county, may, in like
38 manner, remove the same into the probate court at Moberly, in said county, and said matter or cause
39 of action, when so removed, shall proceed in as if it had originated in said court into which it is
40 removed; and in every such case the judge of probate may transfer the original papers of file in said
41 matter or cause of action into said court into which said matter or cause of action has been so
42 removed, and his record in said case shall show such removal and transfer.]
43

44 [Sec. 5. The sheriff of Randolph county, either in person or by deputy, shall attend said court
45 and shall perform such duties as are enjoined upon him by law, and for his services shall receive the
46 fees allowed by law for like services in similar cases, and all process to him directed from the said
47 probate court at Moberly, shall be by him returned into said court at Moberly.]
48

1 [Sec. 6. The said judge of probate shall receive for his services as judge of said probate court
2 at Moberly, in said Randolph county, the fees allowed by law for like services in similar cases, and in
3 addition thereto an annual salary of five hundred dollars, to be paid in quarterly installments, out of
4 the treasury of said Randolph county, to enable him to employ the separate clerk at the said office at
5 Moberly, herein required and provided for.]

6
7 [Sec. 7. All real estate sold at public sale in said Randolph county, in pursuance of the
8 judgment, order [or] decree of said probate court at Moberly, shall be exposed to sale at the court
9 house door at the city of Moberly, in said county, during the session of said probate, or some other
10 court of record in said city of Moberly.]

11
12 [Sec. 8. Said probate court at the said city of Moberly, in the exercise of its jurisdiction, shall
13 be governed by the statutes in relation to administration, to guardians and curators of minors and
14 persons of unsound mind, to apprentices and to such laws as may be enacted defining and limiting
15 the practice in such courts in this state.]

16
17 [Sec. 9. The secretary of state shall, after the passage of this act, forward to the clerk of said
18 probate court at Moberly, from time to time, all statutes, reports and other books required by law to
19 be furnished to similar courts of record, for the use of said court at the said city of Moberly.]

20
21 [Sec. 10. The necessity of securing to the people of said Randolph county the benefits of this
22 act at as early a day as practicable by reason of the special circumstances of said county, creates an
23 emergency in the meaning of the constitution of this state; therefore, this act shall take effect and be
24 in force from and after its passage.]" ; and

25
26 Further amend said bill by amending the title, enacting clause, and intersectional references
27 accordingly.