

5 H. 7. 16.
Br. Pro-
perty 23.
Cromp. 50

If a Man delivers to his Servant a piece of Cloth to keep, and the Servant maketh himself a Garment thereof, and after goeth away therewith; this is Felony within this Statute: For that the property is not altered by the making a Garment thereof, because the Cloth may be known still. Otherwise, it is of Barley turned into Malt, or of Mony melted and turned into a wedge or piece of Metal, or the like; for that in these cases the Barley or Mony, cannot be known again, but are altered in their nature and kind, But *quare*, and see the words of the Statute.

If a Man delivers Goods to one to keep, and after retains the same person into his Service, who after goeth away with those Goods; this is no Felony by 21 H. 8. because he was no Servant at the time the Goods were delivered to him. *Vide Sir Fra. Ba. 39, 40.*

Cromp. 50

If I deliver Goods to the Servant of A. to keep, and after I die, and make A. mine Executor; and before any new Commandment of A. to his Servant for the custody of the same Goods; his Servant goeth away with them; this is out of 21 H. 8. *Ibid.*

13 E. 4 9.

If my Receiver of my Rents receive ten pounds of my Tenants, and run away therewith, it is no Felony; for the Statute is, where the Master delivereth to keep, &c.

If a Man delivers to his Servant the Key of the Chamber-door, and the Servant taketh away his Masters Goods in the Chamber (above the value of twelve pence.) This is Felony at the Common Law, for the Goods were not delivered.

A Man laid and hid a Purse of Mony in his Corn-mow within his Barn, and after his Servant finding the same, took part of the Mony out of the Purse, &c. And the Servant was therefore indicted and arraigned of Felony, at Cambridge Summer Affizes; Anno Dom. 1621. before Sir John Dodderidge.

If an Apprentice or Servant, under the age of eighteen years, shall imbezle their Masters Goods, which were not delivered to them, nor committed to their charge, if the Goods so imbezled be above the value of twelve pence, it is Felony. But if the Goods be under that value, it seems such Apprentice or Servant, may be sent to the House of Correction. *Vide hic cap. 31.*

P. Felony
11.
P. Exec.
51.

Another Felony there is by the Statute 33 H. 6. cap. 1. in the Servant that shall take away or spoil the Goods of their deceased Master; But this Felony groweth upon their default of appearance in the Kings Bench, after Proclamation; and therefore neither the tryal nor hearing thereof belongeth to the Justices of Peace, because they cannot well take knowledge of such default in the Kings Bench.

The second thing which must concur (in Larceny) to make it Felony, is the carrying-away of the thing so taken; and yet it is not of necessity that it be clean carried out of the house, or place where it was; but sufficeth, that it be so far removed, that the evil and felonious intent of the Taker, may plainly appear. As

§. 4.
Carrying.

27 Aff. 36.
See Stamp.
26. b.
Br. Cor.
107.

If a Guest will feloniously take the Sheets, or other Goods of the Innkeepers, out of the Chamber where he lodgeth, and then (going to the Stable for his Horse) is taken with them, or they be found in some other Room of the House where he had laid them; it is Felony in both cases, although the Possession of those Goods continued in the Owner.

So is it, if one taketh a Horse in another Mans Close, with an intent to steal him, and be apprehended before he hath gotten the Horse out of the same Close; this is Felony. *Lamb. 277. & Cromp. 36. a.*