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OF THE
TERRITORY OF MINNESOTA,

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LEGISLATIVE ASSEMBLY,

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CHAPTER 109.

GENERAL PROVISIONS CONCERNING CRIMES AND PUNISHMENTS.

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Accessory to felony before the fact how punished.

SEC. 1. Every person who shall be aiding in the commission of any offence which shall be a felony, or who shall be accessory thereto before the fact, by counseling, hiring, or otherwise procuring such felony to be committed, shall be punished in the same manner as is, or shall be prescribed for the punishment of the principal felon.

Accessory to felony before the fact how punished.

SEC. 2. Every person who shall counsel, hire, or otherwise procure any offence to be committed which shall be a felony, may be indicted and convicted as an accessory before the fact, either with the principal felon, or after the conviction of the principal felon; or he may be indicted and convicted of a substantive felony, whether the principal felon shall or shall not have been convicted, or shall or shall not be amenable to justice, and in the last mentioned case may be punished in the same manner as if convicted of being an accessory before the fact.

Accessory when and how tried.

SEC. 3. Any person guilty of the offence in the preceding section, may be indicted, tried and punished in the same court and in the same county, where the principal felon might be indicted and tried, although the offence of counseling, hiring, or procuring the commission of such felony may have been committed either within or without the limits of this territory.

Accessory after the fact how punished.

SEC. 4. Every person not standing in the relation of husband or wife, parent or grand parent, child or grand child, brother or sister, by consanguinity or affinity to the offender, who, after the commission of any felony, shall harbor, conceal, maintain or assist any principal felon or accessory before the fact, or shall give such offender any other aid, knowing that he had committed a felony, or had been accessory thereto before the fact, with intent that he shall avoid or escape from detection, arrest, trial, or punishment, shall be deemed an accessory after the fact, and shall be punished by imprisonment in the county jail not more than one year, or by fine not exceeding two hundred dollars.

Accessory after the fact how tried.

SEC. 5. Every person who shall become an accessory after the fact to any felony, either at common law or by any statute made, or which shall hereafter be made, may be indicted, convicted, and punished, whether the principal felon shall or shall not have been convicted previously, or shall or shall not be amenable to justice by any court having jurisdiction to try the principal felon, and either in the county

where such person shall have become an accessory, or in the county where such principal felony shall have been committed.

SEC. 6. In all criminal prosecutions or indictments for libel, the truth may be given in evidence; and if it shall appear to the jury that the matter charged as libelous be true, and was published with good motives and justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

On indictments for libel, truth may be given in evidence, &c.

SEC. 7. Offences committed on the boundary lines of two counties, or within one hundred rods of the dividing line between them, may be alleged in the indictment to have been committed in either of them, and may be prosecuted and punished in either county.

Offences committed near boundary of county.

SEC. 8. If any mortal wound shall be given, or other violence or injury shall be inflicted, or any poison shall be administered in one county, by means whereof death shall ensue in another county, the offence may be prosecuted in either county.

Mortal wound in one county and death in another.

SEC. 9. If any such mortal wound shall be inflicted, or other violence or injury done, or poison administered, either within or without the limits of this territory, by means whereof death shall ensue in any county thereof, such offence may be prosecuted and punished in the county where such death may happen.

Mortal wound without the territory and death in the territory, trial where to be had.

SEC. 10. In any prosecution for the offence of embezzling the money, bank notes, checks drafts, bills of exchange, or other security for money, of any person, by a clerk, agent, or servant of such person, it shall be sufficient to allege generally in the indictment, an embezzlement of money to a certain amount without specifying any particulars of such embezzlement, and on the trial evidence may be given of any such embezzlement committed within six months next after the time stated in the indictment, and it shall be sufficient to maintain the charge in the indictment, and shall not be deemed a variance if it shall be proved that any money, bank note, check, draft, bill of exchange, or other security for money of such person, of whatever amount, was fraudulently embezzled by such clerk, agent, or servant, within the said period of six months.

Allegation in indictment for embezzlement and evidence.

SEC. 11. In the prosecution of any such offence committed upon or in relation to, or in any way affecting any real estate, or any offence committed in stealing, embezzling, destroying, injuring, or fraudulently receiving or concealing any money, goods, or other personal estate, it shall be sufficient, and shall not be deemed a variance, if it be proved on trial that at the time when such offence was committed, either the actual or constructive possession, or the general or special property, in the whole or any part of such real or personal estate, was in the person or community alleged in the indictment or other accusation, to be the owner thereof.

What deemed proof of ownership of property stolen, &c.

SEC. 12. All fines and forfeitures imposed as a punishment for any offence, or for the violation or neglect of any duty imposed by a statute may be prosecuted for and recovered by indictment in the district court; or when the amount or value thereof does not exceed one hundred dollars, the same may be prosecuted for, by complaint before a justice of the peace, who shall have jurisdiction thereof concurrently with the district court.

Fines, &c., may be recovered by indictment in district court.

SEC. 13. When any fine shall be imposed upon any person upon conviction upon an indictment or presentment of a grand jury, or when such fine has been imposed by a justice of the peace, in cases where justice's of the peace have jurisdiction, such fine when the same shall be collected, shall in all cases be paid into the county treasury of the county where the conviction was had, unless otherwise provided by law.

Fines, &c., when recovered before justice.

SEC. 14. The plea of benefit of clergy, and the distinction between murder and petit treason, are abolished, and the last named offence shall be prosecuted and punished as murder in the second degree.

Plea of benefit of clergy and petit treason abolished.