

## I Want To Report A Crime – Part 2

‘Misprision of Treason’ -- Pronounced: mis-pri-shun

‘Misprision of treason’ is a crime to which individuals may become guilty.

Black’s Law Dictionary (Sixth Edition) defines ‘misprision of treason’ as follows:

### Misprision of treason:

“The bare knowledge and concealment of an act of treason or treasonable plot by failing to disclose it to the appropriate officials; that is, without any assent or participation therein (in the treason), for if the latter elements be present, the party becomes a principle.” U.S.C.A. § 2382. Black’s Law Dictionary

Black’s Law Dictionary also calls it: “The concealment of something which ought to be revealed.”

Misprision: “But more particularly and properly, the term denotes either (1) a contempt against the sovereign, the government, or the courts of justice, including not only contempt of court, properly so-called, but also all forms of seditious or disloyal conduct and leze-majesty, (2) mal-administration of public office; neglect or improper performance of official duty, including peculation of public funds; or (3) neglect of light account made of a crime, that is, failure in the duty of a citizen to endeavor to prevent the commission of a crime, or having knowledge of its commission, to fail to reveal it to the proper authorities.” Black’s Law Dictionary

The sheriff has extra-ordinary powers. It is written in Bouvier’s Law Dictionary that the sheriff is bound to pursue and take all traitors, murders, felons and rioters. (See attachment.) Could this be the reason why the federal administration has been quietly moving for so many years to eliminate sheriffs, replacing them with federal marshals?

Black’s Law Dictionary defines treason with a number of citations. (See attachment)

“A breach of allegiance to one’s government, usually committed through levying war against such government or by giving aid or comfort to the enemy. The offense of attempting by overt acts to overthrow the government of the state to which the offender owes allegiance; or of betraying the state into the hands of a foreign power.” Black’s Law Dictionary

The State of California Penal Code, cites:

### OFFENSES AGAINST STATE SOVEREIGNTY

#### SECTION 37. Treason

(a) Treason against this state consists only in levying war against it, adhering to its enemies, or giving them aid and comfort, and can be committed only by persons owing allegiance to the state. The punishment of treason shall be death or life imprisonment without possibility of parole. The penalty shall be determined pursuant to Sections 190.3 and 190.4.

(b) Upon a trial for treason, the defendant cannot be convicted unless upon the testimony of two witnesses to the same overt act, or upon confession in open court; nor, except as provided in Sections 190.3 and 190.4, can evidence be admitted of an overt act not expressly charged in the indictment or information; nor can the defendant be convicted unless one or more overt acts be expressly alleged therein.

#### SECTION 38. Treason: Knowledge or Concealment

Misprision of treason is the knowledge and concealment of treason, without otherwise assenting to or participating in the crime. It is punishable by imprisonment in the state prison. State of California Penal Code.

gives the ancestor an e first instance, and, by to his heirs, general or nce also, by conferring hm, as the stock from n inherit;" *Hilleman v. 4, 354, 53 Am. Dec. 474.* en in the first part of a strained by subsequent art it into a life estate; 'a. 886, 27 Am. Rep. 707. ll \*53; *Polk v. Paris, 9 Am. Dec. 400; 77 L. J.* See *Smith v. Proctor, L. 869, 2 L. R. A. (N. S.)*

is not affected by the 28 Atl. Rep. (N. J.) 587. ble to conveyances by by will; 4 Kent \*217. late, it enlarges the es- inheritance, and makes tenant in fee; it makes : personality an absolute

ife, and at his death to rests a fee in the first viving" not being suff- application of the rule, e warranty runs to him rever; *Price v. Griffin, . 372, 29 L. R. A. (N. S.)* mainder is to "his then "heirs then living" or time of their deaths"; Pa. 445, 81 Atl. 122; it tions in which the word it clearly appears that

peace. By the 12th and 13th centuries, he ceased to have control over prisoners, except those condemned to death. He came to be an attendant of the courts of law, the itinerant justices and the justices of the peace in quarter sessions—to summon juries, give notice to prosecutors and others, prepare the judge's lodgings and attend upon him during the assizes. Royal writs were addressed to him and still are, and their execution is his chief duty. This gives him control over parliamentary elections."

Maitland says (*Justice and Police 69*) that "the whole history of English justice and police might be brought under this rubric—the Decline and Fall of the Sheriff."

It is the sheriff's duty to preserve the peace within his bailwick or county. To this end he is the first man within the county, and may apprehend and commit to prison all persons who break or attempt to break the peace, or may bind them over in a recognizance to keep the peace. He is bound, *ex officio*, to pursue and take all traitors, murderers, felons, and rioters; has the safekeeping of the county jail, and must defend it against all rioters; and for this, as well as for any other purpose, in the execution of his duties he may command the inhabitants of the county to assist him, which is called the *posse comitatus*. And this summons every person over fifteen years of age is bound to obey, under pain of fine and imprisonment; *Dalt. Sheriff 855; 2d Inst. 454.*

In his ministerial capacity he is bound to execute, within his county, all processes that issue from the courts of justice, except where he is a party to the proceeding, in which case the coroner acts in his stead. On *mesne* process he is to execute the writ, to arrest and take bail; when the cause comes to trial he summons and returns the jury, and when it is determined he carries into effect the judgment of the court. In criminal cases he also

*Traverse upon a traverse.* One growing out of the same point or subject-matter as is embraced in a preceding traverse on the other side.

**Traverser.** In pleading, one who traverses or denies. A prisoner or party indicted; so called from his traversing the indictment.

**Traversing note.** A pleading in chancery, consisting of a denial put in by the plaintiff on behalf of the defendant, generally denying all the statements in the plaintiff's bill. The effect of it is to put the plaintiff upon proof of the whole contents of his bill, and is only resorted to for the purpose of saving time, and in a case where the plaintiff can safely dispense with an answer. A copy of the note must be served on the defendant.

**T.R.E.** An abbreviation of "*Tempore Regis Edwardi*" (in the time of King Edward), of common occurrence in Domesday, when the valuation of manors, as it was in the time of Edward the Confessor, is recounted.

**Treachery, trechetour, or treachour.** A traitor.

**Treachery.** Deliberate and wilful betrayal of trust and confidence.

**Tread-mill, or tread-wheel.** An instrument of prison discipline, being a wheel or cylinder with an horizontal axis, having steps attached to it, up which the prisoners walk, and thus put the axis in motion. The men hold on by a fixed rail, and, as their weight presses down the step upon which they tread, they ascend the next step, and thus drive the wheel.

**Treason.** A breach of allegiance to one's government, usually committed through levying war against such government or by giving aid or comfort to the enemy. The offense of attempting by overt acts to overthrow the government of the state to which the offender owes allegiance; or of betraying the state into the hands of a foreign power. Treason consists of two elements: adherence to the enemy, and rendering him aid and comfort. *Cramer v. U. S.*, U.S.N.Y., 325 U.S. 1, 65 S.Ct. 918, 932, 89 L.Ed. 1441. See 18 U.S.C.A. § 2381. A person can be convicted of treason only on the testimony of two witnesses, or confession in open court. Art. III, Sec. 3, U.S. Constitution.

*Constructive treason.* Treason imputed to a person by law from his conduct or course of actions, though his deeds taken severally do not amount to actual treason. This doctrine is not known in the United States.

*High treason.* In English law, treason against the king or sovereign, as distinguished from petit or petty treason, which might formerly be committed against a subject.

*Misprision of treason.* See Misprision of treason.

*Petit treason.* In old English law, the crime committed by a wife in killing her husband, or a servant his lord or master, or an ecclesiastic his lord or ordinary. 4 Bl. Comm. 75.

*Treason-felony.* Under the English statute 11 & 12 Vict., c. 12, passed in 1846, is the offense of compassing,

devising, etc., to depose her majesty from the crown; or to levy war in order to intimidate either house of parliament, etc., or to stir up foreigners by any printing or writing to invade the kingdom. This offense is punishable with penal servitude for life, or for any term not less than five years, etc., under statutes 11 & 12 Vict., c. 12, § 3, 20 & 21 Vict., c. 3, § 2; 27 & 28 Vict., c. 47, § 2. By the statute first above mentioned, the government is enabled to treat as felony many offenses which must formerly have been treated as high treason.

**Treasonable.** Having the nature or guilt of treason.

**Treasure.** A treasure is a thing hidden or buried in the earth, on which no one can prove his property, and which is discovered by chance. See *Treasure-trove*.

**Treasurer.** An officer of a public or private corporation, company, or government, who has the receipt, custody, and disbursement of its moneys or funds.

**Treasurer of the Exchequer.** Chief treasurer of the exchequer, and one of the great officers of the crown, who has the receipt, custody, and disbursement of the public moneys.

**Treasurer of the Admiralty.** An officer of the Admiralty, who has the receipt, custody, and disbursement of the public moneys.

**Treasurer of the Navy.** An officer of the Navy, who has the receipt, custody, and disbursement of the public moneys.

**Treasure-trove.** A treasure which is discovered by chance, and which is the property of the finder, unless it is a treasure which is the property of the crown. See *Treasure*.

**Treasuries.** Debt and securities of U.S. government backed by Full Faith and Credit of government. See *Treasury bill*; *Treasury bond*; *Treasury note*.

**Treasury.** A place or building in which stores of wealth are repositied; particularly, a place where the public revenues are deposited and kept, and where money is disbursed to defray the expenses of government.

That department of government which is charged with the receipt, custody, and disbursement (pursuant to appropriations) of the public revenues or funds.

**Treasury bench.** In the English house of commons, the first row of seats on the right hand of the speaker is so called, because occupied by the first lord of the treasury or principal minister of the crown.

**Treasury bill.** Short-term obligations of the federal government. Treasury bills are for specified terms of three, six and twelve months.

**SOURCE!**

**BLACK'S LAW DICTIONARY**  
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# California State Penal Code

## 2. Accessories.

### § 31. Principals

All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense, or aid and abet in its commission, or not being present, have advised and encouraged its commission, and all persons counseling, advising or encouraging children under the age of fourteen years, lunatics or idiots, to commit any crime, or who, by fraud, contrivance or force, occasion the drunkenness of another for the purpose of causing him to commit any crime, or who, by threats, menaces, command or coercion, compel another to commit any crime, are principals in any crime so committed.

### § 32. Accessories

Every person who, after a felony has been committed, harbors, conceals or aids a principal in such felony, with the intent that said principal may avoid or escape from arrest, trial, conviction or punishment, having knowledge that said principal has committed such felony or has been charged with such felony or convicted thereof, is an accessory to such felony.

### § 33. Punishment of Accessories

Except in cases where a different punishment is prescribed, an accessory is punishable by a fine not exceeding five thousand dollars (\$5,000), or by imprisonment in the state prison, or in a county jail not exceeding one year, or by both such fine and imprisonment.

## OFFENSES AGAINST STATE SOVEREIGNTY

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### § 38. Treason; Knowledge or Concealment

Misprision of treason is the knowledge and concealment of treason, without otherwise assenting to or participating in the crime. It is punishable by imprisonment in the state prison.

## CRIMES BY OR AGAINST THE EXECUTIVE POWER

### § 67. Bribing Executive Officer

Every person who gives or offers any bribe to any executive officer in this state, with intent to influence him in respect to any act, decision, vote, opinion, or other proceeding as such officer is punishable by imprisonment in the state prison for two, three or four years, and is disqualified from holding any office in this state.

### § 67.5. Bribing Ministerial Officer

(a) Every person who gives or offers as a bribe to any ministerial officer, employee, or appointee of the State of California, county or city therein, or political subdivision thereof, any thing the theft of which would be petty theft is guilty of a misdemeanor.

(b) If the theft of the thing given or offered would be grand theft the offense is a felony.