

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1013
Veterans Affairs, Law Enforcement & Senior Citizens
Committee Substitute Adopted 5/9/89

Short Title: Law Officers' Oaths/Funds.

(Public)

Sponsors:

Referred to:

April 26, 1989

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH A SEPARATE AND UNIQUE LAW ENFORCEMENT
3 OFFICER OATH OF OFFICE.

4 The General Assembly of North Carolina enacts:
5 Section 1. G.S. 11-11 reads as rewritten:

6 "**§ 11-11. Oaths of sundry persons; forms.**

7 The oaths of office to be taken by the several persons hereafter named shall be in the
8 words following the names of said persons respectively:

9

10

ADMINISTRATOR

11

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

18

19

ATTORNEY AT LAW

20

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

4 **ATTORNEY GENERAL, STATE DISTRICT ATTORNEYS AND COUNTY**
5 **ATTORNEYS**
6

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

12
13 **AUDITOR**
14

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

18
19 **BOOK DEBT OATH**
20

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

25
26 **BOOK DEBT OATH FOR ADMINISTRATOR**
27

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

33
34 **CLERK OF THE SUPREME COURT**
35

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

39
40 **CLERK OF THE SUPERIOR COURT**
41

42 I, A. B., do swear (or affirm) that, by myself or any other person, I neither have
43 given, nor will I give, to any person whatsoever, any gratuity, fee, gift or reward, in
44 consideration of my election or appointment to the office of clerk of the superior court

1 for the county of; nor have I sold, or offered to sell, nor will I sell or offer to
2 sell, my interest in the said office; I also solemnly swear that I do not, directly or
3 indirectly, hold any other lucrative office in the State; and I do further swear that I will
4 execute the office of clerk of the superior court for the county of without
5 prejudice, favor, affection or partiality, to the best of my skill and ability; so help me,
6 God.

7
8 **COMMISSIONERS ALLOTING A YEAR'S PROVISIONS**

9
10 You and each of you swear (or affirm) that you will lay off and allot to the petitioner
11 a year's provisions for herself and family, according to law, and with your best skill and
12 ability; so help you, God.

13
14 **COMMISSIONERS DIVIDING AND ALLOTING REAL ESTATE**

15
16 You and each of you swear (or affirm) that, in the partition of the real estate now
17 about to be made by you, you will do equal and impartial justice among the several
18 claimants, according to their several rights, and agreeably to law; so help you, God.

19
20 **COMMISSIONER OF WRECKS**

21
22 I, A. B., do solemnly swear (or affirm) that I will truly and faithfully discharge the
23 duties of a commissioner of wrecks, for the district of... .., in the county of
24, according to law; so help me, God.

25
26 **COTTON WEIGHER FOR PUBLIC**

27
28 I,, public weigher for the city of (or as the case may be), do
29 solemnly swear that I will justly, impartially and without any deduction, except as may
30 be allowed by law, weigh all cotton that may be brought to me for that purpose, and
31 tender a true account thereof to the parties concerned, if required so to do; so help me,
32 God.

33
34 **ENTRY-TAKER**

35
36 I, A. B., do solemnly swear (or affirm) that I will well and impartially discharge the
37 several duties of the office of entry-taker for the county of according to law;
38 so help me, God.

39
40 **EXECUTOR**

41
42 You swear (or affirm) that you believe this writing to be and contain the last will and
43 testament of A. B., deceased; and that you will well and truly execute the same by first
44 paying his debts and then his legacies, as far as the said estate shall extend or the law

1 shall charge you; and that you will well and faithfully execute the office of an executor,
2 agreeably to the trust and confidence reposed in you, and according to law; so help you,
3 God.

4
5 **GRAND JURY—FOREMAN OF**

6
7 You, as foreman of this grand inquest for the body of this county, shall diligently
8 inquire and true presentment make of all such matters and things as shall be given you
9 in charge; the State's counsel, your fellows' and your own you shall keep secret; you
10 shall present no one for envy, hatred or malice; neither shall you leave anyone
11 unrepresented for fear, favor or affection, reward or the hope of reward; but you shall
12 present all things truly, as they come to your knowledge, according to the best of your
13 understanding; so help you, God.

14
15 **GRAND JURORS**

16
17 The same oath which your foreman hath taken on his part, you and each of you shall
18 well and truly observe and keep on your part; so help you, God.

19
20 **GRAND JURY—OFFICER OF**

21
22 You swear (or affirm) that you will faithfully carry all papers sent from the court to
23 the grand jury, or from the grand jury to the court, without alteration or erasement, and
24 without disclosing the contents thereof; so help you, God.

25
26 **JURY—OFFICER OF**

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

32
33 **OATH FOR PETIT JUROR**

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

38
39 **JUSTICE, JUDGE, OR MAGISTRATE OF THE**
40 **GENERAL COURT OF JUSTICE**

41
42 I,, do solemnly swear (affirm) that I will administer justice without
43 favoritism to anyone or to the State; that I will not knowingly take, directly or
44 indirectly, any fee, gift, gratuity or reward whatsoever, for any matter or thing done by

1 me or to be done by me by virtue of my office, except the salary and allowances by law
2 provided; and that I will faithfully and impartially discharge all the duties of of
3 the Division of the General Court of Justice to the best of my ability and
4 understanding, and consistent with the Constitution and laws of the State; so help me,
5 God.

6 7 **REGISTER OF DEEDS**

8
9 I, A. B., do solemnly swear (or affirm) that I will faithfully and truly, according to
10 the best of my skill and ability, execute the duties of the office of register of deeds for
11 the county of, in all things according to law; so help me, God.

12 13 **SECRETARY OF STATE**

14
15 I, A. B., do swear (or affirm) that I will, in all respects, faithfully and honestly
16 execute the office of Secretary of State of the State of North Carolina, during my
17 continuance in office, according to law; so help me, God.

18 19 **SHERIFF**

20
21 I, A. B., do solemnly swear (or affirm) that I will execute the office of sheriff of ...
22 county to the best of my knowledge and ability, agreeably to law; and that I will not
23 take, accept or receive, directly or indirectly, any fee, gift, bribe, gratuity or reward
24 whatsoever, for returning any man to serve as a juror or for making any false return on
25 any process to me directed; so help me, God.

26 27 **LAW ENFORCEMENT OFFICER**

28
29 I, A. B., do solemnly swear (or affirm) that I will support the Constitution of the
30 United States and the Constitution of North Carolina; that I will be alert and vigilant to
31 enforce the criminal laws of this State; that I will not be influenced in any matter on
32 account of personal bias or prejudice; that I will faithfully and impartially execute the
33 duties of my office as a law enforcement officer according to the best of my skill,
34 abilities, and judgment; so help me, God.

35 36 **STANDARD KEEPER**

37
38 I, A. B., do swear (or affirm) that I will not stamp, seal or give any certificate for any
39 steelyards, weights or measures, but such as shall, as near as possible, agree with the
40 standard in my keeping; and that I will, in all respects, truly and faithfully discharge and
41 execute the power and trust by law reposed in me, to the best of my ability and capacity;
42 so help me, God.

43 44 **STATE TREASURER**

1
2 I, A. B., do swear (or affirm) that, according to the best of my abilities and
3 judgment, I will execute impartially the office of State Treasurer, in all things according
4 to law, and account for the public taxes; and I will not, directly or indirectly, apply the
5 public money to any other use than by law directed; so help me, God.

6
7 **STRAY VALUERS**
8

9 You swear (or affirm) that you will well and truly view and appraise the stray, now
10 to be valued by you, without favor or partiality, according to your skill and ability; so
11 help you, God.

12
13 **SURVEYOR FOR A COUNTY**
14

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

18
19 **TREASURER FOR A COUNTY**
20

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

26
27 **WITNESS TO DEPOSE BEFORE THE GRAND JURY**
28

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

32
33 **WITNESS IN A CAPITAL TRIAL**
34

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

38
39 **WITNESS IN A CRIMINAL ACTION**
40

41 You swear (or affirm) that the evidence you shall give to the court and jury in this
42 action between the State and A. B. shall be the truth, the whole truth, and nothing but
43 the truth; so help you, God.
44

WITNESS IN CIVIL CASES

1
2
3 You swear (or affirm) that the evidence you shall give to the court and jury in this
4 cause now on trial, wherein A. B. is plaintiff and C. D. defendant, shall be the truth, the
5 whole truth, and nothing but the truth; so help you, God.

WITNESS TO PROVE A WILL

6
7
8
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
11 presence and at his request; and that at the time of its execution (or at the time the
12 execution was acknowledged) he was, in your opinion, of sound mind and disposing
13 memory; so help you, God.

WITNESS BEFORE A LEGISLATIVE COMMITTEE OR COMMISSION

14
15
16
17 You swear (or affirm) that the testimony you shall give to the committee (or
18 commission) shall be the truth, the whole truth, and nothing but the truth; so help you,
19 God.

GENERAL OATH

20
21
22
23 Any officer of the State or of any county or township, the term of whose oath is not
24 given above, shall take an oath in the following form:

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

28 Sec. 2. There is appropriated from the General Fund to the Department of
29 Justice \$2,000 for the 1989-90 fiscal year for the purpose of duplicating and distributing
30 law enforcement officer oath forms to agencies and clerks of court.

31 Sec. 3. This act shall become effective July 1, 1989.