

true Man (but out of the sight of his fellow) rides towards him, and robbed him; this was adjudged Robbery in both the Thieves; and yet the one was neither in sight, or knowing of this Robbery: But because they both came to rob, and at the same time, this fact committed by the one, shall be imputed to the other also. It was *Pudsey's Case*, 28 *El.*

8 *Eliz. 4.* If one shall cut my Purse, or take or pick my Purse out of my Pocket *caipusca* secretly or privily and fraudulently; it is Felony of Death, without benefit of Clergy, if it be above the value of twelve pence. *Quere*, if it be under twelve pence, because it is taken from the person of a Man, and the form of the Indictments are *Insultum fecit*. (*Fitz. Coron. 430.*) Also the words (8 *Eliz. 4.*) are, That no person taking any Mony or Goods (generally) from the person of another, &c. shall have his Clergy; and yet by the opinion of Mr. *Lambert* and Mr. *Crompton*, this is no Felony of Death, unless the thing taken be of more value than twelve pence, but Petty Larceny; for which the offender is not to have Judgment of Death, and therefore needeth not his Clergy.

So if one shall take any Mony or other Goods from my person, secretly without my knowledge, or by sleight only, I neither being made afraid, nor witting of it (if it be above twelve pence in value) it is Felony of Death.

A Man cutteth my Girdle privily, my Purse hanging thereat, and the Purse and Girdle falleth to the ground, but he did not take them up (for that he was espied) this is no Felony; for that the Thief never had an actual possession thereof, severed from my person: But if he had holden the Purse in his Hand, and then cut the Girdle (although it had fallen to the Ground, and that he took it up no more) then had it been Felony (if there had been above twelve pence in the Purse) for he had it once in his possession: But these secret and privy-takings from my person, are no Robbery; for he neither assaulted me, nor put me in any fear. *Dyer 224.*

And in ancient time, the offender only lost his right Thumb. See *Fitz. Coro. 434.*

Larceny. C H A P. CLIV. V. 101.

Larceny (being fetched from the Latin Word, *Latrocinium*) is properly a fraudulent and felonious taking away of another Mans personal Goods, removed from his Body or Person, in the absence of the Owner, and without his knowledge or will. *Bracton, lib. 3. cap. 17.* §. 1.
¶ 32. saith, Furtum omnino non committitur, sine affectu & animo furandi.

And Mr. *Finch* (*tit. Felonies*) saith, That Larceny is the secret taking of the Goods of another, above the value of twelve pence, without presence of Title.

¶ Ce le tortious prisel de beins, ove pretence de tit. n'est que Trespass.

Grand Larceny is, when the Goods stolen be above the value of twelve pence; and this is Felony of Death, *sc.* wherein Judgment of Death shall be given upon the offender, except he be saved by his Book. §. 2.
Grand Larceny.

And yet if the Goods stolen be to the value of ten shillings, if the Jury that passeth upon his Arraignment, shall find, that the Goods did not exceed the value of twelve pence, then that offence shall be taken but for Petty Larceny.