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PARTE OFICIAL

AN ACT

Concerning PROCEDURE IN JURY TRIALS.

(Continuation.)

Section 132.—In all cases of conviction for felony, the Court sentencing any person convicted, must attach to the sentence of imprisonment the provision that such imprisonment be at hard labor; and whenever a jury designate in their verdict any term of imprisonment, the same means imprisonment at hard labor.

Section 133.—When judgment of death is rendered, a warrant signet by the judge, and attested by the clerk under the seal of the Court, must be drawn and delivered to the sheriff or other officer of the Court. It must state the conviction and judgment, and appoint a day on which the final judgment is to be executed, which must not be less than thirty nor more than sixty days from the time of the judgment.

Section 134.—If, after the judgment of death, there is good reason to suppose that the defendant has become insane the principal officer of the Court with the concurrence of the judge of the Court by which the judgment was rendered, may summon from the list of jurors selected for the year, a jury of twelve persons to inquire into the supposed insanity, and must give immediate notice thereof to the district attorney.

Section 135.—The district attorney must attend the inquisition and may produce witnesses before the jury, for which purpose he may issue process in the same manner as for witnesses to attend before the Court, and disobedience thereto may be punished in like manner as disobedience to process issued by the Court.

Section 136.—A certificate of the inquisition must be signed by the jurors and the officer of the Court, and filed with the clerk of the Court in which the conviction was had.

Section 137.—If it is found by the inquisition that the defendant is sane, the officer of the Court must execute the judgment; but if it is found that he is insane the officer of the Court must suspend the execution of the judgment until he receives a warrant from the governor or from the judge of the Court by which the judgment was rendered directing the execution of the judgment. If the inquisition finds that the defendant is insane, the officer of the Court must immediately transmit in to the governor, who may, when the defendant becomes sane, issue a warrant appointing a day for the execution of the judgment.

Section 138.—If there is good reason to suppose that a woman against whom a judgment of teath is rendered is pregnant or that a prisoner is dangerously rich the officer of the Court, with the concurrence of the judge of the Court by which the judgment was rendered, shall summon a jury of three physicians to inquire into the supposed pregnancy or sickness. Immediate notice thereof must be given to the district attorney of the district, and the provisions of § 135 and § 136, apply to the proceedings upon the inquisition.

Section 139.—If it is found by the inquisition that the woman is not pregnant, the officer of the Court must execute the judgment; if it is found that the woman is pregnant the officer of the Court must suspend the execution of the judgment, and transmit the inquisition to the governor. When the governor is satisfied that the woman is no longer pregnant or that the prisoner is no lenger sick he shall issue his warrant appointing a day for the execution of the judgment.

Section 140.—If for any reason a judgment of death has not been executed, and it remains in force, the Court in which the conviction was had, on the application of the district attorney, must order the defendant to be brought before it, or if he is at large, a warrant forhis apprehension may be issued.

Section 141.—Upon the defendant being brought before the Court, it must inquire into the facts, and if no legal reasons exist against the execution of the judgment, must make an order that the officer of the Court execute the judgment at a specified time. The officer of the Court must execute the judgment accordingly.

Section 142.—A judgment of death must be executed within the walls or yard of a prison, or some convenient private place in the district. The sheriff or other chief executive officer of the Court must be present at the execution, and must invite the presence of a physician, the district attorney, and at least twelve reputable citizens, to be selected by him; and he shall, at the request of the defendant, permit such priest or minister of the gospel, not exceeding two, as the defendant may name, and any person, relatives or friends, not to exceed five, to be present at the execution, together with such peace officers as he may think expedient, to witness the execution. But no other persons than those mentioned in this section can be present at the execution, nor can any person under age be allowed to witness the same.

Section 143.—After the execution, the officer of the Court must make a return upon the death warrant, showing the time, mode and manner, in which it was executed.

Bills of Exception.

Section 144.—On the trial of an accusation, information or indictments exceptions may be taken by the defendant to a decision of the Court:

1st.—In disallowing a challenge to the panel of the jury, or to an individual juror for implied bias.

2nd.—In admitting or rejecting testimony on the trial of a challenge to a juror for actual bias.

3rd.—In admitting or rejecting testimony, or in deciding any question of law not a matter of discretion, or in charding or instructing the jury upon the law on the trial of the issue.

Section 145.—When a party desires to have the exceptions taken at the trial settled in a bill of exceptions, the draft of a bill must be prepared by him and presented, upon notice of at least two days to the district attorney, to the judge for settlement, within ten days after judgment has been rendered against him, unless further time is granted by the judge, or by a justicie of the Supreme Courf, or within that period the draft must be delivered to the clerk of the Court for the judge. When received by the clerk, he must deliver it to the judge, or transmit it to him at the earliest period practicable. When settled, the bill must be signed by the judge and filed with the clerk of the Court.

Section 146.—Exceptions may be taken by either party to the decision of a Court or judge upon a matter of law:

1st.—In granting or refusing a motion to set aside an accusation, information or indictment.

2nd.—In granting or refusing a motion in arrest of judgment.

3rd.—In granting or refusing a motion for a new trial.

4th.—In making or refusing to make, an order after judgment affecting any substantial right of the parties.

Section 147.—Exceptions may be taken by the defendant to a decision of the Court upon a matter of law:

1st.—In refusing to grant a motion for a change of the place of trial.

2nd.—In refusing to postpone the trial on motion of the defendant.

(To be continued.)

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

(Continuación.)

Sección 132—En todos los casos de convicción por delitos graves, al sentenciar el Tribunal á cualquiera persona declarada culpable, manifestará en la sentencia de prisión que ésta lleva anexa la de trabajos forzados; y siempre que un Jurado designa en su veredicto la duración de la prisión, significa que ésta vá acompañada de trabajos forzados

Sección 133—Cuando se dicte sentencia de muerte, debe expedirse y entregarse al Sheriff ó á otro funcionario del Tribunal un mandamiento firmado por el Juez y legalizado por el Secretario con el sello del Tribunal. Debe mnaifestarse en él el veredicto de culpabilidad y la sentencia, y señalarse dia para la ejecución de ésta, la cual no deberá ser antes de los treinta ni después de los sesenta dias, á contar desde la fecha de la sentencia firme.

Sección 134—Si, después de dictada la sentencia de muerte, existiere un buen fundamento para suponer que el acusado se ha vuelto loco, el funcionario principal del Tribunal, con la concurrencia del Juez del Tribunal que hubiese dictado la sentencia, podrá citar de la lista de jurados elegidos para el año, un Jurado de doce personas para investigar acerca de la supuesta locura y dará inmediato aviso de ella al Fiscal del Distrito.

Sección 135—El Fiscal del Distrito asistirá á la investigación y podrá producir testigos ante el Jurado, para cuyo objeto podrá dictar auto de comparecencia como los que se dictan para que los testigos comparezcan ante el Tribunal. y la desobediencia á dichos autos será castigada en la misma forma que se castiga la desobediencia á los autos de comparecencia dictados por el Tribunal.

Sección 136—Una certificación de la investigación debe ser firmada por los jurados y por el Sheriff, y se archivará por el Setretario de Tribunal en que se haya declarado la culpabilidad.

Sección 137—Si de la investigación resultare que el acusado no está loco, el funcionario del Tribunal debe ejecutar la sentencia; pero si se hallare que si está loco, el funcionario del Tribunal debe suspender la ejecución hasta que reciba un mandamiento del Gobernador ó del Juez del Tribunal que haya dictado la sentencia, por el que se ordene la ejecución de la misma. Si de la investigación resulta que el acusado está loco, el funcionario del Tribunal debe trasmitir las diligencias inmediatamente al Gobernador, quien deberá, cuando el acusado recobre el juicio, expedir un mandamiento señalando dia para la ejecución de la sentencia.

Sección 138—Si existiere buen fundamento para suponer que una mujer contra quien se haya dictado sentencia de muerte, está en cinta ó que un reo tiene una enfermedad grave, el funcionario del Tribunal en unión del Juez del Tribunal que hubiere dictado la sentencia, citara un jurado de tres médicos que investigarán acerca de la supuesta preñez de la mujer ó enfermedad del reo De esto se dará aviso inmediato al Fiscal de distrito del Distrito, aplicándose á los procedimientos de esta investigación, las prescripciones de los artículos 135 y 136.

Sección 139—Si resultare de la investigación que la mujer no está en cinta, ó el reo no se halla en estado de enfermedad grave, el funcionario del Tribunal ejecutará la sentencia; pero si se hallare que sí lo está, el funcionario del Tribunal debe suspender la ejecución, y trasmitir ias diligencias al Gobernador. Cuando quede plenamente convencido el Gobernador de que la mujer ha dejado de estar en cinta ó que el reo ha dejado de estar enfermo, deberá expedir mandamiento señalando dia para la ejecución, á no ser que opte por indultar al reo.

Sección 140—Si por cualquier razón no se hubiere ejecutado una sentencia de muerte y ésta permaneciese vigente, el Tribunal que hubiese declarado la culpabilidad del acusado, debe ordenar á solicitud del Fiscal del Distrito, la comparecencia del reo ante el Tribunal, ó en caso de hallarse prófugo, expedir el correspondiente mandamiento para su captura.

Sección 141 -Una vez traido el acusado á la pre-