

Section 12. Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph within this State, and to connect the same with other lines, and the General Assembly shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph company shall consolidate with, or hold a controlling interest in the stock or bonds of, any other telegraph company owning a competing line, or acquire, by purchase or otherwise, any other competing line of telegraph.

Section 13. The term "corporations," as used in this article, shall be construed to include all joint stock companies or associations having any of the powers or privileges of corporations not possessed by individuals or partnerships.]

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No. 4

A JOINT RESOLUTION

Proposing that articles six, seven and twelve of the Constitution of the Commonwealth of Pennsylvania relating to public officers be amended and consolidated into a single article.

The General Assembly of the Commonwealth of Pennsylvania hereby resolves as follows:

Section 1. The following amendment to the Constitution of the Commonwealth of Pennsylvania is proposed in accordance with the provisions of the eighteenth article thereof:

That articles six, seven and twelve of the Constitution of the Commonwealth of Pennsylvania be consolidated and amended to read:

**ARTICLE**

*Public Officers*

*Section 1. Selection of Officers Not Otherwise Provided for in Constitution.*—All officers, whose selection is not provided for in this Constitution, shall be elected or appointed as may be directed by law. [Provided, That elections of State officers shall be held on a general election day, and elections of local officers shall be held on a municipal election day, except when, in either case, special elections may be required to fill unexpired terms.]

(Formerly  
Article XII,  
Section 1.)

*Section 2. Incompatible Offices.*—No member of Congress from this State, nor any person holding or exercising any office or appointment of trust or profit under the United States, shall at the same time hold or exercise any office in this State to which a salary, fees or perquisites shall be attached. The General Assembly may by law declare what offices are incompatible.

(Formerly  
Article XII,  
Section 2.)

*Section 3. Oath of Office.*—Senators, Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation before a person authorized to administer oaths.

“I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.”

The oath or affirmation shall be administered to a member of the Senate or to a member of the House of Representatives in the hall of the House to which he shall have been elected.

Any person refusing to take the oath or affirmation shall forfeit his office.

*Section 4. Power of Impeachment.*—The House of Representatives shall have the sole power of impeachment.

*Section 5. Trial of Impeachments.*—All impeachments shall be tried by the Senate [; when]. When sitting for that purpose the Senators shall be upon oath or affirmation [; no]. No person shall be convicted without the concurrence of two-thirds of the members present.

*Section 6. Officers Liable to Impeachment.*—The Governor and all other civil officers shall be liable to impeachment for any [misdemeanor] *misbehavior* in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth. [the] The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

*Section 7. Removal of Civil Officers.*—All *civil* officers shall hold their offices on the condition that they behave themselves well while in office, and shall be removed on conviction of misbehavior in office or of any infamous crime. Appointed *civil* officers, other than judges of the courts of record, [and the Superintendent of Public Instruction] may be removed at the pleasure of the power by which they shall have been appointed. All *civil* officers elected by the people, except the Governor, the Lieutenant Governor, members of the General Assembly and judges of the courts of record, [learned in the law] shall be removed by the Governor for reasonable cause, after due notice and full hearing, on the address of two-thirds of the Senate.

Section 2. The article heading of existing article six, the complete article seven and the article heading and section three of article twelve of the Constitution of the Commonwealth of Pennsylvania, which read as hereinafter set forth, are hereby repealed.

## [ARTICLE VI

### Impeachment and Removal from Office]

(Formerly  
Article VI,  
Section 1.)

(Formerly  
Article VI,  
Section 2.)

(Formerly  
Article VI,  
Section 3.)

(Formerly  
Article VI,  
Section 4.)

## [ARTICLE VII

## Oath of Office

Section 1. Senators and Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe the following oath or affirmation:

“I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States, and the Constitution of this Commonwealth, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing, to procure my nomination or election, (or appointment), except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this Commonwealth, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.”

The foregoing oath shall be administered by some person authorized to administer oaths, and in the case of State officers and judges of the Supreme Court, shall be filed in the office of the Secretary of the Commonwealth, and in the case of other judicial and county officers, in the office of the prothonotary of the county in which the same is taken; any person refusing to take said oath or affirmation shall forfeit his office; and any person who shall be convicted of having sworn or affirmed falsely, or of having violated said oath or affirmation, shall be guilty of perjury, and be forever disqualified from holding any office of trust or profit within this Commonwealth. The oath to the members of the Senate and House of Representatives shall be administered by one of the judges of the Supreme Court or of a court of common pleas learned in the law, in the hall of the House to which the members shall be elected.]

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## [ARTICLE XII

## Public Officers]

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[Section 3. Any person who shall fight a duel or send a challenge for that purpose or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this State, and may be otherwise punished as shall be prescribed by law.]

