

DISTRICT ATTORNEYS - ELECTION OF
Act of May 3, 1850, P.L. 654, No. 385
AN ACT

Cl. 16

Providing for the election of district attorneys.

Section 1. Election and term of office

The qualified voters of the City and County of Philadelphia, and of each and every county in the State, shall, at the general election on the second Tuesday of October next, and every three years thereafter, elect one person, learned in the law, who has been two years admitted to the bar, and who shall have resided in the county for which he is elected for one year next preceding his election, who shall be called the district attorney of said county; and the officer so elected shall sign all bills of indictment, and conduct in court all criminal and other prosecutions in the name of the Commonwealth, or when the State is a party, which arise in the county for which he is elected, and perform all the duties which now by law are to be performed by deputy attorney generals, and receive the same fees or emoluments of office: Provided, Said district attorney shall in no case whatever have authority to enter nolle prosequi in any criminal case, either before or after bill found, or to discharge a prisoner from custody, without first having obtained the approbation of the court in writing. 1850, May 3, P.L. 654, Sec. 1.

Section 2. Return judges to add up votes; oath of office

The return judges of the said city and county, Philadelphia, and of each county in the state, shall, when they meet as now required by law, faithfully add up the votes given at said election for district attorney, and he who has the highest number of votes shall be declared duly elected; and they shall make out duplicate certificates, one of which shall be delivered to the person thus declared elected, and the other to the prothonotary of the court of common pleas of the proper county; and on the first monday of november after said election, the person who is legally elected shall appear in the court of common pleas of said county, if in session, and if not, then at the next session of said court, and then, in open court, take and subscribe the same oath or affirmation as is required to be taken by the Attorney General; which oath shall be entered upon the records of said court. 1850, May 3, P.L. 654, Sec. 2.

Section 3. Contested elections and filling of vacancies

All elections of district attorneys shall be contested and decided in the same manner as is now provided by law for contesting the election of county officers; and if any vacancy shall occur, either by death, resignation, removal from office or from the county, or otherwise, the judges of the court of common pleas shall supply such vacancy, by the appointment of a competent person to fill the office until the next general election: Provided, Such vacancy happens thirty days before; if not, then until the next general election thereafter, and until a successor is duly elected and qualified. 1850, May 3, P.L.

654, Sec. 3.

Section 7. When deputy may be appointed

If in case of sickness, or from any other cause, the district attorney shall be unable to attend to the duties and business of the term of a court, he shall have authority to appoint some competent attorney of the county, with the approbation of the court, to act as his deputy for one term, but for no longer period. 1850, May 3, P.L. 654, Sec. 7.