

**KELLY'S FEDERAL PROHIBITION
DIGEST, INCLUDING SUCH
CITATIONS AS MAY BE USEFUL IN
THE TRIAL OF CASES ARISING UNDER
THE NATIONAL PROHIBITION ACT**

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Kelly's federal prohibition digest, including such citations as may be useful in the trial of cases arising under the National prohibition act by Bernard Kelly

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BERNARD KELLY

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Kelly's Federal Prohibition Digest

Including Such Citations as May be Useful in the Trial
of Cases Arising Under the National
Prohibition Act.

Also Forms

By
BERNARD KELLY
OF THE PEORIA BAR
PEORIA, ILLINOIS



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PREFACE.

It is to be hoped that this work will meet an existing demand for a digest on Prohibition Laws. An effort has been made to include all cases arising under the Act, supplemented by such additional citations as may be of use in actual trial work.

The author has constantly kept in mind that one of the purposes to be served by this book is: that it may afford ready and quick reference to the law on its particular subject. Not only in the office but in the court room. Consequently he has tried to make it as compact as possible consistent with thoroughness of treatment.

This book is intended as an adjunct to the many excellent works on Federal Law. It is to be used with these works and in no sense is meant to replace them.

In presenting this digest to the profession the author feels fully the need for indulgence. However, he has faith in the magnanimity of his brother members of the bar.

BERNARD KELLY.

Peoria, Ill., November 24, 1922.

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ACCOMPLICES.

1. **Concealing Knowledge of Crime:—**

A person does not become an accomplice by reason of the fact that he fails to disclose until sometime after, that a crime was committed.

Bird v. United States, 187 U. S., 118.

2. **Definition:—**

One persuading another to commit a crime is an accomplice.

Ackley v. United States, 200 Fed., 217.

An accomplice is an associate in guilt in the commission of a crime, a participant in the offense as an accessory or principle.

Singer v. United States, 278 Fed., 415.

3. **Entrapment by Officers:—**

Agents wrote letters to a party under suspicion of violating postal laws with intention of using correspondence as a decoy. Agents are not accomplices.

Shepard v. United States, 160 Fed., 584.

4. **Purchase of Liquor:—**

A purchaser of intoxicating liquor is not an accomplice under the Act.

Singer v. United States, 278 Fed., 415.

5. **Rule on Uncorroborated Testimony:—**

The federal courts recognize no rule of law forbidding conviction on the testimony of an accomplice alone if such testimony is believed by the jury. However, it is better practice for the court to instruct the jury to be cautious in accepting such testimony unless corroborated.

Wagman v. United States, 269 Fed., 568;

Holmgren v. United States, 217 U. S., 509-523-24;

Caminetti v. United States, 242 U. S., 470-495;

Ray v. United States, 265 Fed., 257;

United States v. Richards, 149 Fed., 443.