

If a man will burn his own House willingly, this is no Felony. But if by such burning, he burneth his Neighbours House, this seemeth to be felony.

A man intending to burn another mans House, casteth Fire thereupon, and after that is kindled and burnt in part, it is quenched; this is felony, although the whole House were not burnt down.

So it seemeth, if a man shooteth unlawfully in an Hand-gun, and the fire thereof sets another mans House on fire and burneth it down, this is felony. *Quare.*

If an Indictor (or Juror) in case of Treason or Felony, shall discover the Kings Council and his Fellows, it hath been adjudged felony. *Vide antea, tit. Petty Treason.* §. 2. Discovery.

Rescuing, or taking away from an Officer, any Offender, who is attainted, imprisoned, or but arrested for felony, such *Rescous* is felony, as well in him that made the *Rescous*, as in him that is Rescued. See more here, *pag. sequent.* *Rescous.*

1 H. 7.6.  
Br. Cor.  
127, 130.  
Stamf. 31.  
h.  
9 H. 4. 12.

Also when a man hath arrested another for felony, and after letteth him go at liberty, this is a wilful escape, and shall be adjudged felony in him that did so let him escape: And in case of Treason such escape is Treason. See *paulo postea.* *Escapt.*

Breaking of Prison (before the Stat. *De frangentibus prisonam*, made 1 E. 2.) was felony by the Common Law, for what cause soever he was in Prison, yea, though he had been imprisoned but for a Trespas. But now that Statute hath changed the Common Law therein: so that now, if a man be Imprisoned or Arrested, or taken for Trespas, and do make an escape, or be rescued by a stranger, this is but finable at this day. *Vide Fi. libro 2. & Stat. 10 E. 2. hic cap. 106.* *Breaking of Prison.*

Stamf. 20.  
3. See the  
Stat. 1 E. 2.  
& P. Prif.  
5.

If any Offender which is adjudged, or otherwise by Law is to abjure the Realm, shall depart, and after such departure shall return again without the Kings Licence; then if the cause for which he did abjure were felony, the Offender so returning shall have Judgment of Life and of Member by the Common Law. But if the case were not for felony, then the Offender by the Common Law shall be taken, and only make a Fine to the King. But now see the Statute of 35 Eliz. 1 & 2. where it is made felony also for Popish Recusants, or other Sectaries, which are to abjure, if after Abjuration they shall return without the Kings special Licence. See *hic postea.* *Abjuration.*

Car. 2.  
1. 2.  
3.  
H. 7. 1.  
4. 20.  
mb. 269

1. 7. 13

1. 1. 17.  
mf. 37.

1. 169b.  
1. 11. 19.  
mf. 34

Felonies by Statute. C H A P. CLIX. V. 106.

If any man, being the Kings sworn Servant, &c. shall confederate, imagine, compass or conspire with another to destroy the King, or any Lord of this Realm, or any other sworn to the Kings Council, or the Steward, Treasurer or Controller of the Kings House, it is felony: but what the Justice of Peace may do herein, See *antea tit. Felony.* §. 1. conspiracy.

1 H. 7. c. 14.  
P. Felon.  
13.

Breaking of Prison by one being therein for felony, or by one being a Prisoner for felony, is felony. *Breaking of Prison.*

1 E. 2. P.  
Felon. 15.

And yet by the Common Law, if the Prison had been broken by the party himself, it had been felony, whatsoever the cause of his imprisonment were, yea, although it were but for a Trespas. *Vide Stamf. 30. c. & M. Finch lib. 2.*

But now by the Statute 1 Ed. 2. it is no felony, except the Prisoners were there committed for felony, *Vide Co. Inst. 2 Part 589. upon the Statute de*