

Sec. 9. All sales, transfers and conveyances of mining property, shall be made by deed as in the sale, transfer, or conveyance of real estate. Transfer to claims to be by deed

Sec. 10. This act shall take effect and be in force from and after its passage and approval. When to take effect

Approved, January 10, 1868.

OATHS.

CHAPTER XXIII.

AN ACT IN RELATION TO THE FORMS OF CERTAIN OATHS.

Be it enacted by the Legislative Assembly of the Territory of Dakota :

Section 1. The following shall be the forms of oaths to be administered to officers and persons hereafter mentioned :

Oaths to be administered to Witnesses and Persons when examined under oath.

“ You do solemnly swear that the evidence you shall give relative to the matter in difference now in hearing between A. B. plaintiff, and ——— defendant, shall be the truth, the whole truth and nothing but the truth, so help you God.” Oath for witnesses

Oath to be administered to Interpreters of Testimony.

“ You do solemnly swear that you will justly, truly and impartially, interpret to A. B., the oath about to be administered to him, and the questions that may be asked him and the answers that he shall give to such questions relative to the cause now under consideration before this court, so help you God.” Oath for interpreters

Oath to be administered to Attorney.

For attorneys “ You do solemnly swear that you will support, protect and defend the Constitution of the United States, and the Organic Act of the Territory of Dakota, that you shall do no falsehood or consent that any be done in court, and if you know of any you will give knowledge thereof to the judge of the court or some one of them that it may be reformed; you shall not wittingly, willingly or knowingly promote, sue, or procure to be sued, any false or unlawful suit, or give aid or consent to the same; you shall delay no man for lucre or malice, but shall act in the office of attorney in this court, according to your best learning and discretion, with all good fidelity, as well to the court, as to your client, so help you God.”

Oath to be administered to Officers, &c.

The form of oath to be administered to persons appointed in pursuance of the provisions of law, to perform any duty or execute any office, commission or trust whatever where an oath is required, and no specific form is provided, shall be as follows :

For officers “ You do solemnly swear that you will support the Constitution of the United States and the Organic Act of the Territory of Dakota, and that you will faithfully execute the office (duty or trust) of—— to the best of your judgment and ability, according to law, so help you God.”

Or when the person to be sworn shall produce to the magistrate a warrant of appointment, commission or other certificate, the oath may be this :

“ You do solemnly swear that you will faithfully execute the duties assigned you by this commission, warrant, (or other certificate of appointment, as the case may be,) to the best of your judgment and ability, according to law, so help you God.”

Oath to be administered to an Officer taking charge of a jury in a criminal cause, during a recess of the court and before the jury are charged.

For officers taking charge of a jury “ You do solemnly swear that you will keep together the persons composing this jury, until they [return] into court, and that in the meantime you will suffer no person to speak to them or speak to them yourself concerning the cause on trial or any matter thereto relating, so help you God.”

Oath to be administered to the Officer attending the Grand Jury.

“ You do solemnly swear that as the officer having in charge this grand jury, you will keep their counsel and that of the government, and that you will not disclose any thing relative to their proceedings, so help you God.”

For officer attending grand jury

Oath to be administered to the Legislative Assembly of this Territory.

“ You do solemnly swear that you will support the Constitution of the United States and the Organic Act of the Territory of Dakota, and that as a member of this house of representatives, or this council, as the case may be, you will [not] propose or assent to any bill, vote or resolution which shall appear to you injurious to the people, nor do or consent to any act or thing whatever that shall have a tendency to lessen or abridge their rights and privileges as declared by the Constitution of the United States, and the Organic Act of this Territory, but will in all things conduct yourself as a faithful, honest representative and guardian of the people, according to the best of your judgment and abilities, so help you God.”

For the Legislative Assembly

Sec. 2. In addition to other of the oaths aforesaid when by law it shall be necessary, the oath of allegiance or the oath to support the Organic Act of this Territory, or both, shall be administered.

Other oaths

Sec. 3. In the administration of any oath, the word “swear” may be omitted, and the word “affirm” substituted whenever the person to whom the obligation is administered, shall be religiously scrupulous of swearing or taking an oath in the prescribed form, and in such case the words “so help you God” may be omitted, and the words “under the pains and penalties of perjury” substituted, and every person so affirming shall be considered, for every legal purpose, privilege, qualification or liability, as having been duly sworn.

Form of affirmation

Sec. 4. This act shall take effect and be in force from and after its passage and approval,

When to take effect

Approved January 8, 1868,