

No. 385.

A N A C T

Providing for the election of district attorneys.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That

Qualification of persons to be elected.

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

District attorneys to sign all bills of indictment, &c.

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 or 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.

Fees.

Proviso.

Duplicate certificates of election to be made out, &c.

SECTION 2. The return judges of the said city and county, 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.

Vacancies, how supplied.

SECTION 3. 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.

Proceedings in case any person elected as aforesaid shall be charged with crime or misdemeanor.

SECTION 4. If any person elected to said office shall be charged with any crime or misdemeanor which by law is indictable, or shall be guilty of a misdemeanor in office, or of gross or wilful neglect in the discharge of his official duty, on complaint being made before any one of the judges of said court, in writing, verified by affidavit, it shall be the duty of the court, if they believe there is probable cause for such complaint

to appoint some other competent attorney of the court to prepare a bill of indictment against the district attorney, to be laid before the grand jury, and to conduct the same to final trial; and in case the said district attorney be convicted of any infamous crime, and final judgment rendered, it shall be part of the sentence of the court that he be removed from office; and the court shall then proceed to appoint another competent person to fill such vacancy, as provided in a former section of this act; and the person appointed to conduct such prosecution shall be paid a reasonable compensation for his services, out of the treasury of the county; the amount to be fixed by the court.

SECTION 5. If any district attorney shall demand any greater fee than that allowed in the fee bill, for any services he shall perform in relation to any case, or shall receive any fee, reward or present for the examination of any case in relation to a nolle prosequi, he shall be liable to an indictment therefor, and on conviction, shall be deemed guilty of a misdemeanor in office, and be punished by a fine, at the discretion of the court, as well as removal from said office. Penalty for demanding excessive fees.

SECTION 6. No district attorney shall be eligible to a seat in the legislature, or to any other office under the laws and constitution of the state during his continuance in office. Ineligible to a seat in the legislature.

SECTION 7. 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. Provisions in case of the sickness, &c., of district attorney.

SECTION 8. All laws or parts of laws inconsistent with the provisions of this act, now in force in the state, be and the same are hereby repealed. Repeal.

J. S. M'CALMONT,
Speaker of the House of Representatives.

V. BEST,
Speaker of the Senate.

APPROVED—The third day of May, one thousand eight hundred and fifty.

WM. F. JOHNSTON.

No. 386.

A N A C T

Authorizing Catharine Shultz to sell and convey certain real estate; and for the establishment of Rittenhouse college, in the county of Bedford.

WHEREAS, Philip Shultz, late of the borough of Huntingdon, in the county of Huntingdon, being seized of certain real estate situate in the said county, made his last will and testament bearing date the second day of July, Anno Domini, one thousand eight hundred forty-nine, which will was after his death duly proved, and remains in the regis- Preamble.