

threatneth to kill me, if I deliver him not my Purse; and thereupon I cast my Purse down, and he taketh it away; this is Robbery.

So if one draws his Sword upon me, and biddeth me deliver my Purse, and I refuse, and after he prays me to give him a penny, and I do so; yet it seems this is Robbery: For, by the assault I was put in fear, and out of that I gave him this Mony to be rid of him. Cromp. 34

So if a Thief do only assault me to rob me, and I deliver him my Purse with mine own hand; yet this is Robbery, in regard this fact of mine proceeded from fear, or by his menacing, &c. Ibid.

So in flying from the Thief, I cast my Purse into a Bush to save it, and the Thief seeth me, and taketh it away, this is Robbery; for in this case had they not put me in fear, I should not have cast my Mony from me. Stamf. 37. c.

So if one assaults me to rob me, and I flying away from him, my Hat falleth off, and the Thief taketh it up, and carrieth it away; this is Robbery. Cromp. 34

So if a Thief cometh, and biddeth me deliver my Purse (without drawing any Weapon, or other force used) and I deliver him my Purse, and he finding but two shillings therein, delivereth it me all again; yet this is Robbery, 20 Eliz. Cromp. 34

So if Thieves do take a Man, and by threats compel him to swear to bring them Mony to such a place (at another time) or else that they will kill him, by force whereof he bringeth the Mony accordingly; this is Robbery. *Term. Pasch. 36 Eliz.* It was adjudged accordingly. 44 E. 3. 14. 4 H. 4. 3. Stamf. 27.

One came to a Fisherman, going in the High-way to Market with Fish to sell, and desired to buy some Fish of him, and he refused; whereupon the other took away some of the Fishermans Fishes against his will, and gave him more Mony for them than they were worth; but the Fisherman was thereby put in fear: Whereupon the other was indicted, and arraigned at *Tork* about 26 *Eliz.* But Judgment was respited, for that the Court doubted whether it were Felony or no. Cromp. 34

§. 4.  
Person.

Also, in the former description of Robbery, the words from the person are not so nicely to be construed, that (to make up Robbery) the Goods must needs be annexed to the body of the person; for in some Cases it may be Robbery, notwithstanding the Thief doth neither take the Goods from the person of the owner, nor yet assault him. Stamf. 27. Lamb. 365.

As if in my presence a Felon taketh away my Goods openly against my will; this is Robbery, though he neither taketh them from my person, nor assaulteth me: For the loss is the same, and the fear alike, as though it had been from my person. Stamf. 27. Lamb. 365.

And if one or more do take a Horse out of my Pasture, or drive my Cattle out of my Ground, I standing by, and looking on at the same time; this is Robbery, if so be that the Felon doth neither make an assault upon me, or doth put me in fear. P.R. 131.

§. 5.  
Fear.

Note, to make it Robbery, the person must be put in fear: For if a Felon doth take Mony from me in the High-way, and shall not put me in fear; this is no Robbery, *Lamb. 266. Cromp. 35. P.R. 131.* Dyer. 217.

And you shall find a Case in my Lord *Dyer*, how a Felon did take Mony, to the value of forty shillings, or above, from the person of another in the High-way, and yet for that he did not put his person in fear, by assault and violence, This was holden no Robbery, and the offender was allowed his Clergy for the same Felony, *5 Eliz. Finch lib. 2.*

Note also, if two Thieves shall attempt to rob me, and I flee from them, and one of the Thieves follow me, and the other spying another true Cromp. 84