Gaceta de Puerto-Rico

Year 1901—Office, Fortaleza 21

Official subscriptions	$ 1.75 per month
Private — — —	1.25 — —
Single copy (date of issue)	.10
— — (old date)	.20
Advertisement:	.10 per line

Published daily except Mondays

Año 1901---Oficinas, Fortaleza 21.

Subscripción oficial por un mes	$ 1.75
Subscripción particular por un mes	1.25
Número suelto del día	.10
Número atrasado	.20
Anuncios la línea	.10

Se publica diariamente menos los Lunes

Entered at the P. O. at San Juan P. R. as Second class matter.

Year 1901 San Juan Puerto-Rico, Friday March 22nd No. 68

PARTE OFICIAL

A N A C T

Concerning PROCEDURE IN JURY TRIALS.

(Continuation.)

Section 118.—He may show for cause against the judgment:

1st.—That he is insane; and if, in the opinion of the Court there is reasonable ground for believing him to be insane, the question of insanity must be tried as provided by law. If, upon trial of that question, the july find that he is sane, judgment must be pronounced, but if they find him insane, he must be committed to the insane asylum until he becomes sane; and when notice is given of that fact, he must be brought before the Court for judgment.

2nd.—That he has good cause to offer, either in arrest of judgment or for a new trial; in which case, the Court may, in its discretion, order the judgment to be deferred, and proceed to decide upon a motion in arrest of judgment or for a new trial.

Section 119.—If no sufficient cause is alleged or appears to the Court why judgment should not be pronounced, it must there-upon be rendered.

Section 120.—After a plea or verdict of guilty, where a discretion is conferred upon the Court as to the extent of the punishment, the Court, upon the oral suggestion of either party that there are circumstances which may properly be taken into view, either in aggravation or mitigation of the punishment, may, in its discretion, hear the same summarily, at a specified time, and upon such notice to the adverse party as it may direct.

Section 121.—The circunstances must be presented by the testimony of witnesses examined in open Court, except that when a witness is so sick or infirm as to be unable to attend, his deposition may be taken by a magistrate, out of Court, upon such notice to the adverse party as the Court may direct. No affidavit or testimony, or representation of any kind, verbal or written, can be offered to or received by the Court, or a judge thereof, in aggravation or mitigation of the punishment, except as provided in this and the preceding section.

Section 122.—A judgment that the defendant pay a fine and costs may also direct that he be imprisoned until the fine is satisfied, specifying the extent of the imprisonment which must not exceed one day for every two dollars of the fine and costs.

Section 123.—When judgment of fine is entered against a defendant, and it is ordered that he be committed until the same are paid, if at any time thereafter the defendant prove to the Court, or judge thereof, by his own affidavit or that of any other person, that he is unable to pay such fine and costs, or any part thereof, the Court, or judge thereof may order the sheriff or officer having him in custody to realese him upon his having been confined in jail one day for every two dollars of such fine and costs, or any portion thereof remaining unpaid; but if the defendant do not prove to the satisfaction of the Court, or judge thereof, that he is unable to pay such fine and costs, or any part thereof, he shall not be released from confinement, except as hereinafter provided, unless the sheriff or officer of the Court has made the same upon execution out of his property.

Section 124.—Whenever any defendant is committed to jail for the failure to pay any fine and costs adjudged against him, and has failed to prove to the satisfaction of the Court or judge thereof that he is unable to pay the same, or any part thereof, the Court must order that he be discharged from custody when he has served one day for every two dollars of such fine; but this does not discharge the judgment for fine, which may at any time thereafter, within the time limited by law, be collected upon execution issued thereon.

Section 125.—To secure the pecuniary responsibilities of a criminally indicted party, an attachment shall be issued against a sufficient amount of his property at the discretion of the Court, except where the said party enters into a bond conditioned upon said responsibilities. The attachment may be issued at any stage of the trial as the Court may deen meet.

Section 126.—When judgment upon a conviction is rendered, the clerk must enter the sam in the minutes, stating briefly the offense for which the conviction was had, and the fact of a prior conviction (if one), and must, within five days, annex together and file the following papers, which will constitute a record of the action:

1st.—The accusation information or indictment, and a copy of the minutes of the plea or demurrer.

2nd.—A copy of the minutes of the trial.

3rd.—The charges given or refused, and the indorsements thereon: and

4th.—A copy of the judgme[illegible]

The Execution.

Section 127.—When a judgment other than of death, has been pronounced, a ce[illegible]d copy of the entry thereof upon the minutes mu[illegible] forthwith furnished to the officer whose duty it is to execute the judgment, and no other warrant or authority is necessary to justify or require its execution.

Section 128.—If the judgment is for a fine alone, execution may be issued thereon as on a judgment in a civil action.

Section 129.—If the judgment is for imprisonment, or a fine and imprisonment until it be paid, the defendant must forthwith be committed to the custody of the proper officer, and by him detained until the judgment is complied with.

Section 130.—If the judgment is for imprisonment in the Insular prison, the sheriff or other officer of the Court must, upon receipt of a certified copy thereof, take and deliver the defendant to the warden of the Insular prison. He must also deliver to the warden the certified copy of the judgment, and take from the warden a receipt for the defendant.

Section 131.—Such sheriff or deputy, while conveying the criminal to the place of punishment, has the same power and like authority to require the assistance of any citizen of the Island in securing such criminal and retaking him if he escapes as such sheriff or other officer has in any other case; and all persons who neglect or refuse to assist such officer when required, are liable to the sam penalties as for similar refusals in other cases.

(To be continued.)

L E Y

Para un Decreto relativo á procedimientos en los juicios por Jurados.

(Continuación.)

Sección 118—Puede presentar como causa para que no se le condene en la sentencia:

1—El estar loco; y si en opinión del Tribunal existen razones fundadas para consderársele como tal, se procederá á juzgar la cuestión de locura con arreglo á la ley. Si al juzgar esa cuestión, el Jurado hallase que está en su cabal juicio, la sentencia debe dictarse, pero si apreciare que está loco, se le recluirá en un manicomio hasta que recobre el juicio; y al recibirse noticia de su curación, deberá ser conducido al Tribunal para que se dicte su sentencia.

2—Tener buenas razones que oponer, ya para que se suspenda la sentencia ó para que se abra un nuevo juicio, en cuyo caso el Tribunal, usando de su buen criterio, puede ordenar que se difiera ó aplace la sentencia de la causa, y se proceda á decidir el incidente sobre la suspensión de dicho fallo ó para que se abra un nuevo juicio.

Sección 119—Si no se alega, ó no halla el Tribunal suficiente causa para que no sea dictada la sentencia, debe ésta pronunciarse en consecuencia.

Sección 120—Después de una confesión ó veredicto de culpabilidad y siempre que se deje á criterio del Tribunal la extensión del castigo, el Tribunal, á indicación oral de cualquiera de las partes, de existir circunstancias agravantes ó atenuantes que propiamente pueden ser tomadas en consideración, puede á su arbitrio oir esa indicación y sustanciar el incidente en el plazo que fije, oyendo á la parte contraria como juzgue conveniente

Sección 121—Las circunstancias referidas deben ser presentadas por las declaraciones de testigos examinados en pleno Tribunal excepto en los casos en que el testigo esté tan enfermo ó tan débil que no pueda comparecer ante la Sala de justicia, en cuyo evento su declaración puede ser tomada por un magistrado, fuera del Tribunal, después de notificarlo á la parte contraria en la forma que el Tribunal estime oportuno. No se ofrecerá al Tribunal ni se recibirá por éste ni por ninguno de sus jueces, ninguna declaración jurada, testimonio ó representación de ningún género, escrita ó verbal que tienda á agravar ó mitigar el castigo, á menos que no sea con arreglo á lo prescrito en ésta y en la sección anterior.

Sección 122—Un fallo en que el acusado sea condenado á satisfacer una multa y las costas, puede también disponer que se le reduzca á prisión hasta que la multa sea satisfecha, cuidando de especificar la duración de la prisión que no debe exceder de un dia por cada dos dollars de la multa

Sección 123—Cuando se haya ordenado la ejecución de una sentencia de multa dictada contra un acusado y se ordene que éste sea reducido á prisión hasta que las satisfaga, si el acusado posteriormente prueba al Tribunal ó á alguno de sus jueces, por medio de su declaración jurada ó la de cualquier otro individuo, que no puede pagar tal multa ni parte de ella, el Tribunal ó juez del mismo, puede ordenar al sheriff ó funcionario que le tiene bajo su custodia que le ponga en libertad, siempre que haya estado en la Cárcel un dia por cada dos dollars de la multa ó parte de ella que permanezca insoluta; pero si el acusado no probare á satisfacción del Tribunal ó de uno de sus jueces, que no pueden satisfacer tal multa ó parte de ella, no se decretará su excarcelación sino después de cumplidos los requisitos que más adelante se previenen, á menos que el Sheriff ó funcionario del Tribunal haya hecho efectiva dicha multa ejecutando la propiedad del acusado.

Sección 124—Siempre que cualquier acusado haya sido recluido en la cárcel por falta de pago de alguna multa á que hubiere sido condenado y haya dejado de probar á satisfacción del Tribunal ó de un Juez del mismo, que no puede satisfacer ni el todo ni parte de dichas multas, el Tribunal debe decretar que se le excarcele despues de haber cumplido la condena de un un dia por cada dos dollars de multa impuesta, pero esto no le releva del pago de la multa y costas, que, en cualquier tiempo despues, dentro del límite fijado por la ley, pueden ser hechas efectivas ejecutando bienes de su propiedad.

Sección 125—Para asegurar las responsabilidades pecuniarias del acusado por un delito se le embargarán bienes bastantes de su propiedad á juicio del Tribunal, salvo si afianza suficientemente á juicio de éste el pago de dichas responsabilidades El embargo podrá decretarse en cualquier estado del juicio, cuando el Tribunal lo juzgue necesario.

Sección 126—Cuando se dicte sentencia á virtud de la convicción del acusado, el Secretario tomará nota de ella en el acta que se levante, exponiendo brevemente el delito sobre que ha recaido la convicción, así como la circunstancia de existir una convicción anterior (si la hubo) y reunirá y archivará dentro de los cincos dias siguientes, los documentos que se enumeran á continuación como constancia de la acción seguida: