

# Exhibit F

# JOURNAL

OF THE

## Constitutional Convention

OF

### Missouri—1943-1944

ONE HUNDRED SIXTY-EIGHTH DAY—WEDNESDAY,  
JUNE 28, 1944.

The Convention met pursuant to adjournment.  
President Blake in the Chair.

Prayer by the Chaplain.

On roll call the following delegates were present:

#### Present—Delegates

Allen,	Heege,	Park,
Arnold,	Hemphill,	Parker,
Babler,	Hennings,	Phillips (of Jackson),
Benecke,	Hogan,	Phillips (St. Louis City),
Bradshaw,	Jones,	Righter,
Brown (of Carroll),	Julian,	Robison (of DeKalb),
Brown (of Christian),	Kirchner,	Robinson (of Macon),
Burkhead,	Kirk,	Sater,
Clark,	Kreamalmyer,	Seyb,
Coleman,	Lindsay,	Shepley,
Cope,	McCluer,	Simpson,
Crain,	McReynolds,	Slay,
Damron,	McVay,	Smith,
Daniels,	Manlove,	Stayton,
Deason,	Marr,	Stevens,
Duncan,	Maupin,	Storekman,
FitzGibbon,	Mayer,	Taubert,
Fogle,	Meador,	Tee,
Ford,	Miller,	Williams,
Garten,	Moore,	Wisdom,
Gouge,	Morton,	Wood (of Johnson),
Hanks,	Nacy,	Mr. President—68.
Hargis,	Naeter,	

#### Absent with leave—Delegates

Clayton,	Hullverson,	Potter,
Crome,	Kehr,	Searcy,
Downes,	Opie,	Wesley,
Duensing,	Petts,	Wood (of Greene)—14.
Hughes,	Pitney,	

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Mr. Morton submitted a petition from property owners in the State of Missouri regarding a new Constitution.

Mr. Phillips (of St. Louis City) for Mr. Searcy, Chairman of the Committee on Congressional, State Senatorial and Representative Districts.—No. 16, submitted the following report:

FILE NO. 21

REPORT OF COMMITTEE NO. 16 ON CONGRESSIONAL,  
STATE SENATORIAL AND REPRESENTATIVE  
DISTRICTS.

Mr. President:

Your Committee No. 16 on Congressional, State Senatorial and Representative Districts to which was referred Proposals Nos. 13, 22, 54, 130, 170, 269, 291, 315, 344, 363 and 369, begs leave to report that it has carefully considered the same and herewith returns all of said proposals to the Convention without recommendation, and in lieu thereof reports as follows:

1. This Committee has considered the following recommendations in the majority Report of Committee No. 3 on the Legislative Department in File No. 17, which is on the calendar for perfection before the report of this Committee, and we make the following recommendations thereon.

2. Section 2 of Article IV

*As recommended in File No. 17*

Section 2. The House of Representatives shall consist of members to be chosen every second year by the qualified voters of the several counties, and apportioned in the following manner: The ratio of representation shall be ascertained AT EACH AP- PORTIONING SESSION OF THE GENERAL ASSEMBLY, by dividing the whole number of in- habitants of the State, as ascertained by the last decennial census of the United States, by the number two hundred. Each county having one ratio, or less, shall be entitled to one Representative; each county having two and a half times said ratio shall be en- titled to two Representatives; each county having four times said ratio shall be entitled to three Repre- sentatives; each county having six times such ratio shall be entitled to four Representatives, and so on above that number, giving one additional member for every two and a half additional ratios.

*As recommended by this Committee*

Section 2. The house of representatives shall consist of members chosen every second year by the qualified voters of the several counties, and appor- tioned in the following manner: The ratio of repre- sentation shall be the whole number of inhabitants of the state according to the last decennial census of the United States, divided by the number two hundred. Each county having one ratio, or less, shall be en- titled to one representative; each county having two and a half times the ratio shall be entitled to two representatives; each county having four times the ratio shall be entitled to three representatives; each county having six times the ratio shall be entitled to four representatives, and so on above that num- ber, giving one additional member for every two and a half additional ratios. ON THE TAKING OF EACH DECENNIAL CENSUS OF THE UNITED STATES THE SECRETARY OF STATE SHALL FORTHWITH CERTIFY TO THE RESPECTIVE COUNTY COURTS OR BOARDS OF ELECTION COMMISSIONERS THE NUMBER OF REPRE- SENTATIVES TO WHICH EACH COUNTY IS ENTITLED.

Section 2 of File No. 17 is the same as Section 2 of Article IV of the Constitution of 1875, and aside from unimportant differences in phraseology, it differs from the section as recommended by this Committee only in the omission of the words "at each apportioning session of the General Assembly" and in the addition of the last sentence.

The words above quoted should be omitted for the reason that they require an act of the general assembly before an apportionment of the House can be made, and such an act is unnecessary because the apportionment is a mere matter of arithmetical computation which should be done by the Secretary of State, as provided in the last sentence.

The mere failure to pass such an act in 1941 and 1943 resulted in giving the City of St. Louis one more representative, Jackson County one less and St. Louis County four less, than they are entitled to under the Constitution.

After making the House apportionments itself for many years Congress passed the Acts of June 18, 1929, April 25, 1940 and November 15, 1942 (U.S.C.A. Title 2, sections 2(a)-(c)), under which the Clerk of the House makes the calculation from the census and certifies to each governor the number of representatives to which his state is entitled.

We therefore recommend that the precedent established by Congress be followed.

### 3. Section 8 of Article IV.

Section 8 of the majority Report of Committee No. 3 in File No. 17 reads:

Section 8. Until apportionment of the Representatives can be made in accordance with the provisions of this Article The House of Representatives shall consist of 154 members, which shall be divided among the several counties of the State as follows: The County of Buchanan shall have three; the County of Greene shall have three; the County of Jackson shall have eleven; the County of Jasper shall have three; the City of St. Louis shall have eighteen, and the County of St. Louis shall have seven, and each of the other counties in the State one.

This section correctly apportions the state for representatives according to the Constitution. If the above recommendation as to section 2 is adopted, this section can be deleted as unnecessary for the reason that the apportionment would be made by the Secretary of State.



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4. Sections 5 and 9 of Article IV

*As recommended by this Committee*

*As recommended in File No. 17*

Section 5. The Senate shall consist of thirty-four members, to be chosen by the qualified voters of their respective districts for four years. For the election of Senators the State shall be divided into convenient districts, as nearly equal in population as may be, **THE SAME TO BE ASCERTAINED BY THE LAST DECENNIAL CENSUS TAKEN BY THE UNITED STATES.**

Section 9. Senatorial and Representative districts **MAY BE ALTERED, FROM TIME TO TIME, AS PUBLIC CONVENIENCE may require.** When any Senatorial district shall be composed of two or more counties, they shall be **CONTIGUOUS;** such districts to be as **COMPACT** as may be, **AND IN THE FORMATION OF THE SAME NO COUNTY SHALL BE DIVIDED.**

Section 5. The senate shall consist of thirty-four members elected by the qualified voters of their respective districts for four years. For the election of senators the state shall be divided into convenient districts of contiguous territory, as compact and as nearly equal in population as may be, and in the making of districts composed of more than one county no county shall be divided.

Section 9. The last decennial census of the United States shall be used in determining the population of senatorial and representative districts. Such districts may be altered from time to time as public convenience may require.

Our Section 5 takes out of section 5 of File 17 the reference to the census and puts it in our section 9 where it is applicable to both senatorial and representative apportionments. Our section 5 takes out of Section 9 of File 17 the provisions as to compactness and as to not dividing counties in districts of more than one county. These changes make it unnecessary to refer to the census in other sections, and add compactness as a requirement of all senatorial districts instead of only districts of more than one county.

#### 5. Section 7 of Article IV

In lines 11-12 of Section 7 of File No. 17 are the words

No senatorial district shall contain less than three-fourths of a ratio.

We recommend that for these words the following be substituted in File No. 17.

No senatorial district shall vary from the ratio by more than one-fourth of a ratio.

While File No. 17 establishes a floor or minimum for the district population, it establishes no ceiling or maximum. Lack of a maximum population opens the way to putting a large excess of population from a large number of small districts into one or a few districts each of whose population would be far in excess of the ratio.

The first two lines of section 7 of File No. 17 provide that the redistricting commission shall be appointed "immediately following the adoption of this Constitution". If the Convention decides to redistrict for senators it will be unnecessary for such a commission to be appointed until the next census. To provide for this contingency we recommend that the following section 7a be added to File No. 17 on perfection, and on third reading the Convention can adopt the one or the other according as it decides to redistrict.

Section 7a. Immediately following the taking of the next decennial census and immediately following the taking of each decennial census thereafter the governor, by and with the advice and consent of the senate, shall appoint a bi-partisan commission of ten members, five from each of the two major political parties, to redistrict the State into thirty-four senatorial districts. The



population of the state shall be divided by the number thirty-four and the quotient shall be the ratio of representation in the senate. No senatorial district shall vary from the ratio by more than one-fourth of a ratio. A full statement of the districts formed by the commission, including the names of the counties embraced in each district and the numbers of the districts, shall be filed in the office of the secretary of state. The report of the commission must be approved by at least seven members. Hereafter senators shall be chosen from the districts provided for in this Constitution until the state has been redistricted as herein provided. If the commission fails to redistrict the state as herein provided within one year after their appointment and confirmation, the commission shall be deemed discharged and the senators to be elected at the next succeeding general election shall be elected at large and following said election a new commission shall be appointed with like powers as above set forth. The redistricting herein provided for shall not be subject to the referendum.

6. Section 3 of Article IV.

Your committee is evenly divided on the following changes in Section 3 of the majority report in File No. 17, and therefore hereby refers these changes back to the Convention without recommendation pursuant to its Rule No. 14.

(a). Strike out of section 3, page 2, line 2 of File No. 17 the words "the county court" and substitute in lieu thereof the words "body authorized by law to establish election precincts."

(b). Strike out of section 3, page 2, lines 9-10 of File No. 17 the words "circuit court", and insert in lieu thereof the words "body or bodies authorized by law to establish election precincts."

(c). Strike out of section 3, page 2, lines 11-12 of File No. 17 the words "so as to give each district not less than two nor more than four Representatives", and insert in lieu thereof the words "so as to give each district not more than two representatives."

(d). Add to section 3, page 2 of File No. 17 the words "Until such division is made all the representatives of the county shall be elected at large".

The division was not so much on the merits of these changes as on the question of whether this committee should recommend them or have the Convention decide them after hearing all the delegates from the counties affected. Those favoring decision by the Convention are delegates Searcy, Damron, FitzGibbon, Fogle, Gouge and McCluer, and those favoring a committee recommendation are delegates Crain, Kreamalmyer, Petts, Phillips (of St. Louis City), Robinson and Benecke.

#### 7. Section 6 of Article IV.

Your committee is also evenly divided on the following changes in section 6 of the majority report in File No. 17, and therefore refers these changes back to the Convention without recommendation pursuant to its Rule No. 14.

(a). Strike out of section 6, page 3, line 10 of File No. 17 the words "Circuit Court", and insert in lieu thereof the words "body or bodies authorized by law to establish election precincts."

(b). Add to section 6, page 3 of File No. 17 the words "Until such division is made all the senators of the county shall be elected at large".

The members in favor of these changes are delegates Crain, Kreamalmyer, Petts, Phillips (of St. Louis City), Robinson and Benecke, and those opposed are delegates Searcy, Damron, FitzGibbon, Fogle, Gouge and McCluer.

#### 8. Senatorial Redistricting.

Your committee is also evenly divided on the question of senatorial redistricting, and therefore refers it back to the Convention without recommendation pursuant to its Rule No. 14.

The members opposed to the Convention making any redistricting for senators are delegates Searcy, Damron, FitzGibbon, Fogle, Gouge and McCluer.

The members in favor of the Convention making a redistricting for senators are delegates Crain, Kreamalmyer, Petts, Phillips (of St. Louis City), Robinson and Benecke, who recommend the following.

Amend File No. 17, page 5, by adding after section 10 a new section reading as follows:

Section 10 (a). Until the State shall be divided into Senatorial districts, in accordance with the provisions of this Article, said districts shall be constituted and numbered as follows:

**FIRST DISTRICT:** (Population 100173). The counties of Andrew, Atchison, Gentry, Harrison, Holt, Nodaway, and Worth.

**SECOND DISTRICT:** (Population 107929). The counties of Buchanan and Platte.

**THIRD DISTRICT:** (Population 112172). The counties of Caldwell, Clay, Clinton, Daviess, DeKalb, Grundy and Livingston.

**FOURTH DISTRICT:** (Population 111745). The counties of Carroll, Cooper, Lafayette, Ray and Saline.

**FIFTH, SIXTH, SEVENTH AND EIGHTH DISTRICTS:** (Population 477828). The county of Jackson.

**NINTH DISTRICT:** (Population 103479). The counties of Adair, Linn, Macon, Mercer, Putnam, Schuyler and Sullivan.

**TENTH DISTRICT:** (Population 113653). The counties of Boone, Callaway, Chariton, Howard and Randolph.

**ELEVENTH DISTRICT:** (Population 101133). The counties of Audrain, Lincoln, Montgomery, Pike, St. Charles and Warren.

**TWELFTH DISTRICT:** (Population 107741). The counties of Jasper and Newton.

**THIRTEENTH DISTRICT:** (Population 105126). The counties of Clark, Knox, Lewis, Marion, Monroe, Ralls, Scotland, and Shelby.

**FOURTEENTH DISTRICT:** (Population 114890). The counties of Barton, Bates, Cass, Cedar, Dade, St. Clair, and Vernon.

**FIFTEENTH DISTRICT:** (Population 108519). The counties of Benton, Camden, Henry, Johnson, Morgan and Pettis.

**SIXTEENTH DISTRICT:** (Population 107941). The counties of Greene and Polk.

**SEVENTEENTH DISTRICT:** (Population 98315). The counties of Dallas, Douglas, Hickory, Laclede, Pulaski, Webster and Wright.

**EIGHTEENTH DISTRICT:** (Population 109857). The counties of Barry, Christian, Lawrence, McDonald, Ozark, Stone and Taney.

**NINETEENTH DISTRICT:** (Population 91814). The counties of Dunklin and Pemiscot.

**TWENTIETH DISTRICT:** (Population 107269). The counties of Carter, Dent, Howell, Oregon, Reynolds, Ripley, Shannon and Texas.

**TWENTY-FIRST DISTRICT:** (Population 93313). The counties of Mississippi, New Madrid and Scott.

**TWENTY-SECOND DISTRICT:** (Population 102633). The counties of Bollinger, Butler, Madison, Stoddard and Wayne.

**TWENTY-THIRD DISTRICT:** (Population 99988). The counties of Cape Girardeau, Perry, St. Francois and Ste. Genevieve.

**TWENTY-FOURTH DISTRICT:** (Population 106516). The counties of Crawford, Franklin, Iron, Jefferson and Washington.

**TWENTY-FIFTH DISTRICT:** (Population 112349). The counties of Cole, Gasconade, Maries, Miller, Moniteau, Osage and Phelps.

**TWENTY - SIXTH AND TWENTY - SEVENTH DISTRICTS:** (Population 274230). The county of St. Louis.

**TWENTY-EIGHTH, TWENTY-NINTH, THIRTIETH, THIRTY - FIRST, THIRTY - SECOND- THIRTY-THIRD AND THIRTY-FOURTH DISTRICTS.** (Population 816048). The city of St. Louis.

For the information of the delegates there is hereto attached the following map showing the above districts and their population.

Respectfully submitted,

\*L. N. SEARCY, Chairman

ALROY S. PHILLIPS

R. W. BENECKE

R. B. PETTS

C. P. DAMRON

M. E. GOUGE

WILLIAM T. ROBINSON

ALBERT KREAMALMYER

JOE C. CRAIN

\*E. E. FOGLE

F. L. McCLUER

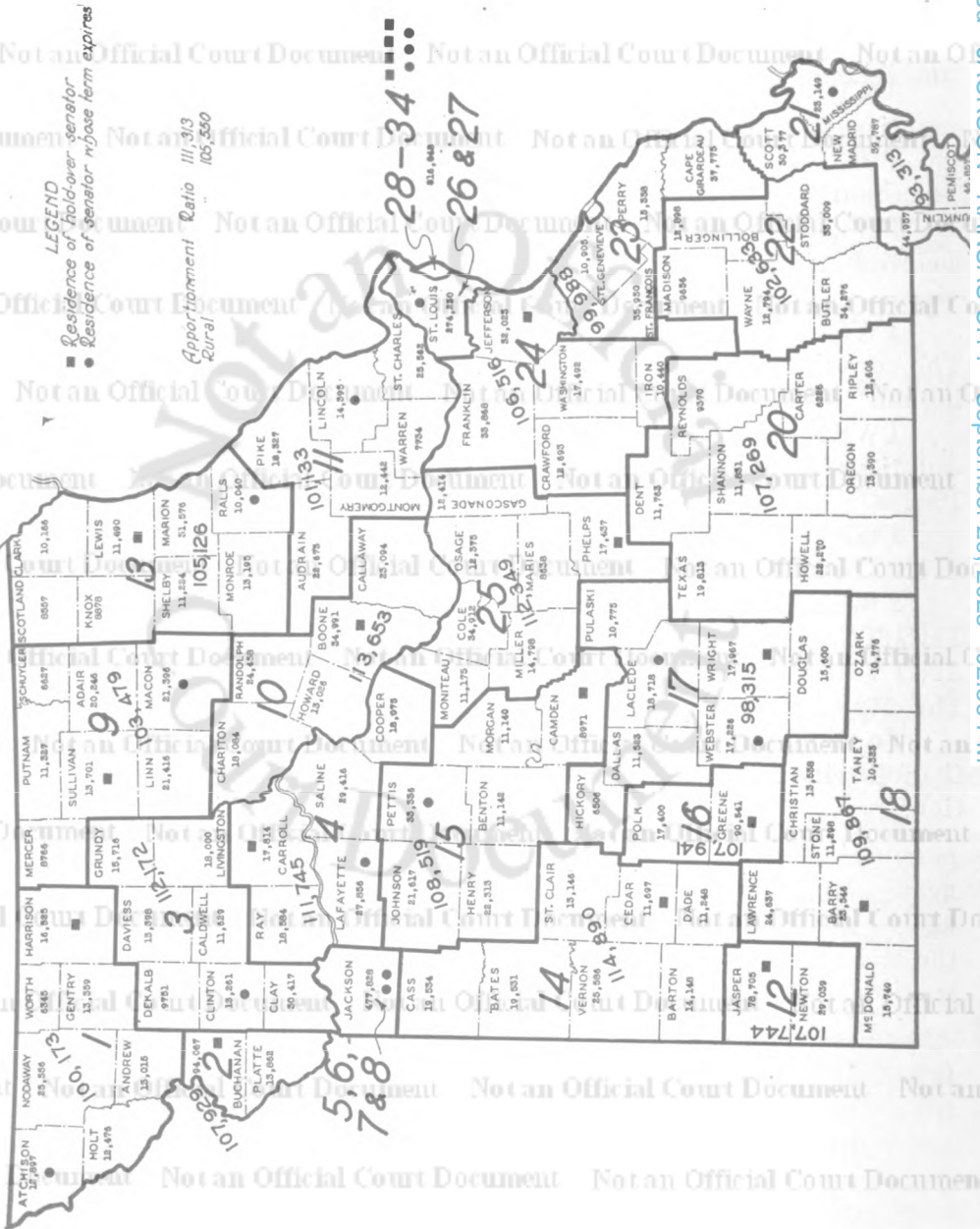
\*RICHARD J. FITZGIBBON

\*L. N. Searcy with reservations.

\*E. E. Fogle with reservations.

\*Richard J. FitzGibbon with reservations.





## SUPPLEMENTAL REPORT

The following members of your committee are in favor of adding to File No. 17 a new section taken from Proposal No. 170 and reading as follows:

Section 55. The general assembly shall by law apportion the state into districts corresponding with the number of representatives to which it may be entitled in the house of representatives of the Congress of the United States, which districts shall be composed of contiguous and compact territory containing as nearly as practicable an equal number of inhabitants.

This section is the same as section 55 of the Virginia Constitution where it has been for over a hundred years. Under section 4 of Article I of the Constitution of the United States the places of holding elections for representatives are prescribed by the state legislatures, but Congress may by law make or alter such regulations. In *Brown v. Saunders*, 159 Va. 28, 166 S. E. 105, the supreme court of Virginia held that its above constitutional provision was binding on its legislature because not in conflict with any act of Congress, and annulled an act of its legislature for violation of the constitutional provisions as to equality in population.

In 1911 (U.S.C.A. Title 2, section 3) Congress passed an act reading:

“Sec. 3. Representatives shall be elected by districts composed of compact and contiguous territory, and containing as nearly as practicable an equal number of inhabitants. The said districts shall be equal to the number of representatives to which the state may be entitled in Congress, no district electing more than one representative.”

But in *Smiley v. Holm*, 285 U.S. 355, 52 S. Ct. 397, and *Wood v. Brown* 287 U.S. 1, 53 S. Ct. 77 it was held that the above 1911 Act expired by its own limitations on the passage of the Act of June 18, 1929. Taking advantage of this lack of an act of Congress the Illinois legislature passed a redistricting act in which one district contained a population twice that of any other district and in *Daily v. Madison County*, 378 Ill. 357, 38 NE 2d 160, this act was sustained on the ground that because the Act of 1911 had expired the state was free to form its districts in any way it saw fit.



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As there is now no act of Congress on the subject and the above provision will be binding on our general assembly, our people will be protected by it until Congress passes an Act in conflict with it.

Respectfully submitted,

ALROY S. PHILLIPS

R. W. BENECKE

R. B. PETTS

WILLIAM T. ROBINSON

ALBERT KREAMALMYER

JOE C. CRAIN

1000 copies ordered printed.

Mr. Phillips (of St. Louis City), Chairman of the Committee on Phraseology, Arrangement and Engrossment.—No. 23, submitted the following report:

FILE NO. 15

REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT AND ENGROSSMENT.

ARTICLE VI

JUDICIAL DEPARTMENT

Mr. President:

Your Committee No. 23 on Phraseology, Arrangement and Engrossment to which was referred File No. 15 respectfully reports that it has examined the report of Committee No. 5 on the Judicial Department, and all amendments thereto, and it herewith reports said file as adopted by the Convention on June 8, 1944, with its corrections as to phraseology as indicated in its committee suggestions hereto attached.

Respectfully,

ALROY S. PHILLIPS,

Chairman.

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FILE NO. 15  
REPORT NO. 1 OF COMMITTEE NO. 23 ON PHRASEOLOGY, ARRANGEMENT  
AND ENGROSSMENT

ARTICLE VI  
JUDICIAL DEPARTMENT

*As Suggested by the Committee*

*As Adopted by the Convention*

Section 1. The judicial power of the state, except as otherwise provided in this Constitution, shall be vested in a Supreme Court, courts of appeals, circuit courts, probate courts, the St. Louis courts of criminal correction, the existing courts of common pleas, magistrates courts, and municipal corporations courts.

Section 1. The judicial power of the state' except as otherwise provided in this Constitution' shall be vested in a supreme court, courts of appeals' circuit courts, probate courts, the St. Louis courts of criminal correction, the existing courts of common pleas, magistrates courts, and municipal corporation courts.

(No changes except in capitalization)

Section 2. The Supreme Court shall be the highest court in the state. Its jurisdiction shall be co-extensive with the state. Its decisions shall be controlling in all other courts. It shall be composed of

Section 2. The supreme court shall be the highest court in the state. Its jurisdiction shall be coextensive with the state. Its decisions shall be controlling in all other courts. It shall be composed

seven judges, who shall hold their sessions in Jefferson City at times fixed by the court.

Section 3. The Supreme Court shall have exclusive appellate jurisdiction in all cases involving the construction of the Constitution of the United States or of this state, the validity of a treaty or statute of the United States, or any authority exercised under the laws of the United States, the construction of the revenue laws of this state, the title to any office under this state, the title to real estate, in all civil cases where the state or any county or other political subdivision of the state or any state officer as such is a party, in all cases of felony, in all cases of felony, in other classes of cases provided by law, and until otherwise provided by law, and the amount in dispute, exclusive of costs, exceeds the sum of seventy-five hundred dollars.

Section 4. The Supreme Court, courts of appeals, and circuit courts shall have a general superintending control over all inferior courts and tri-

of seven judges, who shall hold their sessions in Jefferson City at times fixed by the court.

(No changes except in capitalization).

Section 3. The supreme court shall have exclusive appellate jurisdiction in all cases involving the construction of the Constitution of the United States or of this state, the validity of a treaty or statute of the United States, or any authority exercised under the laws of the United States, the construction of the revenue laws of this state, the title to any office under this state, the title to real estate, in all civil cases where the state or any county or other political subdivision of the state or any state officer as such is a party, in all cases of felony, in other classes of cases provided by law, and until otherwise provided by law, in all cases where the amount in dispute, exclusive of costs, exceeds the sum of seventy-five hundred dollars.

(No changes except in capitalization).

Section 4. The supreme court, courts of appeals, and circuit courts shall have a general superintending control over all inferior courts and tri-

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bunals in their jurisdictions, and may issue and determine original remedial writs.

(No changes except in capitalization).

bunals in their jurisdictions, and may issue and determine original remedial writs.

Section 4A. The Supreme Court SHALL HAVE THE POWER TO establish rules of practice and procedure for all Courts. SUCH rules shall NEITHER ABRIDGE, ENLARGE NOR MODIFY THE substantive rights OF ANY PARTY. SAID RULES SHALL NOT AFFECT the RULES of evidence, or the law relating to JURYMEN OR injuries or the right of trial by jury AS NOW EXISTING or the MODE OF GIVING EVIDENCES. BY ORAL EXAMINATION OF WITNESSES. The right of appeal SHALL CONTINUE IN ALL CASES IN WHICH APPEALS ARE NOW OR MAY HEREAFTER BE AUTHORIZED BY LAW. The SUPREME Court shall CAUSE SUCH RULES TO BE MADE PUBLIC and may fix the DATES WHEN ANY RULE OR RULES SHALL take effect, PROVIDED THAT no rule shall BECOME EFFECTIVE PRIOR to SIX MONTHS AFTER ITS PUBLIC PROMULGATION, AND PROVIDED FURTHER THAT any rule may be an-

Section 5. The supreme court may establish rules of practice and procedure for all courts. The rules shall not change substantive rights, or the law relating to evidence, the oral examination of witnesses, juries, the right of trial by jury, or the right of appeal. The court shall publish the rules and fix the day on which they take effect, but no rule shall take effect before six months after its publication. Any rule may be annulled or amended by a law limited to the purpose.

(Changes. Omission of capitalization.

Section rewritten with omission of bold faced words.

Substitutions:

“may” for “shall have power to”,

“not” for “neither”,

“change” for “abridge, enlarge or modify”,

“law relating to evidence” for “rules of evidence”,

nulled or amended by a law limited to THAT purpose.

“oral examination of witnesses” for “mode of giving evidence by oral examination of witnesses”,  
“publish the rules” for “cause such rules to be made public”,  
“day on which they take effect” for “dates when any rule or rules shall take effect”,  
“take effect before six months after its publication” for “become effective prior to six months after its public promulgation”,  
“the purpose” for “that purpose”.

Section 5. The Supreme Court may TEMPORARILY TRANSFER judicial personnel from one court to another as the administration of justice requires, and may establish rules with respect thereto.

Section 6. The supreme court may make temporary transfers of judicial personnel from one court to another as the administration of justice requires, and may establish rules with respect thereto.

(Changes. Omission of capitalization and bold faced words.

Substitution of “may make temporary transfers of” for “temporarily transfer”.

Change of section number from 5 to 6.)

Section 6. The Supreme Court may sit in banc, or in divisions, and courts of appeals may sit

Section 7. The supreme court may sit in banc or in divisions, and courts of appeals may sit in divi-



in divisions, as SUCH courts may from time to time determine. Each division shall be composed of not less than three judges, at least one of whom shall be a regular judge of the court.

(Changes. No capitalization  
Substitution of "the" for "such".  
Change of section number from 6 to 7.)

Section 7. The Supreme Court shall elect ONE OF their number Chief Justice, for a term of four years or until his successor is elected. HE SHALL preside over the court in banc and perform SUCH other duties AS MAY BE prescribed by the court. Each court of appeals shall elect a presiding judge for a term of four years or until his successor is elected, WHO SHALL preside over the court and perform SUCH other duties AS MAY BE prescribed by the court.

Section 8. The supreme court shall elect from their number a chief justice to preside over the court in banc, and each court of appeals shall elect from its number a presiding judge to preside over the court. The terms of the chief justice and presiding judges shall be for four years and until their successors are elected, and they shall perform any other duties prescribed by their respective courts.

(Changes. Omission of capitalization.

Section rewritten with omission of bold faced words.

Substitutions:

"from" for "one of".

"any other duties prescribed" for "such other duties as may be prescribed",



“to preside” for “He shall” and “who shall” “preside”.

Insertion of “from its number” in “elect from its number a presiding judge”.

Change of section number from 7 to 8.)

Section 8. A cause in the Supreme Court shall be transferred to the court in banc when the members of a division are equally divided in opinion, or when the division shall so order, or on application of the losing party when a member of the division dissents from the opinion therein, or a federal question is involved, or pursuant to Supreme Court rule.

Section 9. A cause in the supreme court shall be transferred to the court in banc when the members of a division are equally divided in opinion, or when the division shall so order, or on application of the losing party when a member of the division dissents from the opinion therein, or a federal question is involved, or pursuant to supreme court rule.

(No changes except in capitalization and of section number from 8 to 9).

Section 9. Cases pending in any court of appeals shall be transferred to the Supreme Court when any member of the court of appeals or any division thereof dissents from the majority opinion and certifies that he deems said opinion to be contrary to any previous RULING of the Supreme Court or of any of the courts of appeals, and may, after opinion, be transferred to the Supreme Court by order of either

Section 10. Cases pending in any court of appeals shall be transferred to the supreme court when any member of the court of appeals or any division thereof dissents from the majority opinion and certifies that he deems said opinion to be contrary to any previous decision of the supreme court or of any of the courts of appeals, and may, after opinion, be transferred to the supreme court by order of either

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the court of appeals or the supreme court because of the general interest or importance of a question involved in the case, or for the purpose of re-examining the existing law, or pursuant to supreme court rule. The supreme court may finally determine all causes coming to it from any court of appeals, whether by certification, transfer or certiorari, the same as on original appeal.

(Changes. Omission of capitalization.

Substitution of "decision" for "ruling" and of

"as on original appeal" for "as original appeals"

Change of section number from 9 to 10.)

Section 11. In all proceedings reviewable on appeal by the supreme court, or a court of appeals, appeals shall go direct to the court having jurisdiction thereof, but want of jurisdiction shall not be ground for dismissal, and the proceeding shall be transferred to the appellate court having jurisdiction thereof.

(No changes except in capitalization and of section number from 10 to 11.)

Section 12. The opinions of the supreme court and courts of appeals and all divisions of said courts

the court of appeals or the Supreme Court because of the general interest or importance of a question involved in the case, or for the purpose of re-examining the existing law, or pursuant to Supreme Court rule. The Supreme Court may finally determine all causes coming to it from any court of appeals, whether by certification, transfer or certiorari, the same as original appeals.

Section 10. In all proceedings reviewable on appeal by the Supreme Court, or a court of appeals, appeals shall go direct to the court having jurisdiction thereof, but want of jurisdiction shall not be ground for dismissal, and the proceeding shall be transferred to the appellate court having jurisdiction thereof.

Section 11. The opinions of the Supreme Court and courts of appeals and all divisions of said courts

shall be in writing and filed in the respective causes, and shall become a part of the records of the court and be free for publication.

(No changes except in capitalization and of section number from 11 to 12.)

Section 12. The courts of appeals shall be composed of three judges each, and shall continue as now established, with appellate jurisdiction coextensive with their districts, the boundaries of which may be changed by law as public convenience may require. They shall have jurisdiction of appeals as provided by law from all inferior courts in their districts except appeals within the exclusive jurisdiction of the Supreme Court. They shall hold sessions at places provided by law and at times provided by their rules.

Section 13. The circuit courts shall have jurisdiction over all criminal cases not otherwise provided for by law, exclusive original jurisdiction in all civil cases not otherwise provided for, and concurrent and appellate jurisdiction as provided by law. Such

Section 13. The courts of appeals shall be composed of three judges each, and shall continue as now established, with appellate jurisdiction coextensive with their districts, the boundaries of which may be changed by law as public convenience may require. They shall have jurisdiction of appeals as provided by law from all inferior courts in their districts except appeals within the exclusive jurisdiction of the supreme court. They shall hold sessions at places provided by law and at times provided by their rules.

(No changes except in capitalization and of section number from 12 to 13.)

Section 14. The circuit courts shall have jurisdiction over all criminal cases not otherwise provided for by law, exclusive original jurisdiction in all civil cases not otherwise provided for, and concurrent and appellate jurisdiction as provided by law. Such

courts shall sit at times and places in each county as prescribed by law.

(Changes. In last sentence, omission of "such" and substitution of "prescribed by law" for "may be by law directed".  
Change of section number from 13 to 14).

Section 15. The state shall be divided into convenient circuits of contiguous counties. In each circuit there shall be at least one judge. The circuits may be changed or abolished by law as public convenience may require, but no judge shall be removed thereby from office during his term. Any circuit judge may sit in any other circuit at the request of a judge thereof. In circuits composed of a single county and having more than one judge, the court may sit in general term or in divisions.

(Changes. Substitution of "the circuits" for "such circuits" and of "no judge shall be removed thereby from office" for other bold faced words.)  
Change of section number from 14 to 15.)

Section 16. There shall be a probate court in each county with jurisdiction of all matters pertaining

courts shall sit at SUCH times and places in each county as MAY BE by law DIRECTED.

Section 14. The state shall be divided into convenient circuits of contiguous counties. In each circuit there shall be at least one judge. SUCH circuits may be changed for abolished by law as public convenience may require, but NO SUCH CHANGE SHALL WORK THE REMOVAL OF ANY judge from office during his term. Any circuit judge may sit in any other circuit at the request of a judge thereof. In circuits composed of a single county and having more than one judge, the court may sit in general term or in divisions.

Section 15. There shall be a probate court in each county with jurisdiction of all matters pertaining

to probate business, to granting letters testamentary and of administration, the appointment of guardians and curators of minors and persons of unsound mind, settling the accounts of executors, administrators, curators and guardians, and the sale or leasing of lands by executors, administrators, curators and guardians, and of such other matters as are provided in this Constitution.

Section 16. Probate courts shall be courts of record and uniform in their organization, jurisdiction and practice, except that a separate clerk may be provided for, or the judge may be required to act ex officio as his own clerk.

Section 17. There shall be a magistrate court in each county. In counties of 30,000 inhabitants or less, the probate judge shall be judge of the magistrate court. In counties of more than 30,000 and not more than 70,000 inhabitants, there shall be one

to probate business, to granting letters testamentary and of administration, the appointment of guardians and curators of minors and persons of unsound mind, settling the accounts of executors, administrators, curators and guardians, and the sale or leasing of lands by executors, administrators, curators and guardians, and of such other matters as are provided in this Constitution.

(No changes except of section number from 15 to 16.)

Section 17. Probate courts shall be courts of record and uniform in their organization, jurisdiction and practice, except that a separate clerk may be provided for, or the judge may be required to act ex officio as his own clerk.

(No changes except of section number from 16 to 17.)

Section 18. There shall be a magistrate court in each county. In counties of 30,000 inhabitants or less, the probate judge shall be judge of the magistrate court. In counties of more than 30,000 and not more than 70,000 inhabitants, there shall be one



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magistrate. In counties of more than 70,000 and less than 100,000 inhabitants there shall be two magistrates. In counties of 100,000 inhabitants or more there shall be two magistrates, and one additional magistrate for each additional 100,000 inhabitants, or major fraction thereof. According to the needs of justice the foregoing number of magistrates in any county may be increased by not more than two, or such increased number may be decreased, by order of the circuit court on petition, and after hearing on not less than thirty days public notice. The salaries of magistrates shall be paid from SUCH source or sources AS MAY BE PROVIDED by law.

magistrate. In counties of more than 70,000 and less than 100,000 inhabitants there shall be two magistrates. In counties of 100,000 inhabitants or more there shall be two magistrates, and one additional magistrate for each additional 100,000 inhabitants, or major fraction thereof. According to the needs of justice the foregoing number of magistrates in any county may be increased by not more than two, or such increased number may be decreased, by order of the circuit court on petition, and after hearing on not less than thirty days public notice. The salaries of magistrates shall be paid from the source or sources prescribed by law.

(Changes. Omission of bold faced words and substitution of "the" for "such" and "prescribed" for "provided".

Change of section number from 17 to 18.)

Note. Last sentence could be transferred to section 24.)

Section 19. After each census of the United States the boards of election commissioners, or if none, the county courts, shall divide counties having more than one magistrate into districts of compact

Section 18. After each census of the United States the boards of election commissioners, or if none, the county courts, shall divide counties having more than one magistrate into districts of compact



and contiguous territory, as nearly equal in population as may be, in each of which one magistrate shall be elected. Each of such magistrates shall have jurisdiction coextensive with the county, and the magistrates may organize into a court or courts with divisions.

(Changes. No changes except of section number from 18 to 19.)

Section 19. Until otherwise provided by law consistent with this Constitution, the practice, procedure, administration and jurisdiction of magistrate courts, and appeals therefrom, shall be as now provided by law for justices of the peace; and in counties of less than seventy thousand inhabitants magistrate courts shall have concurrent juvenile jurisdiction with the circuit court, and the powers of the circuit judge in chambers when the circuit judge is absent from the county.

Section 20. The general assembly shall provide for the administration of magistrate courts consistent with this Constitution.

and contiguous territory, as nearly equal in population as may be, in each of which one magistrate shall be elected. Each of such magistrates shall have jurisdiction coextensive with the county, and the magistrates may organize into a court or courts with divisions.

(Changes. No changes except of section number from 18 to 19.)

Section 20. Until otherwise provided by law consistent with this Constitution, the practice, procedure, administration and jurisdiction of magistrate courts, and appeals therefrom, shall be as now provided by law for justices of the peace; and in counties of less than seventy thousand inhabitants magistrate courts shall have concurrent juvenile jurisdiction with the circuit court, and the powers of the circuit judge in chambers when the circuit judge is absent from the county.

(No changes except of section number from 19 to 20).

Section 21. The general assembly shall provide for the administration of magistrate courts consistent with this Constitution.

(No changes except of section number from 20 to 21.)

Section 22. All final decisions, findings, rules and orders, of any administrative officer or body, NOW OR HEREFTER existing under the Constitution or by law, which are judicial or quasi-judicial and affect private rights, shall be subject to direct review by the courts as MAY BE provided by law; and such review shall include the determination whether (1) the same are authorized by law and (2) are supported by competent and substantial evidence upon the whole record in cases in which THE ACTION, RULE OR ORDER IS required by law TO BE TAKEN, MADE OR ISSUED AFTER hearing."

Section 22. All final decisions, findings, rules and orders of any administrative officer or body existing under the Constitution or by law, which are judicial or quasi-judicial and affect private rights, shall be subject to direct review by the courts as provided by law; and such review shall include the determination whether the same are authorized by law, and, in cases in which a hearing is required by law, whether the same are supported by competent and substantial evidence upon the whole record.

(Changes. Omission of figures and bold faced words.

Transposition and substitution of "in cases in which a hearing is required by law, whether the same" for "in cases in which the action, rule or order is required by law to be taken, made or issued after hearing".

Section 23. Judges of the supreme court and courts of appeals shall be selected for terms of twelve years, judges of the circuit courts for terms of six

Section 23. Judges of the Supreme Court and courts of appeals shall be selected for terms of twelve years, judges of the circuit courts for six years, judges

of the probate courts FOR FOUR YEARS, JUDGES OF THE magistrate courts FOR TERMS OF FOUR YEARS, JUDGES of the St. Louis Courts of Criminal Correction for terms of four years, and all other judges for SUCH terms AS MAY BE provided by law.

years, judges of the probate and magistrate courts and of the St. Louis courts of criminal correction for terms of four years, and all other judges for terms provided by law.

(Changes. Section rewritten and consolidated, with omission of capitalization and bold faced words. Insertion of "for terms of").

Section 24. All judges shall receive as salary their present total compensation, OR SUCH AS MAY HEREAFTER BE provided by law; provided, however, that the present compensation of each probate judge, INCLUDING clerk hire, shall continue TO BE PAID AS NOW PROVIDED BY LAW UNTIL THE EXPIRATION OF his present term of office. No judge's compensation shall be diminished during his term of office. No judge or magistrate shall receive any other or additional compensation for any public service, or practice law, or do law business, except probate judges during their present terms. The fees of all courts, judges and magistrates shall be paid monthly into the state treasury or to the county paying their salaries. MAGISTRATES SHALL RECEIVE SUCH SALARY AS MAY BE PROVIDED BY LAW. Judges

Section 24. All judges shall receive as salary the total amount of their present compensation until otherwise provided by law, but no judge's salary shall be diminished during his term of office. Until the end of their present terms probate judges shall continue to receive compensation and clerk hire as now provided by law. The salaries of magistrates shall be fixed by law. No judge or magistrate shall receive any other or additional compensation for any public service, or practice law or do law business, except probate judges during their present terms. Judges may receive reasonable traveling and other expenses allowed by law. The fees of all courts, judges and magistrates shall be paid monthly into the state treasury or to the county paying their salaries. (Changes. Section rewritten with omission of bold faced words.

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may receive reasonable traveling and other expenses as provided by law.

Substitution of "until otherwise provided by law" for "or such as may hereafter be provided by law", and of "The salaries of magistrates shall be fixed by law" for "Magistrates shall receive such salary as may be provided by law".)

Section 25. Judges of the Supreme Court and courts of appeals shall have been citizens of the United States for at least 15 years, and qualified voters of this state for 9 years next preceding their selection. Such judges shall be at least 30 years of age, but shall not continue to hold office after attaining 75 years of age. EACH judge of the courts of appeal shall be a resident of the district IN WHICH SELECTED. Circuit judges shall have been citizens of the United States for at least ten years, and qualified voters of this state three years next preceding their selection, and be not less than 30 years of age and residents of the circuit. Judges of probate and magistrate courts shall be qualified voters of this state, and residents of the county. Probate judges shall be at least 25 and magistrates at least 22 years of age. Every judge and magistrate shall be licensed to practice law in this state, except that probate judges now in office may succeed themselves

Section 25. Judges of the supreme court and courts of appeals shall have been citizens of the United States for at least fifteen years, and qualified voters of this state for nine years next preceding their selection. Such judges shall be at least thirty years of age but shall not continue to hold office after attaining seventy five years of age. Judges of the courts of appeals shall be residents of the district of their court. Circuit judges shall have been citizens of the United States for at least ten years, and qualified voters of this state three years next preceding their selection, and be not less than thirty years of age and residents of the circuit. Judges of probate and magistrate courts shall be qualified voters of this state, and residents of the county. Probate judges shall be at least twenty five and magistrates at least twenty two years of age. Every judge and magistrate shall be licensed to practice law in this state, except that probate judges now in office may



as probate judges without being so licensed, and except that persons who are now justices of the peace, or who have heretofore been justices of the peace in this state for at least four years, shall be eligible to the office of magistrate without being so licensed.

succeed themselves as probate judges without being so licensed, and except that persons who are now justices of the peace, or who have heretofore been justices of the peace in this state for at least four years, shall be eligible to the office of magistrate without being so licensed.

(Changes. Substitution of words for all figures Omission of bold faced words.

Substitution of "district of their court" for "district in which selected".)

Section 26. All present judges shall hold their offices until their terms expire. All courts of common pleas now existing, the St. Louis Courts of Criminal Correction, and all circuit court circuits as now established, shall continue until changed or abolished by law. The justices of the peace shall continue to hold their offices and receive the emoluments thereof until their terms of office expire, upon which their records shall be transferred to the magistrate courts.

Section 26. All present judges shall hold their offices until their terms expire. All courts of common pleas now existing, the St. Louis courts of criminal correction, and all circuit court circuits as now established, shall continue until changed or abolished by law. The justices of the peace shall continue to hold their offices and receive the emoluments thereof until their terms of office expire, upon which their record shall be transferred to the magistrate courts.

(Changes. (No changes except of capitalization.)

Section 27. Appellate and probate courts shall appoint their own clerks.

Section 27. Appellate and probate courts shall appoint their own clerks.  
(No changes).

Section 28. IN CASE OF inability of any judge of a court of record or magistrate to discharge the duties of his office with efficiency, by reason of continued sickness or physical or mental infirmity, HE shall be REMOVED OR retired from the office by order of a committee composed of three judges of the Supreme Court, one judge of each of the appeals, and three circuit judges, elected by the judges of the respective courts, after notice and a fair hearing, IF two-thirds of SAID committee CONCUR IN finding that SAID disability is OF A permanent NATURE. Any judge so REMOVED OR retired from office shall CONTINUE to receive one-half his compensation until the end of his regular term of office. The Supreme Court shall prescribe rules of procedure under this section.

Section 28. Any judge of a court of record or magistrate who is unable to discharge the duties of his office with efficiency by reason of continued sickness or physical or mental infirmity shall be retired from the office by order of a committee composed of three judges of the supreme court, one judge of each of the courts of appeals, and three circuit judges, elected by the judges of the respective courts, after notice and a fair hearing and on a finding of two-thirds of the committee that the disability is permanent. The judge so retired shall receive one-half his regular compensation until the end of his term of office. The supreme court shall prescribe rules of procedure under this section.

(Changes. Section rewritten with omission of capitalization and bold faced words.

Substitution of "on a finding of two-thirds of the committee", for "if two-thirds of said committee concur in finding".)

Section 29. In judicial circuits HAVING MORE THAN ONE DIVISION at least one division THEREOF shall be DESIGNATED as the juvenile and domestic relations division and in the

Section 29. In judicial circuits of more than one judge there shall be at least one juvenile and domestic relations division of the court, and in the selection of judges of the circuit one judge shall



selection of judges for SAID circuit one judge shall be selected TO PRESIDE OVER SAID division, in addition to his other duties.

(Changes. Section rewritten with omission of bold faced words

#### Substitutions:

“of more than one judge” for “having more than one division”

“there shall be at least one juvenile and domestic relations division” for “at least one division thereof shall be designated as the juvenile and domestic relations division.”

“for the division” for “to preside over said division.”)

#### JUDICIAL SELECTION.

Section 1. Whenever a vacancy shall occur in the office of judge of any of the following courts of this state, to-wit: the Supreme Court, the Courts of Appeals, the Circuit and Probate Courts within the City of St. Louis and Jackson County, and the St. Louis Court of Criminal Correction, the Governor shall fill such vacancy by appointing one of three governor shall fill such vacancy by appointing one of

persons, possessing the qualifications for such office, who shall be nominated and whose names shall be submitted to the Governor by a non-partisan judicial commission established and organized as hereinafter provided.

Section 2. At any general election the qualified voters of any judicial circuit, outside of the City of St. Louis and Jackson County, may by a majority of those voting on SUCH question elect to have the judges of the courts of record therein, OTHER THAN JUDGES OF THE COUNTY COURTS, appointed by the Governor in the manner provided HEREIN for the appointment of judges to the courts designated in Section 1 OF THIS AMENDMENT. The General Assembly may provide the manner in which such question shall be submitted to such voters.

three persons possessing the qualifications for such office, who shall be nominated and whose names shall be submitted to the governor by a non-partisan judicial commission established and organized as herein-after provided.

(Changes. Omission of capitalization.

Change of section number from 1 to 30(a).)

Section 30 (b). At any general election the qualified voters of any judicial circuit outside of the City of St. Louis and Jackson County, may by a majority of those voting on the question elect to have the judges of the courts of record therein appointed by the governor in the manner provided for the appointment of judges to the courts designated in Section 30(a). The general assembly may provide the manner in which the question shall be submitted to the voters.

(Changes. Omission of capitalization and bold faced words.

Substitution of "the" for "such".

County courts omitted because not made courts of record in section 6 of File No. 11.

Change of section number from 1 to 30 (b).)

Section 3. Each judge appointed pursuant to the provisions of **THIS AMENDMENT** shall hold office for a term ending December 31st following the next general election after the expiration of twelve months in **SUCH** office. Any judge holding office, or elected thereto, at the time of the election by which the provisions of **THIS AMENDMENT** become applicable to this office, shall, unless removed for cause, remain in office for the term to which he would have been entitled had the provisions of **THIS AMENDMENT** not become applicable to his office. Not less than sixty days prior to the holding of the general election next preceding the expiration of his term of office, any judge whose office is subject to the provisions of **THIS AMENDMENT** may file in the office of the Secretary of State a declaration of candidacy for election to succeed himself. If a declaration is not so filed by any judge, the vacancy resulting from the expiration of his term of office shall be filled by appointment as herein provided. If such a declaration is filed, his name shall be submitted at said next general election to the voters eligible to vote within the geographic jurisdictional limits of his court, or circuit in his office is that of Circuit Judge on a separate judicial ballot,

Section 30 (c) Each judge appointed pursuant to the provisions of sections 30 (a)-(g) shall hold office for a term ending December 31st following the next general election after the expiration of twelve months in the office. Any judge holding office, or elected thereto, at the time of the election by which the provisions of sections 30 (a)-(g) become applicable to this office, shall, unless removed for cause, remain in office for the term to which he would have been entitled had the provisions of sections 30 (a)-(g) not become applicable to his office. Not less than sixty days prior to the holding of the general election next preceding the expiration of his term of office, any judge whose office is subject to the provisions of sections 30 (a)-(g) may file in the office of the secretary of state a declaration of candidacy for election to succeed himself. If a declaration is not so filed by any judge, the vacancy resulting from the expiration of his term of office shall be filled by appointment as herein provided. If such a declaration is filed, his name shall be submitted at said next general election to the voters eligible to vote within the geographic jurisdictional limits of his court, or circuit if his office is that of circuit judge, on a separate judicial ballot, without party designation, reading:

without party designation, reading: "Shall Judge

.....  
(Here the name of the judge shall be inserted)

of the .....  
(Here the title of the Court shall be inserted)

Court be retained in office? Yes "No."  
(Scratch One)

If a majority of those voting on the question vote against retaining him in office, upon the expiration of his term of office, a vacancy shall exist which shall be filled by appointment as provided in Section 1 OF THIS AMENDMENT; otherwise, said judge shall, unless removed for cause, remain in office for the number of years after December 31st following such election as is provided for the full term of such office, and at the expiration of each such term shall be eligible for retention in office by election in the manner here prescribed.

Whenever a declaration of candidacy for election to succeed himself is filed by any judge under the provisions of this section, the Secretary of State shall not less than thirty (30) days before the election certify the name of said judge and the official title of his office to the clerks of the county courts, and to the boards of election commissioners in counties or cities having such boards, or to such other officials as

"Shall Judge .....  
(Here the name of the judge shall be inserted)

of the .....  
(Here the title of the Court shall be inserted)

Court be retained in office? Yes "No."  
(Scratch One)

If a majority of those voting on the question vote against retaining him in office, upon the expiration of his term of office, a vacancy shall exist which shall be filled by appointment as provided in Section 30 (a); otherwise, said judge shall, unless removed for cause, remain in office for the number of years after December 31st following such election as is provided for the full term of such office, and at the expiration of each such term shall be eligible for retention in office by election in the manner here prescribed.

Whenever a declaration of candidacy for election to succeed himself is filed by any judge under the provisions of this section, the secretary of state shall not less than thirty days before the election certify the name of said judge and the official title of his office to the clerks of the county courts, and to the boards of election commissioners in counties or cities having such boards, or to such other officials as may hereafter be provided by law, of all counties and cities wherein the question of retention of such



may hereafter be provided by law, of all counties and cities wherein the question of retention of such judge in office is to be submitted to the voters, and, until legislation shall be expressly provided otherwise therefor, the judicial ballots required by this section shall be prepared, printed, published and distributed, and the election upon the question of retention of such judge in office shall be conducted and the votes counted, canvassed, returned, certified and proclaimed by such public officials in such manner as is now provided by the statutory law governing voting upon measures proposed by the initiative.

judge in office is to be submitted to the voters, and, until legislation shall be expressly provided otherwise therefor, the judicial ballots required by this section shall be prepared, printed, published and distributed, and the election upon the question of retention of such judge in office shall be conducted and the votes counted, canvassed, returned, certified and proclaimed by such public officials in such manner as is now provided by the statutory law governing voting upon measures proposed by the initiative.

(Changes. Omission of capitalization, numerals and bold faced words.

Substitution of "sections 30 (a)-(g), for "this amendment".

Change of section number from 3 to 30 (c).

Section 4. Non-partisan judicial commissions whose duty it shall be to nominate and submit to the Governor names of persons for appointment as provided by THIS AMENDMENT are hereby established and shall be organized on the following basis: For vacancies in the office of judge of the Supreme Court or of any Court of Appeals, there shall be one such commission, to be known as "The

Section 30 (d) Non-partisan judicial commissions whose duty it shall be to nominate and submit to the governor names of persons for appointment as provided by sections 30 (a)-(g) are hereby established and shall be organized on the following basis: For vacancies in the office of judge of the supreme court or of any court of appeals, there shall be one such commission, to be known as "The Appellate



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Appellate Judicial Commission"; for vacancies in the office of judge of any other court of record subject to the provisions of THIS AMENDMENT, there shall be one such commission, to be known as "The Circuit Judicial Commission," "The . . . . . Circuit Judicial Commission," for each judicial circuit which shall be subject to the provisions of sections 30 (a)-(g); the appellate judicial commission shall consist of seven members, one of whom shall be the chief justice of the supreme court, who shall act as chairman, and the remaining six members shall be chosen in the following manner: The members of the bar of this state residing in each court of appeals district shall elect one of their number to serve as a member of said commission, and the Governor shall appoint one citizen, not a member of the bar, from among the residents of each Court of Appeals District, to serve as a member of said commission; each Circuit Judicial Commission shall consist of five members, one of whom shall be the Presiding Judge of the Court of Appeals of the District within which the judicial circuit of such commission or the major portion of the population of said circuit is situated, who shall act as Chairman, and the remaining four members shall be chosen in the following manner: The members of the bar of this state residing in the judicial circuit of

Judicial Commission"; for vacancies in the office of judge of any other court of record subject to the provisions of sections 30 (a)-(g), there shall be one such commission, to be known as "The . . . . . Circuit Judicial Commission," for each judicial circuit which shall be subject to the provisions of sections 30 (a)-(g); the appellate judicial commission shall consist of seven members, one of whom shall be the chief justice of the supreme court, who shall act as chairman, and the remaining six members shall be chosen in the following manner: The members of the bar of this state residing in each court of appeals district shall elect one of their number to serve as a member of said commission, and the governor shall appoint one citizen, not a member of the bar, from among the residents of each court of appeals district, to serve as a member of said commission; each circuit judicial commission shall consist of five members, one of whom shall be the presiding judge of the court of appeals of the district within which the judicial circuit of such commission or the major portion of the population of said circuit is situated, who shall act as chairman, and the remaining four members shall be chosen in the following manner: The members of the bar of this state residing in the judicial circuit of

the Bar of this state residing in the judicial circuit of such commission shall elect two of their number to serve as members of said commission, and the governor shall appoint two citizens, not members of the bar, from among the residents of said judicial circuit, to serve as members of said commission; the terms of office of the members of such commission shall be fixed by the Supreme Court OF MISSOURI and may be changed from time to time, but not so as to shorten or lengthen the term of any member then in office. No member of any such commission other than the Chairman shall hold any public office, and no member shall hold any official position in a political party. Every such commission may act only by the concurrence of a majority of its members. The members of such commissions shall receive no salary or other compensation for their services as such, but they shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. All such commissions shall be administered, and all elections provided for under this section shall be held and regulated, under such rules as the Supreme Court OF MISSOURI shall promulgate.

such commission shall elect two of their number to serve as members of said commission, and the governor shall appoint two citizens, not members of the bar, from among the residents of said judicial circuit, to serve as members of said commission; the terms of office of the members of such commission shall be fixed by the supreme court and may be changed from time to time, but not so as to shorten or lengthen the term of any member then in office. No member of any such commission other than the chairman shall hold any public office, and no member shall hold any official position in a political party. Every such commission may act only by the concurrence of a majority of its members. The members of such commissions shall receive no salary or other compensation for their services as such, but they shall receive their necessary traveling and other expenses incurred while actually engaged in the discharge of their official duties. All such commissions shall be administered, and all elections provided for under this section shall be held and regulated, under such rules as the supreme court shall promulgate.

(Changes. Omission of capitalization and bold face words.

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Substitution of "sections 30 (a)-(g) for "this amendment".

Change of section number from 1 to 30 (d).)

Section 30 (e) All expenses incurred in administering sections 30 (a)-(g), when approved by the supreme court, shall be paid out of the state treasury. The supreme court shall certify such expense to the state auditor, who shall draw his warrant therefor payable out of funds not otherwise appropriated.

(Changes. Omission of capitalization and bold

faced words.

Substitution of "sections 30 (a)-(g) for "this amendment".

Change of section number from 5 to 30 (c).)

Section 30 (f) No judge of any court of record in this state, appointed to or retained in office in the manner prescribed in sections 30 (a)-(g), shall directly or indirectly make any contribution to or hold any office in a political party or organization, or take part in any political campaign.

Section 5. All expenses incurred in administering THIS AMENDMENT, when approved by the Supreme Court of Missouri, shall be paid out of the state treasury. The Supreme Court shall certify such expense to the State Auditor, who shall draw his warrant therefor payable out of funds not otherwise appropriated.

Section 6. No judge of any court of record in THE STATE OF MISSOURI, appointed to or retained in office in the manner prescribed HEREIN, shall directly or indirectly make any contribution to or hold any office in a political party or organization, or take part in any political campaign.

(Changes. Omission of capitalization and bold faced words.

Substitution of "in sections 30 (a)-(g)" for "herein".

Change of section number from 6 to 30 (f).)

Section 7. All of the provisions of THIS AMENDMENT shall be self-enforcing except those as to which action by the General Assembly may be required.

Section 30 (g). All of the provisions of sections 30 (a)-(g) shall be self-enforcing except those as to which action by the general assembly may be required.

(Changes. Omission of capitalization.

Change of section number from 7 to 30 (g).)

ALROY S. PHILLIPS  
RICHARD S. RIGHTER  
FRANK B. WILLIAMS  
THOS C. HENNINGS, SR.  
JAMES E. SATER  
ALLEN McREYNOLDS  
MEREDITH GARTEN

1000 copies ordered printed.

Messrs. Fogle, Cope and Babler offered Resolution No. 90, which was read:

RESOLUTION NO. 90.

WHEREAS, on this the 28th day of June, 1944, one of our highly respectable and respected members, Honorable Claude Eura Arnold of Puxico, is passing the 41st milestone of his life; and

WHEREAS, all of us desire to make special mention of his birthday and have it recorded in the record of our proceedings;

Now, therefore, be it resolved that this convention extend to Mr. Arnold our wholehearted congratulations on this occasion, and we hereby express the hope he may live to enjoy many other birthdays and that many of us may have the privilege of helping him celebrate them.

Mr. Cope moved that the above resolution be adopted, seconded by Mr. Hemphill.

Which motion prevailed.

Mr. Bradshaw moved that the privileges of the floor be extended to Richard R. Nacy, Jr., a pre-midshipman, seconded by Mr. Julian.

Which motion prevailed.

GENERAL ORDERS.

File No. 14, Report of the Committee on State Finance (except Taxation)—Expenditures, Public Indebtedness and Restrictions Thereon.—No. 11, was again taken up.

Section 14 was again taken up.

AMENDMENT NO. 42.

Amend File No. 14, Page 12, Section 14, Line 6, by striking out the word "condemning" in line 6 of said section and further by striking out all of said section following the period in line 12.

Was again taken up.

Mr. Jones moved that the above amendment be adopted, seconded by Mr. Phillips (of Jackson).

Mr. Julian raised a point of order that Mr. Tee had spoken on Amendment No. 42.



Mr. Williams moved that unanimous consent be given to Mr. Tee to speak on Amendment No. 12, seconded by Mr. McCluer.

Which motion prevailed.

Mr. Maupin offered Substitute No. 1 for Section 14, as amended, which was read:

**SUBSTITUTE NO. 1 FOR SECTION 14, AS AMENDED.**

Amend File No. 14, Page 12, Section 14, as amended, by substituting the following:

Section 14. Any city (or incorporated town or village) in this state may, with the assent of a majority of the voters thereof voting on the proposition at an election held for that purpose, issue, sell, and deliver the negotiable interest bearing revenue bonds of such city for the purpose of paying all or any part of the cost of purchasing, condemning, constructing, extending, or improving any revenue producing water works, gas works, electric light works, heating plants, power plants, or airports, to be owned exclusively by such city, the cost of operation and maintenance and the principal and interest of such revenue bonds to be payable solely from the revenues to be derived by such city from the operation of said utility. Such utility may be acquired by condemnation proceedings after the expiration of its franchise in the same manner that such city may acquire real estate for public purposes, or in such other manner as may be provided by law.

Mr. Maupin moved that the above substitute be adopted, seconded by Mr. McCluer.

On motion of Mr. Nacy, seconded by Mr. McVay, the Convention recessed until 1:30 o'clock, P.M.

**AFTERNOON SESSION.**

The time of recess having expired, the Convention was called to order by the President.

Mr. Duensing was present in the Chamber.

File No. 14 was again taken up.

Section 14 was again taken up.

Amendment No. 42 was again taken up.

Mr. Jones requested a roll call on Amendment No. 42.

Which request was granted.

Amendment No. 42 was lost by the following vote:

## YEAS—Delegates

Allen,	Lindsay,	Robison (of DeKalb),
Crain,	McVay,	Robinson (of Macon),
Damron,	Mayer,	Sater,
Deason,	Miller,	Seyb,
Ford,	Nacy,	Shepley,
Garten,	Phillips (of Jackson),	Stayton,
Hennings,	Phillips (St. Louis City),	Taubert,
Jones,	Righter,	Tee—25.
Kreamalmeyer,		

## NAYS—Delegates

Arnold,	Fogle,	Maupin,
Babler,	Gouge,	Meador,
Benecke,	Hanks,	Moore,
Bradshaw,	Hargis,	Morton,
Brown (of Carroll),	Hemphill,	Naeter,
Burkhead,	Hogan,	Park,
Clark,	Julian,	Parker,
Coleman,	Kirchner,	Slay,
Cope,	McCluer,	Storckman,
Daniels,	McReynolds,	Williams,
Duncan,	Manlove,	Wisdom,
FitzGibbon,	Marr,	Wood (of Johnson)—36.

## Absent—Delegates

Brown (of Christian),	Kirk,	Smith,
Duensing,	Simpson,	Stevens—7.
Heege,		

## Absent with leave—Delegates

Clayton,	Kehr,	Potter.
Crome,	Opie,	Searcy,
Downes,	Petts,	Wesley,
Hughes,	Pitney,	Wood (of Greene)—13.
Hullverson,		

Present but not voting—Delegate Mr. President—1.

Mr. Phillips (of Jackson) offered Amendment No. 43, which was read:

## AMENDMENT NO. 43.

Amend File No. 14, Page 12, Section 14, Line 15, by adding a proviso, to read as follows:

Provided, no such revenue bonds shall be made a judgment lien against such city.

Mr. Phillips (of Jackson) moved that the above amendment be adopted, seconded by Mr. Crain.

Which motion was lost.

Mr. Phillips (of Jackson) offered Amendment No. 44, which was read:

## AMENDMENT NO. 44.

Amend File No. 14, Page 12, Section 14, Line 12, by adding after the period the following:

“Neither the principal nor interest of such revenue bonds shall constitute an obligation of the city enforceable out of funds raised by taxation.”

Mr. Phillips (of Jackson) moved that the above amendment be adopted, seconded by Mr. Allen.

Which motion was lost.

## AMENDMENT NO. 39.

Amend File No. 14, Page 11, Section 14, Line 2, by inserting immediately before the word “majority”, the words “two-thirds”.

Was again taken up.

## SUBSTITUTE NO. 1 FOR AMENDMENT NO. 39.

Amend File No. 14, Page 11, Section 14, Line 2, by inserting after the word “of” in said line the words “four sevenths” so that said sentence shall read as follows:

“Any city (or incorporated town or village) in this state may, with the assent of four sevenths of the voters thereof” etc.

Was again taken up.

Mr. Kirk moved that the above substitute amendment be adopted, seconded by Mr. Hennings.

Mr. Phillips (of Jackson) requested a roll call.

Which request was granted.

Substitute No. 1 for Amendment No. 39 was adopted by the following vote:

## YEAS—Delegates

Babler,  
Benecke,  
Bradshaw,  
Brown (of Carroll),  
Clark,  
Coleman,  
Cope,  
Deason,  
Duncan,  
FitzGibbon,

Fogle,  
Gouge,  
Hanks,  
Hargis,  
Julian,  
Kirchner,  
McCluer,  
Marr,  
Maupin,  
Moore,

Morton,  
Park,  
Parker,  
Phillips (of Jackson),  
Robison (of DeKalb),  
Slay,  
Storekman,  
Williams,  
Wisdom,  
Wood (of Johnson)—30.

## NAYS—Delegates

Allen,	Jones,	Nacy,
Arnold,	Kreamalmeyer,	Phillips (St. Louis City),
Burkhead,	Lindsay,	Righter,
Crain,	McReynolds,	Robinson (of Macon),
Damron,	McVay,	Sater,
Ford,	Manlove,	Seyb,
Garten,	Mayer,	Shepley,
Hemphill,	Meador,	Taubert,
Hennings,	Miller,	Tee —28.
Hogan,		

## Absent—Delegates

Brown (of Christian),	Kirk,	Smith,
Daniels,	Naeter,	Stayton,
Duensing,	Simpson,	Stevens—10.
Heege,		

## Absent with leave—Delegates

Clayton,	Kehr,	Potter,
Crome,	Opie,	Searcy,
Downes,	Petts,	Wesley,
Hughes,	Pitney,	Wood (of Greene)—13.
Hullverson,		

## Present but not voting—Delegate Mr. President—1.

The President then put the question: "Shall File No. 14, page 11, Section 14, Line 2 be amended by adopting Substitute No. 1 for Amendment No. 39 as an amendment to the text?"

Mr. Phillips (of Jackson) requested a roll call.

Which request was granted.

Substitute No. 1 for Amendment No. 39 as an amendment to the text was lost by the following vote:

## YEAS—Delegates

Allen,	Lindsay,	Phillips (St. Louis City),
Burkhead,	McReynolds,	Righter,
Crain,	McVay,	Robinson (of Macon),
Damron,	Manlove,	Sater,
Deason,	Mayer,	Seyb,
Ford,	Miller,	Shepley,
Garten,	Morton,	Taubert,
Heege,	Nacy,	Tee,
Hennings,	Phillips (of Jackson),	Wisdom—28.
Jones,		

## NAYS— Delegates

Arnold,	Gouge,	Maupin,
Babler,	Hanks,	Meador,
Benecke,	Hargis,	Moore,
Bradshaw,	Hemphill,	Park,
Brown (of Carroll),	Hogan,	Parker,
Clark,	Julian,	Robison (of DeKalb),
Coleman,	Kirchner,	Slay,
Cope,	Kreamalmeyer,	Storekman,
Duncan,	McCluer,	Williams,
FitzGibbon,	Marr,	Wood (of Johnson)—31.
Fogle,		

## Absent— Delegates

Brown (of Christian),	Kirk,	Smith,
Daniels,	Naeter,	Stayton,
Duensing,	Simpson,	Stevens—9.

## Absent with leave—Delegates

Clayton,	Kehr,	Potter,
Crome,	Opie,	Searcy,
Downes,	Petts,	Wesley,
Hughes,	Pitney,	Wood (of Greene)—13.
Hullverson,		

Present but not voting—Delegate Mr. President—1.

Mr. Phillips (of Jackson) submitted the following Proposed Amendments to Substitute No. 1 for Section 14, as amended:

## PROPOSED AMENDMENT NO. ———.

Amend File No. 14, Page 11, Section 14, Line 2, by striking out the word “majority” and inserting in lieu thereof the words “four-sevenths”.

Also,

## PROPOSED AMENDMENT NO. ———

Amend File No. 11, Page 11, Section 14, by adding the following:

Neither the principal nor interest of such revenue bonds shall constitute an obligation of such city enforceable out of funds raised by taxation.

Also,

## PROPOSED AMENDMENT NO. ———.

Amend File No. 14, Page 12, Section 14, by adding a proviso, to read as follows:

Provided, no debt based on such revenue bonds shall be made a judgment lien against such city.



## PROPOSED AMENDMENT NO. ———.

Amend File No. 11, Page 12, Section 11, by adding a proviso as follows:

“Provided, the amount of such revenue bonds issued by any city shall not exceed twenty per centum of the value of the taxable property therein as ascertained by the last completed assessment for state and county purposes”.

Mr. McCluer moved that the rules be suspended and that final action on Section 14, with Substitute No. 1 for Section 14, as amended pending, be made a Special Order of Business for 11:00 o'clock A.M., Tuesday, July 11, 1944, seconded by Mr. Manlove.

Which motion prevailed.

On motion of Mr. Nacy, seconded by Mr. McVay, the Convention adjourned until 9:30 o'clock A. M., Thursday, June 29, 1944.

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**CALENDAR.**

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**SPECIAL ORDERS.**

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**TUESDAY, JULY 11, 1944, 11:00 O'CLOCK A. M.**

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**File No. 14: Section 14 with Substitute No. 1 for Section 14, as amended, pending.**

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**ONE HUNDRED SIXTY-NINTH DAY, THURSDAY,  
JUNE 29, 1944.**

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**GENERAL ORDERS.**

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**Files reported from Committees:**

**File No. 14 (Committee Substitute for Proposals Nos. 6, 48, 61, 66, 71, 84, 169, 178, 196, 201, 214, 234, 247, 266, 283, 284, Sections 14 and 17, Art. X of 313, 321, 334—New Article—State Department of Revenue.) (Pending.)**

**File No. 16 (Committee Substitute for Proposals Nos. 3, 20, 28, 37, 49, 80, 85, 103, 121, 122, 128, 140, Art. IV of 142, 143, 166, 174, 188, 190, 197, 218, 223, 235, 237, 242, 243, 250, 253, 278, 294, Section 2 of 298, 320, 371, and Resolution No. 61, Article V) and (Minority Report No. 1—Substitute for Section 18 of Majority Report.) (Pending)**

**File No. 17 (Committee Substitute for Proposals Nos. 7, 8, 9, 10, 11, 47, 56, 72, 74, 75, 76, 91, 101, 102, 109, 110, 125, 139, Article III, of 142, 148, 149, 163, 164, 181, 189, 191, 215, 225, 251, 267, 271, 273, 276, 277, 286, 328, 345, 358, 360, 365, 367, 372, 373, 375, Article IV.) and Minority Report No. 1 Article IV and Minority Report No. 2 Article IV.**

**File No. 18 (Committee Substitute for Proposals Nos. 113, 186, 244, 322—New Article—Highways.)**

**File No. 6** (Committee Substitute for Proposals Nos. 105, 106, 145, 147, 200, 268, 308 pertaining to Conservation Commission, and 337) (New Article A—Agriculture and Article XIV—Conservation).

**File No. 19** (Committee Substitute for Proposals Nos. 1, 12, 17, 26, 34, 35, 39, 51, 52, 55, 79, 127, 131, 135, 158, 168, 192, 206, 208, 209, 228, 255, 260, 262, 303, 312, Sections 18, 21, 22 and 23 of Art. X of 313, 317, 319, 332, 343 and 368, Article X.—Taxation and Finance.) (Proposals Nos. 42, 53, 58, 204, 241, 265, 302 and 348 be rejected.) and (Minority Report—Article X.—Taxation and Finance.)

**File No. 20** (Committee Substitute for Proposals Nos. 23, 119, 167, 176, 185, 261, 272, 281, 288, 357 and 376—New Article—Public Welfare.) (Proposals Nos. 19; 210, 221, 285 and Section 1 of 298 be rejected.)

#### **Files for Second Reading:**

**File No. 15** (Article VI—Judicial Department).

#### **Files for Third Reading and Final Passage:**

**File No. 1** (Article on Military Affairs).

**File No. 3** (Article VII—Impeachments).

**File No. 4** (Sections 57, 58, 59, 60, 61 of Article IV—Initiative and Referendum and Article XV—Mode of Amending the Constitution.)

**File No. 9** (Article XII — Corporations — Railroads — Banks.)

**File No. 7** (Article XIV—Miscellaneous Provisions).

**File No. 10** (Article on Labor).

**File No. 2** (Article VIII—Suffrage and Elections).

**File No. 8** (Preamble, Article I—Bill of Rights, Article II—The Distribution of Powers).

**File No. 11** (Article IX—Local Government).

**File No. 13** (Article XI—Education).

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