

Revised Statutes of 1846 (EXCERPT)
R.S. of 1846

FILING OATHS AND BONDS BY COUNTY OFFICERS.

45.318 County officers; oaths of office, deposit, filing.

Sec. 118. Each of the officers named in this chapter, except notaries public and prosecuting attorneys, shall before entering upon the duties of his office, and within 20 days after receiving official notice of his election, or within 20 days after the commencement of the term for which he was elected, take and subscribe the oath of office prescribed by the constitution of this state, before some officer authorized by law to administer oaths, and deposit the same with the clerk of the proper county, who shall file and preserve the same in his office.

History: R.S. 1846, Ch. 14;—CL 1857, 466;—CL 1871, 608;—How. 638;—CL 1897, 2641;—CL 1915, 2505;—CL 1929, 1417;—CL 1948, 45.318.

Compiler's note: This section, as originally enacted, was numbered section 119.

In this section, "the constitution of this state" evidently refers to the Constitution of 1835. See now Const. 1963, Art. XI, § 1.

45.319 County officers; deposit, filing, and preservation of bond.

Sec. 119. Each officer required by the county board of commissioners to give an individual bond, except the treasurer, before entering upon the duties of office, and within the time limit described in section 118 of this chapter for depositing the officer's oath, shall deposit the bond with the treasurer, who shall file and preserve the same in the treasurer's office. Each treasurer required by a county board of commissioners to give an individual bond before entering upon the duties of office, and within the time limit described in section 118 of this chapter for depositing the treasurer's oath, shall deposit his or her bond with the clerk of the county, who shall file and preserve the same in the clerk's office.

History: R.S. 1846, Ch. 14;—CL 1857, 467;—CL 1871, 609;—How. 639;—CL 1897, 2642;—CL 1915, 2506;—CL 1929, 1418;—CL 1948, 45.319;—Am. 1978, Act 635, Imd. Eff. Jan. 8, 1979.

Compiler's note: This section, as originally enacted, was numbered section 120.

45.320 County officers; neglect to deposit oath or bond, penalty.

Sec. 120. If either of the said officers shall neglect to deposit his oath or bond according to the provisions of the 2 last preceding sections, without giving 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 100 dollars.

History: R.S. 1846, Ch. 14;—CL 1857, 468;—CL 1871, 610;—How. 640;—CL 1897, 2643;—CL 1915, 2507;—CL 1929, 1419;—CL 1948, 45.320.

Compiler's note: This section, as originally enacted, was numbered section 121.

45.321 Neglect to deposit oath or bond; notice, effect.

Sec. 121. 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, stating therein that he declines accepting such office.

History: R.S. 1846, Ch. 14;—CL 1857, 469;—CL 1871, 611;—How. 641;—CL 1897, 2644;—CL 1915, 2508;—CL 1929, 1420;—CL 1948, 45.321.

Compiler's note: This section, as originally enacted, was numbered section 122.

45.322 Prosecuting attorney; appointment, transmittal of commission, notice.

Sec. 122. Whenever the governor shall appoint a prosecuting attorney, the secretary of state shall transmit his commission to the clerk of the county for which such prosecuting attorney was appointed, and the county clerk on receiving such commission, shall immediately give notice thereof to the person so appointed.

History: R.S. 1846, Ch. 14;—CL 1857, 470;—CL 1871, 612;—How. 642;—CL 1897, 2645;—CL 1915, 2509;—CL 1929, 1421;—CL 1948, 45.322.

Compiler's note: This section, as originally enacted, was numbered section 123.

45.323 Prosecuting attorney; oath of office, filing; delivery of commission.

Sec. 123. The person so appointed shall, before entering upon the duties of his office, and within 20 days after receiving notice of his appointment, appear before the county clerk and take and subscribe the oath of

office prescribed by the constitution, and file the same with the clerk, who shall thereupon deliver to the person so appointed the commission received by him for such person, and shall thereupon give notice to the secretary of state of the filing of such oath, and of the time of filing the same.

History: R.S. 1846, Ch. 14;—CL 1857, 471;—CL 1871, 613;—How. 643;—CL 1897, 2646;—CL 1915, 2510;—CL 1929, 1422;—CL 1948, 45.323.

Compiler's note: This section, as originally enacted, was numbered section 124.

45.324 County officers; commencement of terms.

Sec. 124. The regular terms of office of the several county officers elected at the general election shall commence on the first day of January succeeding their election, but those elected at the general election, or at a special election, to fill vacancies, may qualify and enter upon the execution of their offices immediately after being notified of their election.

History: R.S. 1846, Ch. 14;—CL 1857, 472;—CL 1871, 614;—How. 644;—Am. 1889, Act 32, Eff. Oct. 2, 1889;—CL 1897, 2647;—CL 1915, 2511;—CL 1929, 1423;—CL 1948, 45.324.