

STATUTES

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Made at WESTMINSTER, *Anno primo & secundo PHILIPPI & MARIE* and A. D. 1554.

CAP. X.

An Act whereby certain Offences be made Treasons, and also for the Government of the King's and Queen's Majesties Issue.

VIII. Provided always, and be it declared and enacted by the Authority aforesaid, That Concealment or keeping secret of any High Treason be deemed and taken only Misprision of Treason, and the Offenders therein to forfeit and suffer, as in Cases of Misprision of Treason hath heretofore been used; any thing above mentioned to the contrary notwithstanding.

A misprision is a neglect, oversight or contempt; and misprision of treason is a negligence in not revealing treason to the proper authorities where a party knows that it has been committed. At common law, the concealment of treason was construed an aiding and abetting of it, 3 Inst. 36; and now, any assent to it makes the party a principal traitor, which assent may be implied by law; as if a man goes to a treasonable meeting, knowing beforehand that a conspiracy is intended against the government, or being in such company once by accident and having heard such treasonable conspiracy, meets the same company again and hears more of it but conceals it, he is guilty, with the rest, of actual treason, if it be carried out in these cases; the concealment is attended with circumstances which show an approbation of the treason, 1 Hawk. P. C. 86. But, by this Statute, the bare concealment of treason is only a misprision, which may therefore be defined to consist in the bare knowledge and concealment of treason without any degree of assent thereto. This obligation to disclose treason is so strong, that it was the law in England, even when the Roman Catholic was the religion of the country, that if treason were discovered to a clergyman in confession, he ought to confess it, though not in cases of felony by Stat. *Articuli Cleri*, c. 10, 2 Inst. 629. But it depends in some degree upon the amount of the party's information; as if he be told in general that there will be a rising or rebellion, but not the parties concerned nor other particulars, this uncertain knowledge need not be disclosed. On the other hand, if he have knowledge in fact of the treason, he cannot protect himself by discovering generally that there will be a rebellion without discovering the parties intending to rise, and these he must discover to a magistrate, and not to a private person, 1 Hawk. P. C. 87. The punish-