

CIRCUIT JUDGE: Appeals from Municipal Court of Kansas City,
ORDINANCES: Missouri, are to Circuit Court of Jackson County
VENUE: even though violation may have occurred in that
APPEALS: part of Kansas City situated in Clay County.

November 16, 1949

Honorable Robert G. Kirkland
Prosecuting Attorney
Clay County
Liberty, Missouri



Dear Sir:

This is in answer to your letter of recent date requesting an official opinion of this department and reading as follows:

"Please furnish my office at your convenience with an opinion on the following proposition:

"Assuming that the municipality of Kansas City annexes and makes a part of that municipality a portion of Clay County, and assuming further that all this is in due form and legal, and assuming further that afterwards the Kansas City Police Department arrest a person in that portion of Kansas City which is also a portion of Clay County and charge him with a violation of an ordinance of Kansas City and the person is convicted in the police court of Kansas City sitting in that portion of Kansas City which is in Jackson County, and assuming further that pursuant to section 6285 R. S. Mo. 1939 the person convicted appeals, to what Circuit Court may or must the appeal be taken, the Circuit Court in Jackson County, or in Clay County?"

"It is my information from the press that the municipality of Kansas City intends to move into Clay County, January 1, unless ordered not to by some ruling of the Supreme Court, for that reason I would appreciate your opinion on this above proposition as soon as convenient for the purpose of making necessary arrangements."

Section 399 of the Charter of Kansas City provides as follows:

"Appeals may be taken from the municipal court to the circuit court of Jackson County, Missouri, in the manner and upon the conditions prescribed by ordinance."

Section 16 of Article IX of the Constitution of 1875, provided in part as follows:

"Any city having a population of more than one hundred thousand inhabitants may frame a charter for its own government, * * * One of such certificates shall be deposited in the office of the Secretary of State, and the other, after being recorded in the office of the recorder of deeds for the county in which such city lies, shall be deposited among the archives of such city, and all courts shall take judicial notice thereof. * * *"

A similar provision was adopted as Section 16 of Article IX of the Constitution on November 2, 1920. A similar provision is found in Section 19 of Article VI of the Constitution of 1945, except that such provision applies to any city having more than 10,000 inhabitants. Section 399 of the Charter of Kansas City, quoted supra, is not in conflict with the constitution or laws of the state, and, therefore, such provision governs all appeals from the municipal court of Kansas City.

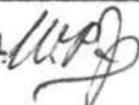
CONCLUSION.

It is the opinion of this department that appeals from the Municipal Court of Kansas City are to the circuit court of Jackson County.

Respectfully submitted,

C. B. BURNS, JR.
Assistant Attorney General

APPROVED:

J. E. TAYLOR
Attorney General 

CBB/feh