

SECOND REGULAR SESSION
HOUSE COMMITTEE SUBSTITUTE FOR
HOUSE BILL NO. 1343
93RD GENERAL ASSEMBLY

Reported from the Committee on Local Government February 23, 2006 with recommendation that House Committee Substitute for House Bill No. 1343 Do Pass by Consent. Referred to the Committee on Rules pursuant to Rule 25(26)(f).

STEPHEN S. DAVIS, Chief Clerk

3918L.02C

AN ACT

To repeal sections 478.337, 478.340, 478.343, 478.347, 478.350, and 478.353, RSMo, relating to provision of local circuit court facilities at Canton in Lewis County, with an effective date.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 478.337, 478.340, 478.343, 478.347, 478.350, and 478.353, RSMo,
2 are repealed.

2 [478.337. Regular sessions of the circuit court of Lewis County shall be
3 held in the city of Canton in said county, in a building to be provided by the city
4 council of said city, which shall be known and designated as the "Courthouse at
5 Canton", and said city council is hereby given power and authority to appropriate
6 money necessary to provide and prepare such building with a room for said court,
7 and office for the clerk of said court, and for jury rooms, and also records, fuel
8 and such incidental expenses for said court and clerk, all of which shall be
9 provided by said town free of expense to said county.]

2 [478.340. The circuit court at Canton shall have jurisdiction as follows:
3 (1) Original and concurrent jurisdiction in all civil cases, either in law or
4 equity, arising in all that part of Lewis County lying east of the range line
5 between ranges six and seven, except that cases which are within the probate
6 jurisdiction and cases of a type which an associate circuit judge may hear without
special assignment shall be filed, heard and determined at the county seat;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

7 (2) Original and concurrent jurisdiction in all felony cases arising in all
8 the said before mentioned and described territory, except that proceedings prior
9 to the filing of an information or indictment shall be at the county seat.]

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2 [478.343. Changes of venue may be had and taken to and from said court,
3 and all cases taken by change of venue from any other county to the circuit court
4 of Lewis County may be transferred and certified into the circuit court, either at
5 the town of Canton or at the county seat, unless one of said courts be designated
6 in the order of removal; in which case said cause shall be certified into the court
7 so designated in the order granting the change of venue; and changes of venue
8 may be awarded in said circuit court at Canton to any other county for the same
9 cause and upon like conditions as are now or may be provided by law for changes
10 of venue in the circuit courts of this state.]

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2 [478.347. The parties to any suit or proceeding pending in the circuit
3 court of Lewis County may, by agreement in writing, signed by the said parties
4 or their counsel, and filed therein, remove the same from the circuit court at the
5 town of Canton to the circuit court at the county seat or from the circuit court at
6 the county seat to the circuit court at the town of Canton, or the judge of the
7 circuit court of said Lewis County, upon the application of either party, may for
8 good cause shown by affidavit or otherwise, remove any cause as aforesaid from
9 the circuit court at Canton to the circuit court at the county seat or from the
10 circuit court at the county seat to the circuit court at Canton, and in all such cases
11 the judge of said court shall order the original papers transferred, together with
12 a copy of the record entries theretofore made in the cause, and the cause so
13 transferred and removed shall be proceeded with in every respect as in change of
14 venue cases from one county to another.]

14

2 [478.350. All judgments, orders and decrees of said court shall be a lien
3 upon real estate to the same extent, and shall have like force and effect in every
4 part of said county as similar judgments, orders, decrees and process of the circuit
5 court of said Lewis County, held at the county seat of said county, and all real
6 estate taken in execution by the sheriff of Lewis County under judgments
7 rendered by said circuit court at Canton on real estate situated in said county and
8 sold in pursuance of the judgment, order or decree thereof, shall be exposed to
9 sale at the door of the courthouse in the town of Canton in the same time and
10 manner as is or may be regulated by law; provided, that the lien of such
11 judgment, order or decree shall not take effect or be in force in that part of said
12 county, west of the range line between said ranges six and seven, until an abstract
13 of same shall be filed in the office of the clerk of the circuit court at the county
14 seat, but when so filed, such abstract shall be notice to all persons of such
15 judgment, order or decree.]

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2 [478.353. All liens provided by law in favor of mechanics and others on
3 buildings, erections or improvements upon land situated in Lewis County, east
4 of the range line between ranges six and seven, and all equitable liens and notices
5 thereof affecting lands therein, and all liens as provided by law for contractors,
6 materialmen and laborers against railroads within said territory, and all papers,
7 notices and process necessary to be filed or taken in the circuit court to obtain,
8 maintain and complete a lien of any kind authorized by law upon real estate
9 situated east of said range line between ranges six and seven in said county, or
10 upon any personal property, debts, credits, bonds, notes, assets or effects
11 whatsoever, shall be filed and taken in the circuit court at the town of Canton;
12 and all suits and process for the enforcement thereof, shall be brought in said
court where filed.]

Section B. The repeal of sections 478.337, 478.340, 478.343, 478.347, 478.350, and
2 478.353 shall become effective on December 31, 2006.

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