

§. 3. Petty Larceny.

Petty Larceny, is, when the Goods stolln, do not exceed the value of twelve pence. And for this the offender shall be imprisoned for some certain time, and after shall be whipped, or otherwise punished by the discretion of the Justices, before whom he is arraigned; but it is not Felony of Death at this day, *Stamf. 24.* And yet by good opinions, the stealing of Goods to the value only of twelve pence hath been holden to be Felony of Death. See *Fitz. Coron. 178. & Br. Coron. 84, 85. & Forf. 1. Doct. & Stud. 17.*

Wess. 1. C. 15. Br. Cor. 84 & 85. Stamf. 24.

Yet may not the Justice of Peace, before whom such an offender shall be brought (out of the Sessions) punish by his discretion the said offender for Petty Larceny, and so let him go, but must commit him to prison, or Bail him, to the intent he may come to his Tryal, as in case of other Felonies; and if upon his Tryal, the Jury shall find the Goods stollen, to exceed, or to be but twelve pence in value, the offender shall have Judgment to die for the fault.

But if the Indictment be laid twenty pence, and the offender arraigned thereof; yet upon his Tryal, if the Jury shall find the Goods to be but of the value of ten pence: Here the offender shall have Judgment but as for Petty Larceny, *41 E. 3. Abr. d' Ass. 70.*

Also, although Petty Larceny be not Felony of Death, nor punishable by Death, yet it is a Felonious act, and a Felonious taking; for the Indictment of Petty Larceny must be, *Felonia cepit*: And he shall forfeit all his Goods and Chattels for such a Felony; and there is no difference either in the nature of the offence, or in the mind of the offender, but only in the value of the thing stolln, which also maketh the difference of punishment.

17H.8.22. F. Cor. 218 Br. Cor. 2. 54. 88 & 219.

And yet by some late opinions, Petty Larceny is but in the nature of a Trespass; and, then where the principal is convicted but of Petty Larceny, there can be no Accessories, and the Procurers or Receivers, knowing of the Goods to be stolln, are not to be dealt withal, as for Felony: But to be sent to the House of Correction, or to receive some other punishment; by the discretion of the Justices at the Quarter-Sessions. *Quere, inde.*

If one shall steal Goods to the value of four pence at one time, and six pence at another time, and of three pence at another time, which together do exceed the value of twelve pence; and that these several Goods be all stolln from one and the same person, then may they be put together in one Indictment; and the offender being thereupon arraigned and found guilty, shall have Judgment of Death therefore.

F. Cor. 415. Stamf. 24. Cromp. 36. c.

Again, if two or more together, do steal Goods above the value of twelve pence. This is Felony of Death in them all; for the Felony in them is several, though the stealing be joyntly done.

F. Cor. 404. Stamf. 24. l.

By the Law of God, for Theft the offender was to yield at least the double value to the Party robbed; and if he were not able to make full restitution, then he was to be sold for the Theft. *Exod. 22.*

*Leges etiam Civiles furtum manifestum judicant per redditionem quadrupli; & furtum non manifestum per dupli compensationem expiari, Cov. 199.*

*[Faint, mostly illegible text, possibly bleed-through or a second column of text.]*

Theft