

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 824,
2 Page 1, in the Title, Line 6, by inserting immediately after "RSMo," the following:

3
4 "and sections 1 to 21 of an act of the general assembly of the state of Missouri approved on February
5 26, 1885, Laws of Missouri, pages 116 to 120, sections 1 to 11 of an act of the general assembly of
6 the state of Missouri approved on February 26, 1885, Laws of Missouri, pages 131 to 133, and
7 sections 1 to 10 of an act of the general assembly of the state of Missouri approved on February 26,
8 1885, Laws of Missouri, pages 134 and 135,"; and

9
10 Further amend said bill and page, Section A, Line 4, by inserting after "RSMo," the following:
11 "sections 1 to 21 of an act of the general assembly of the state of Missouri approved on
12 February 26, 1885, Laws of Missouri, pages 116 to 120,"; and

13
14 Further amend said bill, Page 49, Section 300.320, Line 4, by inserting after all of said line the
15 following:

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

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

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1 court of Randolph county, which shall pay the same as other claims against said county are paid out
2 of the county treasury, and the judge of said court may change the place of holding said court in said
3 city of Moberly when he deems it advisable, to some other place in said city.]
4

5 [Sec. 3. Said court shall have and exercise like powers and jurisdiction in all civil and
6 criminal causes and proceedings whatsoever arising in said county or removed to the same by change
7 of venue from any other county, and like concurrent jurisdiction with, and appellate jurisdiction
8 from, and like superintending control over the county courts, probate courts, municipal corporation
9 courts, justices of the peace, and all inferior tribunals in said county; and like powers, control and
10 jurisdiction over all persons, corporations, subjects, matters and things as is or may be provided by
11 law with reference to circuit courts in this state.]
12

13 [Sec. 4. The circuit clerk of Randolph county shall be clerk of said court and shall attend the
14 same in person or by deputy, and shall perform such duties as may be required of him by law, for
15 which he shall receive the same fees as are provided by law for similar services in like courts.]
16

17 [Sec. 5. The clerk of said court shall procure and keep a seal to be used as the seal of said
18 court. He shall also keep an office at the said city of Moberly and shall appoint a deputy, resident of
19 said city of Moberly, for whose acts he shall be responsible, and who shall in his absence have the
20 care and management of all books and papers pertaining to said court, and exercise the powers and
21 perform all the duties of the office in the absence of his principal.]
22

23 [Sec. 6. The sheriff of Randolph county shall attend said court in person or by deputy, and
24 perform such duties as shall be required of him by law. He shall also keep an office at said city of
25 Moberly and shall appoint a deputy, resident of said city, who shall keep said office and have the care
26 and management of the same, and exercise the powers and perform all the duties of sheriff of said
27 county in the absence of his principal, for whose acts said principal shall be responsible.]
28

29 [Sec. 7. The books, stationery, furniture, fuel, light, rent and other incidental expenses
30 necessary for said court and offices shall be from time to time supplied and paid for out of the county
31 treasury.]
32

33 [Sec. 8. All general laws now in force or which may hereafter be enacted, regulating and
34 governing courts of record, and all laws defining the practice and proceedings in such courts, are
35 declared to be in force and effect in the court hereby established.]
36

37 [Sec. 9. All causes taken by change of venue from any other county to the circuit court of
38 Randolph county may be transferred and certified into the circuit court either at the city of Huntsville
39 or at the city of Moberly, in said county, unless one of said courts be designated in the order of
40 removal, in which case said cause shall be certified into the court so designated in the order granting
41 the change of venue.]
42

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

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

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

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

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

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

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

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

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

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

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

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

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

1
2 [Sec. 21. The necessity of securing to the people of said Randolph county the benefits of this
3 act at as early a day as practicable, by reason of the special circumstances of said county, creates an
4 emergency in the meaning of the constitution of this state; therefore, this act shall take effect and be
5 in force from and after its passage.]
6

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

9 [Section 1. In pursuance of notice published in accordance with the provisions of law, the
10 tenor of which is as follows: Notice is hereby given by the householders and citizens of Randolph
11 county that a bill will be presented to the thirty-third general assembly of the state of Missouri,
12 asking that four terms of the county court of said Randolph county be authorized and required to be
13 held at the city of Moberly in said county, with like power and jurisdiction co-extensive with said
14 county as pertains to similar courts of record in this state, and for the establishment of a place of
15 holding said court, and a county court clerk's office at the city of Moberly, in said county, and a
16 deputy clerk of said court to reside in said city of Moberly and be in charge of said office. It is
17 hereby provided that the judges of the county court of Randolph county, in addition to the terms of
18 the county court of said county, required by law to be held at the city of Huntsville, in said county, be
19 and they are hereby authorized, empowered and required to hold four terms annually of said county
20 court of Randolph county, at the city of Moberly, in said county, commencing on the second
21 Mondays in February, May, August and November, and may hold special and adjourned terms of
22 said county court at said city of Moberly at any time required, with like power and jurisdiction in all
23 respects co-extensive with said Randolph county as pertains to county courts in this state.]
24

25 [Sec. 2. The judges of the county court of Randolph county shall select a suitable place for
26 holding said court at the city of Moberly, and also an office for the clerk of said court at said city of
27 Moberly, which, when so selected, shall be known and designated as the county court room and the
28 county clerk's office at the city of Moberly, and cause the same to be furnished in a proper manner
29 for said county court and said county clerk, the rental cost and expense of which shall be paid as
30 other claims against said county are paid out of the county treasury.]
31

32 [Sec. 3. The county clerk of Randolph county shall be clerk of said county court at Moberly,
33 and shall attend the same in person or by deputy, and shall perform such duties as may be required of
34 him by law, for which he shall receive the same fees as are provided by law for similar services in
35 county courts in this state, and in addition thereto he shall be paid out of the county treasury three
36 hundred dollars per annum, in quarterly installments, to enable him to furnish a competent clerk for
37 said office at Moberly as hereinafter provided.]
38

39 [Sec. 4. The county clerk of said county shall procure and keep a seal, to be used as the seal
40 of said county court at Moberly. He shall also keep an office at the said city of Moberly and shall
41 appoint a deputy clerk, resident of said city of Moberly, for whose acts he shall be responsible, and
42 who shall, in his absence, have the care and management of all the books and papers pertaining to
43 said county court at Moberly, and exercise the powers and perform all the duties of the office of
44 county clerk at said city of Moberly.]
45

46 [Sec. 5. The sheriff of Randolph county shall attend said court, either in person or by deputy,

1 and shall perform such duties as are required of him by law, and for his services he shall receive the
2 fees allowed by law for like services in similar cases, and all process to him directed from said
3 county court at Moberly shall be by him returned into said court at Moberly.]
4

5 [Sec. 6. All the books, papers and records pertaining to matters and causes of action pending
6 in said county court, and all business transacted in said county court at the city of Moberly, shall be
7 kept at the county clerk's office herein provided for, at the said city of Moberly; and all business
8 begun in said county court at Moberly, shall be proceeded with to final determination therein, unless
9 removed out of said court according to law; but the parties to any matter or cause of action pending
10 in said county court at Moberly may, by agreement, in writing, signed by the parties or their
11 attorneys, and filed in said court, remove the same into the county court at Huntsville in said county,
12 and parties to any matter or cause of action pending in the county court at the city of Huntsville, in
13 said county, may, in like manner, remove the same into the county court at Moberly, in said county,
14 and said matter or cause of action, when so removed, shall be proceeded in as if it had originated in
15 said court into which it is so removed; and in every such case the clerk of the county court may
16 transfer the original papers on file in said matter or cause, with a certified copy of the record entries
17 in the same, into said court into which said matter or cause of action has been so removed, and the
18 record in said cause shall show such removal and transfer.]
19

20 [Sec. 7. all sales of real estate sold at public sale in said county of Randolph in pursuance of
21 the judgments or order of the said county court at Moberly, shall be exposed to sale at the court
22 house door at the city of Moberly, in said county, during the session of the said county court, or some
23 other court of record, at said city of Moberly.]
24

25 [Sec. 8. Said county court, at the said city of Moberly, in the exercise of its jurisdiction, shall
26 be governed by the statutes now, or that may hereafter be enacted, defining and limiting the practice
27 in county courts in this state.]
28

29 [Sec. 9. The books, stationery, furniture, fuel, lights, rent and other incidental expenses
30 necessary for said court and clerk's office shall be, from time to time, supplied and paid for out the
31 county treasury of Randolph county.]
32

33 [Sec. 10. The secretary of state shall, after the passage of this act, forward to the clerk of said
34 county court at the city of Moberly, from time to time, all statutes, reports and other books required
35 by law to be furnished to similar courts of record for the use of said county court at the said city of
36 Moberly.]
37

38 [Sec. 11. The necessity of securing to the people of said Randolph county the benefits of this
39 act at as early a day as practicable, by reason of the special circumstances of said county, creates an
40 emergency in the meaning of the constitution of this state; therefore, this act shall take effect and be
41 in force from and after its passage.]
42

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

45 [Section 1. In pursuance of notice published in accordance with the provisions of law, the
46 tenor of which is as follows: Notice is hereby given by the householders and citizens of Randolph

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

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

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

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

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

1
2 [Sec. 6. The said judge of probate shall receive for his services as judge of said probate court
3 at Moberly, in said Randolph county, the fees allowed by law for like services in similar cases, and in
4 addition thereto an annual salary of five hundred dollars, to be paid in quarterly installments, out of
5 the treasury of said Randolph county, to enable him to employ the separate clerk at the said office at
6 Moberly, herein required and provided for.]
7

8 [Sec. 7. All real estate sold at public sale in said Randolph county, in pursuance of the
9 judgment, order [or] decree of said probate court at Moberly, shall be exposed to sale at the court
10 house door at the city of Moberly, in said county, during the session of said probate, or some other
11 court of record in said city of Moberly.]
12

13 [Sec. 8. Said probate court at the said city of Moberly, in the exercise of its jurisdiction, shall
14 be governed by the statutes in relation to administration, to guardians and curators of minors and
15 persons of unsound mind, to apprentices and to such laws as may be enacted defining and limiting
16 the practice in such courts in this state.]
17

18 [Sec. 9. The secretary of state shall, after the passage of this act, forward to the clerk of said
19 probate court at Moberly, from time to time, all statutes, reports and other books required by law to
20 be furnished to similar courts of record, for the use of said court at the said city of Moberly.]
21

22 [Sec. 10. The necessity of securing to the people of said Randolph county the benefits of this
23 act at as early a day as practicable by reason of the special circumstances of said county, creates an
24 emergency in the meaning of the constitution of this state; therefore, this act shall take effect and be
25 in force from and after its passage.]" ; and
26

27 Further amend said bill by amending the title, enacting clause, and intersectional references
28 accordingly.
29
30
31
32

33 Further amend said bill by amending the title, enacting clause, and intersectional references
34 accordingly.