

for it presently, it is felony; *P. Purv.* 1. See 23 *H. 6. c.* 14. here before *tit. Purveyors.* And *quare,* if the felony of such Caterer be not altered herein by that Statute.

§. 21. *Rebels.* Rebellious and unlawful Assemblies of any Persons, to the number of twelve or above, &c. their Procurers or Relievers, is was Felony in them all. 1 M.c. 12.
P. Fel. 27.

§. 22. *Rogues.* Rogues being by the Justices of Peace, at their Quarter-Sessions, adjudged incorrigible and dangerous, and therefore by them banished this Realm; if they shall return again into any part of this Realm without Licence, it is felony. 39 El. 43.
Fcl. 34.

Rogues adjudged (as aforesaid) incorrigible or dangerous, shall by the judgment of the same Justices, in their open Sessions of the Peace, be branded in the left Shoulder, &c. And after such punishment, if any so punished shall offend again in begging or wandring, contrary to the Statute of 36 *El.* 4. or 1 *Jac.* 7. it is felony. 1 Jac. 7.
P. Vag. 4.

§. 23. *Robbing.* Robbing in the day time of any Dwelling-house, or of any Out-house belonging and used to, and with any Dwelling-house, or a * Barn or Stable, &c. if it be to the value of five shillings, or above, although no Person be therein; or to rob any House by day or by night, any person being therein, and thereby put in fear; or to rob any person in any part of his Dwelling-place or House, the Owner or Dweller, his Wife, Children or Servants, being therein, or in any place within the precinct of the same House or Dwelling-place, (sleeping or awaking;) or to rob any Booth or Tent in a Fair or Market, the Owner, his Wife, Children, or any Servant being there within the same sleeping or waking: Every of these Offences are now by Statute made felony, and as penal as Burglary, by the loss of the benefit of Clergy. But to break a House in the day time, although he hath a felonious intent, yet if he carrieth away nothing; this is no felony: For there must be actual felony done, besides the breaking of the House in the day. And by the report of Master *Dalison*, these * Statutes shall be strictly construed (in favour of Life) and according to the bare letter; so that if the Robbery be done by day, and there be in the House but one Servant only, or be in the House, Booth or Tent; but a Stranger or Sojourner only, the Fact shall not be adjudged an Offence against these Statutes, *Cromp.* 118. *Co.* 11. 36. ' But now, by the * Statute he shall not ' have his Clergy. 39 El. 15.
* Co. 11.
36.
P. Clergy
13.
5 Ed. 6. 9.
Lam. 405.
23 H. 8. c. 1

See Co. 11
31, 32, 36.
Stamf. 126

Lamb. 261
* 23 H. 8.
c. 1.
5 E. 6. c. 9.

* 39 El. c.
15.

§. 24. *Servants.* Servants imbezelling their Masters Goods. See hereof *antea tit. Theft.* 3 Jac. 4.
P. Recuf.
48.

Soldiers. *Scil.* If any Subject shall pass out of this Realm, to serve any Foreign Prince, &c. not having before their passing, taken the Oath of Allegiance, &c. before the Officer thereunto appointed, it is felony.

If any Gentlemen, or Person of higher Degree, or any Captain, or other Officer in Camp, shall pass out of this Realm to serve any Foreign-Prince, &c. or shall voluntarily serve any Foreign Prince, &c. before they shall become bound to the Kings Majesty with two Sureties (before the Officer thereto appointed) with condition to this effect, *viz.* not to be reconciled to the Pope, &c. nor to make or consent unto any Conspiracy against the King, &c. but to disclose all Conspiracies upon knowledge thereof, &c. it is felony. *Ibidem.*

Soldiers entred of Record, and having taken Preft-mony, or parcel of their Wages of their Captain, if they shall not pass the Sea, or go with their Captain, or being in the Kings Service shall depart without Licence, it was made felony by the Statute of 18 *H. 6. c.* 19. But see *Co.* 6. 27. that this 18 H. 6. 10.
P. Fel. 23.
P. cap. 3.

Co. 6. 27.