

But if a Man be slain, or that there be any other felony committed, and one is arrested for the same felony, or for suspicion thereof, though he had made the arrest, shall after have intelligence and certain knowledge that the party arrested is not guilty of that Offence, yet he or any other may not set the party so arrested at liberty; for now his matter be delivered by any Mans Discretion, but by course of Law, or otherwise it will prove a voluntary escape, and so felony, or at least finable.

44 Aff. 22.
Cromp. 40
Cro. 14.

And yet if a Watchman shall take any Man for suspicion of felony, he may inquire of his good Name and Fame; and if he finds him to be of good Name and Fame, he may let him go. See the *Old Justice of Peace*, imprinted Anno 1559. fol. 130. But it were more safe for the Watchman to deliver such suspected person to the Constable, Justice of Peace, or to the Sheriff, according to the Statute of *Winchester*. See *hic antea*, tit. *Watch*.

If a Justice of Peace shall send for a Felon out of the Gaol, and shall deliver him without Bail, this seemeth to be a voluntary escape, and so felony in the Justice; otherwise, where the Justice erreth *pro defectu scientie*, as to bail one that is not bailable, this is but a negligent escape.

25 E. 4. 36.

If the Justice of Peace or Sheriff shall bail one who is not bailable, this is an escape, *Fitz. Escape 3. & Bon. 246. sc.* a negligent escape, if it be in ignorance, *ut supra*.

But if one that is brought before a Justice of Peace for suspicion of felony, shall confess the felony before the Justice, and yet he shall suffer the Prisoner to go at large without bail, this is a voluntary escape, &c. *Vide Cro. 39.*

Blackmaile. If any in the Counties of *Cumberland*, *Northumberland*, *Westmorland*, shall take any Subject against his Will, and carry him out of the County, or to any place within the County; or detain them, to ransom them, or make a prey or spoil of their Person or Goods, or assist, abet or procure such Act; or take or give any Mony, Corn, Cattle, or other consideration, commonly called *Blackmaile*, for protecting, or defending any from such Thefts, or shall burn, or procure to be burned, any Barn or Stack of Corn there. It is felony, 43 *El. 13.*

Now to proceed with Felonies by Statute. C H A P. CLX. V. 107.

§. 1.
Buggery.

Buggery committed with Mankind or Beast is felony (without benefit of Clergy). 25 *H. 8. 6.* 5 *Eliz. 17.* it being a Sin against God, Nature, and the Law: and in ancient times such Offenders were to be burned by the Common Law, *Fitz. 269. b. Fi. lib. 2.*

P. Fel. 9.
Exod. 22.
19.
Lev. 18.
22, 23.

One describeth this Offence to be *Carnalis copula contra naturam*:

& *hec per confusionem* } *Specierum*; sc. home ou feme ove brute beast.
 } *Sexuum*; sc. home ove home, feme ove feme.

Et ceo poet estre sans penetration: Car le use del corps despend le seede, in tiels cases. fait ceo Buggery deins ceo Stat. sans penetration: Et issint fuit tenus in le case le Seign. A. come jeo oye.

Burning of Houſes and Stacks of Corn: *Vide postea.*

§. 2.
Burning.

If a Man maketh a Bill or Writing, and layeth or casteth the same at another Mans Door, therein threatening to burn his House if he giveth not some Mony, &c. this hath been taken to be felony, See 6 *H. 7. f. 13. a.*

And