

# MAINE STATE LEGISLATURE

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# **PUBLIC ACTS**

OF THE

## **STATE OF MAINE,**

PASSED BY THE

**ELEVENTH LEGISLATURE,**

AT ITS SESSION, HELD IN JANUARY, 1831.

—◆—  
PUBLISHED AGREEABLY TO THE RESOLVE OF 28TH JUNE, 1820.  
—◆—

**Portland.**

TODD AND HOLDEN.....PRINTERS TO THE STATE.

1831.

## CHAPTER DIV.

AN ACT for the prosecution and punishment of accessaries in Felonies.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That if any person shall counsel, hire, or otherwise procure the commission of a felony, and any other person shall by means thereof commit the same, whether it be a felony at common law, or by virtue of any statute or statutes, made or hereafter to be made, the person so counselling, hiring, or otherwise procuring shall be deemed guilty of felony, and may be indicted and convicted, either as an accessory *before* the fact to the principal felony, together with the principal felon, or *after* the conviction of the principal felon, or may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may be punished in the same manner as any accessory before the fact to the same felony, if convicted as an accessory may be punished.

The accessory to a felony before the fact may be tried either before or after conviction of principal felon.

SECT. 2. *Be it further enacted,* That the offence of the person so counselling, hiring, or otherwise procuring, howsoever indicted, may be inquired of, tried, determined and punished by any court, which shall have jurisdiction to try the principal felon, in the same manner as if such offence had been committed at the same place, as the principal felony, although such offence may have been committed either on the high seas, or at any place on land, whether within or without the limits of this State; and if the principal felony shall have been committed within the body of any county, and the offence of counselling, hiring, or otherwise procuring, shall have been committed within the body of any other county, the last mentioned offence may be enquired of, tried, determined and punished in either of said counties.

Before what Court and in what County tried.

SECT. 3. *Be it further enacted,* That if any person shall become an accessory after the fact, to any felony, whether the same be a felony at common law, or by virtue of any statute or statutes, made or hereafter to be made, the person so becoming an accessory after the fact, may be indicted and convicted, whether the principal felon, shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and the offence of the person so becoming an accessory *after* the fact, may be enquired of, tried, determined and punished, by any Court having jurisdiction to try the principal felon; and if the principal felony shall have been committed within the body of any county, and the act, by reason whereof any person shall become an accessory to such felony, shall have been committed within the body of any other county, the offence of such accessory may be enquired of, tried, determined and punished in either of said counties.

Accessory after the fact, when indicted and convicted

By Court having jurisdiction to try principal felon.

[*Approved by the Governor, March 17, 1831.*]

## CHAPTER DV.

AN ADDITIONAL ACT relating to Appeals.

SECT. 1. *BE it enacted by the Senate and House of Representatives, in Legislature assembled,* That from and after the passing of this Act, whenever a conviction shall be had in the Court of Common Pleas, in a criminal prosecution, wherein the right of appeal is now allowed by law, the party convicted shall have the right of appeal from such conviction, either before or after sentence, to the Supreme Judicial Court next to be holden within the same county; and upon such appeal being claimed, the Court may order the party appealing to recognize to the State, in

Person convicted of crime in C. C. Pleas may appeal to S. J. Court.