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# GENERAL STATUTES

OF THE

# STATE OF MINNESOTA.

PREPARED BY THE COMMISSIONERS APPOINTED TO REVISE  
THE STATUTES OF THE STATE, BY ACT OF THE  
LEGISLATURE, PASSED FEBRUARY 17, 1863.

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1865.

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1864—p. 80, Sect. 5.

1 SECT. 19. The provisions of this title shall not extend  
2 to the trial of any indictment for any offence where the  
3 party indicted is entitled to challenge peremptorily, or  
4 without cause shown, more than two jurors.

CHAPTER LXXII.  
OATHS AND ACKNOWLEDGMENTS.

TITLE I.

OF PERSONS REQUIRED TO TAKE OATHS, WHO MAY ADMINISTER  
THE SAME, AND THE FORMS THEREOF.

New.

1 SECTION 1. Every person elected or appointed to any pub-  
2 lic office, whether executive, legislative or judicial, all county  
3 and local officers, their deputies, clerks and assistants, clerks of  
4 court, referees, commissioners, arbitrators, and assessors  
5 shall, before entering on the discharge of their official du-  
6 ties, take and subscribe an oath as hereinafter prescribed.

New.

1 SECT. 2. When no other provision is made by law,  
2 oaths of office may be administered by any judge or justice  
3 of the peace, or the presiding officer, secretary or clerk of  
4 either house of the legislature.

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C. S. p. 158, Sect. 31;  
C. S. p. 398, Sect. 8;  
C. S. p. 406, Sect. 75;  
1865—p. 126, Sect. 2,  
last clause, com-  
bined & amended.

1 SECT. 3. Judges of the supreme and district courts, and  
2 courts of probate, the clerks of said courts, all committees  
3 of the legislature or either branch thereof, all commission-  
4 ers, referees and committees or persons appointed by any of  
5 said courts, are authorized to administer any oath neces-  
6 sary to be taken for the establishment of truth or the fur-  
7 therance of justice in any matter coming before such court,  
8 board, commission or person for investigation.

New.

1 SECT. 4. The usual mode of administering oaths now  
2 practiced in this state, with the ceremony of holding up the  
3 hand, shall be observed in all cases in which an oath may be  
4 administered by law, except as hereinafter provided.

1 SECT. 5. The following are the forms of oaths to be ad-  
2 ministered to officers and persons as hereinafter provided :

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OATH OF MEMBERS AND OFFICERS OF THE LEGISLATIVE AND EXECUTIVE DEPARTMENTS, AND ALL OTHERS OCCUPYING AN OFFICE NOT JUDICIAL IN ITS CHARACTER.

3 You do solemnly swear that you will support the consti-  
4 tution of the United States, the constitution of the state of  
5 Minnesota, and faithfully discharge the duties of your office  
6 to the best of your judgment and ability. So help you God.

The forms of oaths found in the Compiled Statutes are made the basis of the forms given in this section, as far as they go; the rest are taken from forms used in other States.

OATH OF JUDICIAL OFFICERS.

7 You do solemnly swear that you will support the consti-  
8 tution of the United States, the constitution of the state of  
9 Minnesota, and discharge the duties of your office faithful-  
10 ly and impartially, according to your best learning, judg-  
11 ment and discretion. So help you God.

OATH OF REFEREES, COMMISSIONERS AND OTHERS APPOINTED TO EXAMINE, HEAR AND DETERMINE UPON ANY MATTER, AND MAKE REPORT THEREOF TO ANY COURT OR OTHER TRIBUNAL.

12 You do solemnly swear that you will faithfully and fairly  
13 hear and examine this action, wherein , is plain-  
14 tiff, and , defendant, and make a just and true  
15 report thereon, according to the best of your understanding  
16 and ability. So help you God.

OATH TO BE ADMINISTERED TO THE GRAND JURY.

17 You and each of you do solemnly swear that you will dil-  
18 igently inquire, and true presentment make of all public of-  
19 fenses committed or triable within this county, of which you  
20 have legal evidence according to your charge. The counsel  
21 of the state, your own counsel and that of your fellows you  
22 shall keep secret; you will present no person through mal-  
23 ice, hatred or ill will, nor leave any person unrepresented  
24 through fear, favor or affection, or reward, or the promise, or  
25 hope thereof, but you will present things truly as they come  
26 to your knowledge, to the best of your understanding ac-  
27 cording to the laws of this state. So help you God.

OATH OF OFFICER ATTENDING THE GRAND JURY.

28 You solemnly swear that as officer of the grand jury you  
29 will keep their counsel and that of the state, and not dis-  
30 close anything relative to their proceedings. So help you  
31 God.

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OATH TO BE ADMINISTERED TO PETIT JURORS EMPANELLED  
FOR THE TRIAL OF ANY CIVIL ACTION OR PROCEEDING.

32 You and each of you do solemnly swear that you will  
33 well and truly try the matters in issue in this action (or pro-  
34 ceeding) according to the evidence given you in court, and  
35 the laws of this state and a true verdict give; your own coun-  
36 sel and that of your fellows you will duly observe and keep;  
37 you will say nothing to any person concerning this action  
38 nor suffer any one to speak to you about the same but in  
39 court, and when you have agreed on a verdict you will keep  
40 it secret until you deliver it in court. So help you God.

## OATH OF PETIT JURORS IN CRIMINAL CASES.

41 You do solemnly swear that without respect of persons  
42 or favor of any man, you will well and truly try and true  
43 deliverance make between the state of Minnesota and the  
44 defendant, according to the evidence given you in court and  
45 the laws of this state. So help you God.

## OATH OF JURORS IN A JUSTICE'S COURT IN CIVIL CAUSES.

46 You do solemnly swear that you will well and truly try  
47 the matters in difference between the parties in this cause,  
48 and a true verdict give according to the evidence given you  
49 in court, and the laws of this state. So help you God.

## OATH OF JURORS IN A JUSTICE'S COURT IN CRIMINAL CASES.

50 You do solemnly swear that you will well and truly try  
51 this cause, between the state of Minnesota, (county or city  
52 of,) and the accused, and a true verdict give according to  
53 the evidence given you in court, and the laws of this state.  
54 So help you God.

OATH OF OFFICER TAKING CHARGE OF A PETIT JURY IN THE DIS-  
TRICT COURT OR A JUSTICE'S COURT.

55 You do solemnly swear that you will keep this jury to-  
56 gether in some suitable place, without food or drink, unless  
57 ordered by the court; that you will suffer no person to  
58 speak to them upon the matters submitted to their charge  
59 until they are agreed, nor will you speak to them yourself  
60 about the cause, except to ask them whether they are  
61 agreed; that you will permit no person to listen to or over-  
62 hear any conversation or discussion they may have, while  
63 deliberating on their verdict; that you will not disclose  
64 their verdict nor any conversation they may have respect-  
65 ing the cause, until they have delivered their verdict in

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66 court or been discharged by order of the court. So help you  
67 God.

## OATH OF OFFICER TAKING CHARGE OF JURY DURING RECESS OF COURT.

68 You do solemnly swear that you will keep together the per-  
69 sons composing this jury until they return into court, and  
70 that in the mean time, you will suffer no person to speak to  
71 them, or speak to them yourself concerning the cause on  
72 trial or any matter thereto relating. So help you God.

## OATH OF WITNESSES.

73 You do solemnly swear that the evidence you shall give re-  
74 lative to the cause now under consideration shall be the  
75 whole truth and nothing but the truth. So help you God.

## INTERPRETER'S OATH.

76 You do solemnly swear that you will justly, truly and im-  
77 partially interpret to —, the oath about to be adminis-  
78 tered to him, and the testimony he shall give relative to the  
79 cause now under consideration. So help you God.

## OATH OF PERSONS SIGNING AFFIDAVITS, VERIFICATIONS AND OTHER PAPERS.

80 You do solemnly swear that the contents of this affidavit  
81 (verification or paper,) by you subscribed, are true, as  
82 therein stated. So help you God.

## OATH OF ATTORNEYS.

83 You do solemnly swear that you will support the consti-  
84 tution of the United States, the constitution of the state of  
85 Minnesota, and that you will conduct yourself as an attor-  
86 ney and counsellor in the courts of this state, in an upright,  
87 courteous and gentlemanly manner, to the best of your  
88 learning and ability, with all good fidelity as well to the  
89 court as to the client; that you will use no falsehood or  
90 deceit, nor delay any person's cause for lucre or malice. So  
91 help you God.

1 SECT. 6. In administering any oath, the word "swear"  
2 may be omitted and the word "affirm" substituted, when-<sup>New.</sup>  
3 ever the person to whom the obligation is to be adminis-  
4 tered is religiously scrupulous of swearing or taking an oath  
5 in the prescribed form; and in such case the words "so  
6 help you God" may be omitted and the words "under the

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7 pains and penalties of perjury" substituted, and every per-  
 8 son so affirming shall be considered for every legal purpose,  
 9 privilege, qualification or liability as having been duly  
 10 sworn.

New.

1 SECT. 7. Whenever an infidel, or any person not a be-  
 2 liever in any religion is offered as a witness, the following  
 3 form of oath shall be used: You do honestly and sincerely  
 4 promise and declare that the testimony you shall give rela-  
 5 tive to the cause now under consideration shall be the whole  
 6 truth and nothing but the truth, and this under the pains  
 7 and penalties of perjury; and any person so promising and  
 8 declaring shall be considered as having been duly sworn.

## TITLE II.

## ACKNOWLEDGMENTS.

## WHO MAY TAKE.

Various provisions  
 of the Compiled  
 Statutes are em-  
 braced in this sec-  
 tion.

1 SECT. 8. Judges of the supreme and district courts and  
 2 courts of probate, the clerks of said courts and their depu-  
 3 ties, notary publics, justices of the peace, registers of deeds,  
 4 court commissioners, county auditors and their deputies,  
 5 county treasurers and their deputies, are authorized to take  
 6 the acknowledgment of deeds and other instruments in  
 7 writing within their several and respective jurisdictions;  
 8 *Provided*, That when any officer having or using a seal of  
 9 office takes an acknowledgment, he shall affix his seal to the  
 10 instrument so acknowledged.

New.

1 SECT. 9. Any person qualified to take acknowledgments  
 2 as aforesaid, may take and certify depositions to be used in  
 3 the courts of this state, except when otherwise expressly  
 4 provided.

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C. S. P. 403, Sect. 47.

1 SECT. 10. Such commissioners as the governor shall  
 2 appoint in any of the United States or territories of the  
 3 United States, to take the acknowledgment of deeds or other  
 4 instruments in writing to be used in this state, shall hold  
 5 their office during the pleasure of the governor, and shall  
 6 have power to take the acknowledgment and proofs of the  
 7 execution of any deed or other conveyance or lease of any  
 8 lands lying in this state, and of any contract, letter of attor-  
 9 ney, or any other writing under seal, or not, to be used or  
 10 recorded in this state.

1 SECT. 11. Such acknowledgment or proof so taken ac-

2 cording to the laws of this state, and certified to by any  
 3 such commissioner under his seal of office and annexed to C. S. p. 403, Sect. 48. 35  
 4 or endorsed on such instrument, shall have the same power  
 5 and effect as if the same had been made before any officer  
 6 authorized to perform such acts in this state.

1 SECT. 12. Every commissioner appointed as before men- C. S. p. 403, Sect. 49.  
 2 tioned; shall have power to administer an oath which may  
 3 be lawfully required in this state, to any person willing to take  
 4 the same, and to take and duly certify all depositions to be  
 5 used in any of the courts of this state in conformity to the  
 6 laws thereof, either on interrogatories proposed under a  
 7 commission from any court of this state, or by consent of  
 8 parties, or on legal notice given to the opposite party; and  
 9 all such acts shall be as valid as if done and certified accord-  
 10 ing to law by a proper officer in this state.

1 SECT. 13. Every such commissioner before performing C. S. p. 403, Sect. 50.  
 2 any duty or exercising any power by virtue of his appoint-  
 3 ment, shall take and subscribe an oath or affirmation before  
 4 a judge or a clerk of one of the courts of record of the state  
 5 in which such commissioner resides, well and faithfully to  
 6 execute and perform all the duties of such commissioner,  
 7 under and by virtue of the laws of the state of Minnesota,  
 8 which oath, with a description or impression of his seal of  
 9 office, shall be filed in the office of the secretary of this state.

## CHAPTER LXXIII.

### WITNESSES AND EVIDENCE.

#### TITLE I.

#### WITNESSES.

1 SECTION 1. Every clerk of a court of record, and every  
 2 justice of the peace may issue subpoenas for witnesses in all C. S. p. 675, Sect. 1. Amended. C 84  
 3 civil cases pending before the court, or before any magis-  
 4 trates, arbitrators, or other persons authorized to examine  
 5 witnesses, and in all contests concerning lands before the  
 6 register and receiver of any land office in this state.

1 SECT. 2. Such subpoenas may be served by any person C. S. p. 675, Sect. 2.  
 2 by exhibiting and reading it to the witness, or by giving  
 3 him a copy thereof, or by leaving such copy at the place of  
 4 his abode.