

Lam. 27. 2. felony, because it was a Chattel severed when he took it. See 12 Aff. p. 32.
Cromp. 26 Br. Coron. 76.

Cromp. 37 Also to take Lead from off a House or Church, will not amount to felony, for it is parcel of the House or Free-hold.
Stamf. 25

Lamb. 27. 1 Also to take away the Evidence of a Mans Land, or any Indenture of Lease, or any Obligation, Deed, Specialty, or other Writings, (be they in or without a Box) it is no felony, because they cannot be valued; and again, because they concern Inheritance, Chattels real, or things in action: yet if they be in a Box unsealed, it seemeth that the taking of the Box feloniously is Larceny; but if the Box be sealed, and have Writings within it, the Box shall be of the same nature as the Writings that be therein, 10 Ed. 4. fol. 16.
10 Ed. 4. 6.
Br. Cor. 152.
Co. 8. 33.

Stamf. 25. So to take away an Infant in Ward is no felony.

Stamf. 27. Also the taking and carrying away of such things whereof the Owner is unknown, in some cases is no felony: as the taking away of Treasure that was hidden or lost, (be it Money, Bullion or Plate) or of Wreck of the Sea, or Goods that be Waived, or Strays (before they be lawfully seized, &c.) it is no felony; but the takers away of such Treasure, Wreck, and Waif, shall be punished by Fine and Imprisonment. 22 Aff. p. 10. Br. Coron. 96. Fit. Coron. 187. & 265. Vide Braet. lib. 3. fol. 119. & 120. §. 9. The Owner unknown.

Dyer 99. And yet where the Goods be bona cujusdam hominis ignoti, or bona cujusdam mortui & ignoti, or bona Parochianorum, or the Goods of a Church or Chappel, as (Bells, Books, Chalice, Surplices, Bell-ropes, &c.) (or the Goods of any Corporation in time of Vacation; in these cases there be Owners of them to some purpose, and therefore it is felony to steal such Goods. Vide Cro. 25.
Lamb. 172
& 476, 478
7 Ed. 4. 14.
15.
Br. Indictment 33.

One Nottingham digged a dead Body out of his Grave, and took away his Winding Sheet; this was holden to be no felony, but punishable as a Misdemeanor, and the Offender was adjudged to be whipped, &c. for it; This was at Cambridge Summer Assizes, Anno 1617.

Note also, That a Man may commit felony by taking his own Goods: as, §. 10. His own Goods.
7 H. 6. 43. If A. do lend or deliver Goods to B. to keep, and after A. doth take them away feloniously, or privily and fraudulently, (to the intent to charge B. or to recover Damages for the same against B. by an Action of Detinue) this is felony in A. and yet the property of the Goods was in him: yet M. Brook, Coron. 142. maketh a quare thereof.
7 H. 7. 18.
Stamf. 26.

Mar. 1cft. But if I lend my Plate, or deliver my Goods to another to keep, and he melteth my Plate, or changeth the fashion of my Goods; now if I should take that Metal or those Goods feloniously, it were felony in me, because the property is altered by altering of the fashion. See a little before.
12.
Cromp. 37

If the party robbed taketh his Goods again from the Thief, and suffereth him to escape, Vide postea, tit. Accessaries.

Cromp. 37 A Man findeth my Purse in the High-way, and being asked thereof, denyeth it; this seemeth to be no felony, for he came not thereby at the first feloniously: but by the Levitical Law he was to restore the thing found, with an addition of the fifth part more thereto. Levit. 6. 3. 5. P. R. 129. Numb. 5. 7.

A Man hath two Chains, the one of Gold, the other of Copper, and he selleth the Gold Chain, and delivereth it, and presently after he secretly conveys away his Gold Chain, and puts the Copper Chain in the place thereof: this is felony, Lecture M. Cook.

So if one taketh away my Horse, and leaveth another of his (which is like unto mine) instead thereof, this felony. Ibidem.