

Revised Statutes of 1846

R.S. of 1846

Chapter 12

Chapter 12. Of Certain State Officers.

OFFICIAL OATHS AND BONDS OF STATE OFFICERS.

15.36 Oath of office; official bond; time; filing.

Sec. 36.

The state officers named in this chapter, the lieutenant governor, deputy secretary of state, and deputy treasurer, shall each, before entering on the execution of his or her office, and within 20 days after receiving official notice of his or her election or appointment, or within 20 days after the commencement of the term of service for which he or she was elected or appointed, take and subscribe the oath of office prescribed in the state constitution of 1963, and deposit the oath of office, with his or her bond, if a bond is required by law, with the secretary of state, who shall file and preserve the oath of office and bond in his or her office.

History: R.S. 1846, Ch. 12 ;-- CL 1857, 281 ;-- CL 1871, 361 ;-- How. 330 ;-- CL 1897, 150 ;-- CL 1915, 183 ;-- CL 1929, 384 ;-- CL 1948, 15.36 ;-- Am. 2002, Act 365, Imd. Eff. May 24, 2002

Compiler's Notes: Sections 36 to 39 were originally numbered as sections 35 to 38, but corrected in the margin of the Revised Statutes to read sections 36 to 39. The office of acting commissioner of internal improvements and secretary of board of internal improvements were abolished. See Act 76 of 1847. In this section, "the twelfth article of the constitution" refers to the Constitution of 1835. See now Const. 1963, Art. XI, § 1.

15.37 Oath; administration.

Sec. 37.

Such oath may be taken and subscribed before any justice of the supreme court, a judge of any court of record, the secretary of state, the attorney general, any mayor of a city, or the clerk of any court of record.

History: R.S. 1846, Ch. 12 ;-- CL 1857, 282 ;-- CL 1871, 362 ;-- How. 331 ;-- CL 1897, 151 ;-- CL 1915, 184 ;-- CL 1929, 385 ;-- CL 1948, 15.37

Compiler's Notes: Sections 36 to 39 were originally numbered as sections 35 to 38, but corrected in the margin of the Revised Statutes to read sections 36 to 39.

15.38 Oath or bond; deposit, notice; penalty for neglect.

Sec. 38.

If either of said officers shall neglect to deposit his oath or bond, according to the provisions of section 35 [36] of this chapter, and shall neglect to give the notice specified in the next section, or if he shall enter upon the execution of his office before he shall have so deposited his said oath or bond, he shall in either case, forfeit and pay to [the people of], this state 150 dollars.

History: R.S. 1846, Ch. 12 ;-- CL 1857, 283 ;-- CL 1871, 363 ;-- How. 332 ;-- CL 1897, 152 ;-- CL 1915, 185 ;-- CL 1929, 386 ;-- CL

1948, 15.38

Compiler's Notes: Sections 36 to 39 were originally numbered as sections 35 to 38, but corrected in the margin of the Revised Statutes to read sections 36 to 39.

15.39 Notice of declination; effect.

Sec. 39.

No penalty shall attach on account of any neglect to deposit such oath or bond as aforesaid, in case such officer, before entering upon the execution of his office, and within the time limited for filing such oath or bond, shall give notice in writing to the officer or officers having the power by law to order an election to fill such office, or to fill the same by appointment, or, in case of an appointment by the governor by and with the advice and consent of the senate, to the governor, stating therein that he declines accepting such office.

History: R.S. 1846, Ch. 12 ;-- CL 1857, 284 ;-- CL 1871, 364 ;-- How. 333 ;-- CL 1897, 153 ;-- CL 1915, 186 ;-- CL 1929, 387 ;-- CL 1948, 15.39

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