

runt suorum, pretis tanti, super in eodem bosco nidificantium cepit & asportavit.
And to take these away, is Felony as aforesaid, 18 E. 4. fol. 8. *Stamf. 25. c.*
Fitz. 86. l. & 89. k.

Also note, That my Hawk which is flying at a Fowl, and my Deer that is chased out of my Park, so long as my Servant or Keeper maketh fresh suit after them, they still remain in my possession, and the property is still in me: But if they stray, it is lawful for any Man to take them. *Fi. 45.*

But when a man hath Beasts or Bowls (that be savage, and in their Wildernes) *ratione privilegii, sc.* by reason of a Park or Warren, &c. (as Deer, Hares, Conies, Pheasants or Partridges, or the like, which be things of Warren) he hath no property in them: And therefore in an Action, *Quare Parcum, or Warrenam, &c. fregit & intravit & 3 clamavit, lepores, cuniculos, phasianos, perdices, &c. ibidem inventi cepit, & asportavit,* he shall not say *suos*, for that he hath no property in them, but they belong unto him *ratione privilegii*, (for his Game and Pleasure) so long as they remain in the place privileged. And if the Owner of the Park die, his Heir shall have them, and not his Executors or Administrators, for that without them the Park (which is an Inheritance) is not compleat: neither can Felony be committed by taking of them, *Fi. 86. m.*

§. 7. Neither can Larceny be committed by taking of Dogs of any kind, Apes, Parrats, Squirrels, singing Birds, or suchlike thing (kept only for pleasure, and not for any profit) though they be in the House, and made tame. *Lamb. 270.*

No not by taking a Blood-hound or Mastiff, although there is good use of them, and that a man may be said to have a property in them, so as an Action of Trespass lieth for taking them; yet in regard they are things of so base a nature, no Felony can be committed by taking them. *Co. 7. 18. 12 H. 8. 3. Br. Tresp. 497.*

But yet to take a Dog of any kind, or other thing of pleasure, from the person of another, or out of the possession of another, and in his presence, if it be done with force or violence, it amounteth to the breach of the Peace. And if it be done with force, and by the number of three persons or more, it will amount to a Riot, as it seemeth.

Also it is Felony to steal the Flesh of any tame or wild Fowl, or of any Deer or other Beast that is dead, out of the possession of another man. *Stamf. 37. a.*

So it is to pull the Wool from the Sheeps back, or to kill them, and to take the skin, and leave the body behind.

So it is to clip or shear another Mans Sheep, and to carry away the Wool; and to brand or mark with his own brand, or mark another Mans Sheep.

But note, that in all these cases of Felony aforesaid, the thing so taken, or stolen must exceed the value of 12 d. though some opinions have been otherwise; also it must be of a thing personal, and not real. *Crompt. 36.*

§. 8. For the taking of any real Chattel or Thing is no Felony: As, If one cuts down my Tree, or my Corn, and carrieth it away, or pulleth and stealeth my Apples hanging on the Tree, and carrieth them away; these are no Felonies, for these things be part of my Free-hold, till they be severed. *Stamf. 25. 10 E. 4. 17. 1. Co. 4. 19.*

But if I gather mine Apples, or cut down a Tree or Corn of mine own, then it is Felony, if another Man shall carry them away feloniously.

And by the opinion of *Mar.* if a stranger cuts down my Tree or Corn without Title, and another time after he fetches it away, that will prove Felony. *Stamf. 25.*