

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 79

Short Title: Repeal More Antiquated Laws.

(Public)

Sponsors: Senators Hartsell; and Jordan.

Referred to: Judiciary.

February 10, 1997

A BILL TO BE ENTITLED

AN ACT TO REPEAL MORE ANTIQUATED LAWS AS RECOMMENDED BY THE
GENERAL STATUTES COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 11-11 reads as rewritten:

"§ 11-11. Oaths of sundry persons; forms.

The oaths of office to be taken by the several persons hereafter named shall be in the words following the names of said persons respectively, after taking the separate oath required by Article VI, Section 7 of the Constitution of North Carolina:

ADMINISTRATOR

You swear (or affirm) that you believe A. B. died without leaving any last will and testament; that you will well and truly administer all and singular the goods and chattels, rights and credits of the said A. B., and a true and perfect inventory thereof return according to law; and that all other duties appertaining to the charge reposed in you, you will well and truly perform, according to law, and with your best skill and ability; so help you, God.

ATTORNEY AT LAW

I, A. B., do swear (or affirm) that I will truly and honestly demean myself in the practice of an attorney, according to the best of my knowledge and ability; so help me, God.

1 Attorney General, State District Attorneys and County Attorneys

2 I, A. B., do solemnly swear (or affirm) that I will well and truly serve the State of
3 North Carolina in the office of Attorney General (district attorney for the State or
4 attorney for the State in the county of); I will, in the execution of my office,
5 endeavor to have the criminal laws fairly and impartially administered, so far as in me
6 lies, according to the best of my knowledge and ability; so help me, God.

7 **AUDITOR**

8 I, A. B., do solemnly swear (or affirm) that I will well and truly execute the trust
9 reposed in me as auditor, without favor or partiality, according to law, to the best of my
10 knowledge and ability; so help me, God.

11 **BOOK DEBT OATH**

12 You swear (or affirm) that the matter in dispute is a book account; that you have no
13 means to prove the delivery of such articles, as you propose to prove by your own oath,
14 or any of them, but by yourself; and you further swear that the account rendered by you is
15 just and true; and that you have given all just credits; so help you, God.

16 **BOOK DEBT OATH FOR ADMINISTRATOR**

17 You, as executor or administrator of A. B., swear (or affirm) that you verily believe
18 this account to be just and true, and that there are no witnesses, to your knowledge,
19 capable of proving the delivery of the articles therein charged; and that you found the
20 book or account so stated, and do not know of any other or further credit to be given than
21 what is therein given; so help you, God.

22 **CLERK OF THE SUPREME COURT**

23 I,, do solemnly swear that I will discharge the duties of the office of clerk
24 of the Supreme Court without prejudice, affection, favor, or partiality, according to law
25 and to the best of my skill and ability, so help me, God.

26 **CLERK OF THE SUPERIOR COURT**

27 I, A. B., do swear (or affirm) that, by myself or any other person, I neither have given,
28 nor will I give, to any person whatsoever, any gratuity, fee, gift or reward, in
29 consideration of my election or appointment to the office of clerk of the superior court for
30 the county of; nor have I sold, or offered to sell, nor will I sell or offer to sell,
31 my interest in the said office; I also solemnly swear that I do not, directly or indirectly,
32 hold any other lucrative office in the State; and I do further swear that I will execute the
33 office of clerk of the superior court for the county of without prejudice, favor,
34 affection or partiality, to the best of my skill and ability; so help me, God.

35 **COMMISSIONERS ALLOTING A YEAR'S PROVISIONS**

36 You and each of you swear (or affirm) that you will lay off and allot to the petitioner a
37 year's provisions for herself and family, according to law, and with your best skill and
38 ability; so help you, God.

39 **COMMISSIONERS DIVIDING AND ALLOTING REAL ESTATE**

40 You and each of you swear (or affirm) that, in the partition of the real estate now
41 about to be made by you, you will do equal and impartial justice among the several
42 claimants, according to their several rights, and agreeably to law; so help you, God.

43 **ENTRY-TAKER**

1 I, ~~A. B., do solemnly swear (or affirm) that I will well and impartially discharge the~~
2 ~~several duties of the office of entry taker for the county of according to law; so~~
3 ~~help me, God.~~

4 **EXECUTOR**

5 You swear (or affirm) that you believe this writing to be and contain the last will and
6 testament of A. B., deceased; and that you will well and truly execute the same by first
7 paying his debts and then his legacies, as far as the said estate shall extend or the law
8 shall charge you; and that you will well and faithfully execute the office of an executor,
9 agreeably to the trust and confidence reposed in you, and according to law; so help you,
10 God.

11 **GRAND JURY-FOREMAN OF**

12 You, as foreman of this grand inquest for the body of this county, shall diligently
13 inquire and true presentment make of all such matters and things as shall be given you in
14 charge; the State's counsel, your fellows' and your own you shall keep secret; you shall
15 present no one for envy, hatred or malice; neither shall you leave anyone unrepresented for
16 fear, favor or affection, reward or the hope of reward; but you shall present all things
17 truly, as they come to your knowledge, according to the best of your understanding; so
18 help you, God.

19 **GRAND JURORS**

20 The same oath which your foreman hath taken on his part, you and each of you shall
21 well and truly observe and keep on your part; so help you, God.

22 **GRAND JURY-OFFICER OF**

23 You swear (or affirm) that you will faithfully carry all papers sent from the court to
24 the grand jury, or from the grand jury to the court, without alteration or erasement, and
25 without disclosing the contents thereof; so help you, God.

26 **JURY-OFFICER OF**

27 You swear (or affirm) that you will keep every person sworn on this jury in some
28 private and convenient place when in your charge. You shall not suffer any person to
29 speak to them, neither shall you speak to them yourself, unless it be to ask them whether
30 they are agreed in their verdict, but with leave of the court; so help you, God.

31 **OATH FOR PETIT JUROR**

32 You do solemnly swear (affirm) that you will truthfully and without prejudice or
33 partiality try all issues in civil or criminal actions that come before you and give true
34 verdicts according to the evidence, so help you, God.

35 Justice, Judge, or Magistrate of the General Court of Justice

36 I,, do solemnly swear (affirm) that I will administer justice without
37 favoritism to anyone or to the State; that I will not knowingly take, directly or indirectly,
38 any fee, gift, gratuity or reward whatsoever, for any matter or thing done by me or to be
39 done by me by virtue of my office, except the salary and allowances by law provided;
40 and that I will faithfully and impartially discharge all the duties of of the
41 Division of the General Court of Justice to the best of my ability and understanding, and
42 consistent with the Constitution and laws of the State; so help me, God.

43 **REGISTER OF DEEDS**

1 I, A. B., do solemnly swear (or affirm) that I will faithfully and truly, according to the
2 best of my skill and ability, execute the duties of the office of register of deeds for the
3 county of, in all things according to law; so help me, God.

4 **SECRETARY OF STATE**

5 I, A. B., do swear (or affirm) that I will, in all respects, faithfully and honestly execute
6 the office of Secretary of State of the State of North Carolina, during my continuance in
7 office, according to law; so help me, God.

8 **SHERIFF**

9 I, A. B., do solemnly swear (or affirm) that I will execute the office of sheriff of
10 . county to the best of my knowledge and ability, agreeably to law; and that I will not
11 take, accept or receive, directly or indirectly, any fee, gift, bribe, gratuity or reward
12 whatsoever, for returning any man to serve as a juror or for making any false return on
13 any process to me directed; so help me, God.

14 **LAW ENFORCEMENT OFFICER**

15 I, A. B., do solemnly swear (or affirm) that I will be alert and vigilant to enforce the
16 criminal laws of this State; that I will not be influenced in any matter on account of
17 personal bias or prejudice; that I will faithfully and impartially execute the duties of my
18 office as a law enforcement officer according to the best of my skill, abilities, and
19 judgment; so help me, God.

20 **STATE TREASURER**

21 I, A. B., do swear (or affirm) that, according to the best of my abilities and judgment,
22 I will execute impartially the office of State Treasurer, in all things according to law, and
23 account for the public taxes; and I will not, directly or indirectly, apply the public money
24 to any other use than by law directed; so help me, God.

25 **SURVEYOR FOR A COUNTY**

26 I, A. B., do solemnly swear (or affirm) that I will well and impartially discharge the
27 several duties of the office of surveyor for the county of, according to law; so
28 help me, God.

29 **TREASURER FOR A COUNTY**

30 I, A. B., do solemnly swear (or affirm) that, according to the best of my skill and
31 ability, I will execute impartially the office of treasurer for the county of, in all
32 things according to law; that I will duly and faithfully account for all public moneys that
33 may come into my hands, and will not, directly or indirectly, apply the same, or any part
34 thereof, to any other use than by law directed; so help me, God.

35 **WITNESS TO DEPOSE BEFORE THE GRAND JURY**

36 You swear (or affirm) that the evidence you shall give to the grand jury, upon this bill
37 of indictment against A. B., shall be the truth, the whole truth, and nothing but the truth;
38 so help you, God.

39 **WITNESS IN A CAPITAL TRIAL**

40 You swear (or affirm) that the evidence you shall give to the court and jury in this
41 trial, between the State and the prisoner at the bar, shall be the truth, the whole truth, and
42 nothing but the truth; so help you, God.

43 **WITNESS IN A CRIMINAL ACTION**

1 You swear (or affirm) that the evidence you shall give to the court and jury in this
2 action between the State and A. B. shall be the truth, the whole truth, and nothing but the
3 truth; so help you, God.

4 WITNESS IN CIVIL CASES

5 You swear (or affirm) that the evidence you shall give to the court and jury in this
6 cause now on trial, wherein A. B. is plaintiff and C. D. defendant, shall be the truth, the
7 whole truth, and nothing but the truth; so help you, God.

8 WITNESS TO PROVE A WILL

9 You swear (or affirm) that you saw C. D. execute (or heard him acknowledge the
10 execution of) this writing as his last will and testament; that you attested it in his presence
11 and at his request; and that at the time of its execution (or at the time the execution was
12 acknowledged) he was, in your opinion, of sound mind and disposing memory; so help
13 you, God.

14 Witness before a Legislative Committee or Commission

15 You swear (or affirm) that the testimony you shall give to the committee (or
16 commission) shall be the truth, the whole truth, and nothing but the truth; so help you,
17 God.

18 GENERAL OATH

19 Any officer of the State or of any county or township, the term of whose oath is not
20 given above, shall take an oath in the following form:

21 I, A. B., do swear (or affirm) that I will well and truly execute the duties of the office
22 of according to the best of my skill and ability, according to law; so help me,
23 God."

24 Section 2. G.S. 58-76-5 reads as rewritten:

25 "§ 58-76-5. Liability and right of action on official bonds.

26 Every person injured by the neglect, misconduct, or misbehavior in office of any clerk
27 of the superior court, register, ~~entry taker~~, surveyor, sheriff, coroner, county treasurer, or
28 other officer, may institute a suit or suits against said officer or any of them and their
29 sureties upon their respective bonds for the due performance of their duties in office in
30 the name of the State, without any assignment thereof; and no such bond shall become
31 void upon the first recovery, or if judgment is given for the defendant, but may be put in
32 suit and prosecuted from time to time until the whole penalty is recovered; and every
33 such officer and the sureties on his official bond shall be liable to the person injured for
34 all acts done by said officer by virtue or under color of his office."

35 Section 3. G.S. 147-12(11) reads as rewritten:

36 "(11) Upon being furnished information from law-enforcement officers that
37 public roads or highways or other public vehicular areas, as defined in
38 G.S. ~~20-16.2(h)~~, 20-4.01, are being blocked by privately owned and
39 operated vehicles or by any other means, thereby impeding the free flow
40 of goods and merchandise in North Carolina, he, if such information
41 warrants, is authorized to declare that a state of emergency exists in the
42 affected area, and is further authorized to order that the Highway Patrol

1 and/or national guard remove the offending vehicles or other causes of
2 the blockade from the emergency area."
3 Section 4. This act is effective when it becomes law.