

So to break a hole in the Wall, and to shoot in thereby at any within the House, *Anderf. part 1. p. 114.*

So (the Door being opened by some of the House) if any the attempters shall discharge a Dagg against any in the House, and in discharging his Dagg, shall hold his hand over the threshold, though he set no foot over. 26 Eliz.

“ But if Thieves come to a House, and some within open the Door, and one of the Thieves shoot at the Man, and miss him, and the Bullet break the Wall of the House. This is not Burglary. And. part 1. p. 114.

“ Or, if they have a hole in the Wall, and perceive a Man to come by with a Purse, or any thing else in his hand, and snatch it away: This is Burglary. So one came to a Gentlemans Window, and saw a Cabinet with Mony in it, and pulling it to him, took out the Mony, he was executed for it. And. part 1. p. 114.

So if upon an attempt of Burglary, they within the House shall cast out their Mony for fear, and the attempters take it away.

And yet there is no Actual Entry made, in any of these Cases.

But if a Thief setteth but his Foot over the Threshold, or into any part of the House, to commit Felony, or shall for that purpose but put his hand in at the Window, or at any hole in the Wall; this much more shall convict him of Burglary.

Also one being let down the Chimney in the night, to commit Felony, it was adjudged Burglary by Sir R. *Manwood*, Chief Baron, and yet he broke not the House. Crompton

So it is to come into the House by the help of a Key.

So if suddenly one come into the House by night, the Doors being open, and the Owner flieth to his Chamber, and the Offender is taken shoving at the Chamber-door.

So it is, if Thieves pretending that they be robbed, &c. shall come to the Constable, and pray him to make search for the Felons, and going with the Constable into a Mans House to search, they rob the Good Man of the House. This is Burglary.

So if a Servant conspiring with another to rob his Master, shall open his Masters Door or Window in the night, and the other entred thereat; this is Burglary in the Stranger, by the opinion of Sir Roger *Manwood*; and the Servant is but a Thief, and no Burglar. 21 Eliz. Term 11

And yet the House was not broken in any of these Cases.

If a Thief find the Door open, and cometh in by night, and robs the House, and be taken with the manner, and breaks a Door to escape; this is Burglary: Yet the breaking of the Door was without any Felonious intent, but it is one intire Act. Sir *Fr. Ba. 65.*

“ If a Man in the night entred into the House by a hole, or at a Wall broken before, and taketh away any thing, or to the intent to do any Felony, it is Burglary.

But if one cometh into my House, in the day, and there hideth himself till night, and then robbeth me; or if I shall lodge one in my House, and in the night he robbeth me (sc. goeth out of my House, and taketh away some of my Goods with him,) yet this is no Burglary, for that he broke not my House. For the first case it was so holden at *Derby, Ass. 32. El. Crompton 34.* See *hic postea.* Quare of his opening the Door to go out and escape, if that shall not make it Burglary.

Also if divers come to commit Burglary, and but one of them entred, and commit it, the rest standing about the House or not far off, to watch that no help shall come: This is Burglary in all that Company. 11 H. 4. 19

But