

Person not privy or consenting to the same, being thereof lawfully convicted, shall be adjudged a Felon without benefit of Clergy, &c. 21 Jac. cap. 26.

Foretelling or buying any Merchandise before they come to the Staple, &c. was made Felony by 27 Ed. 3. cap. 11. §. 8.

5 Eliz. 14. P. Fel. 26. Forging of Evidences, sc. of any Deed, Charter, Obligation, Bill, Release, or other Writing sealed, or of any Court Roll, or Will, or of any Acquittance; or to cause or assent to be made any such forged Writing; or publishing any such Writing, knowing the same to be false: The second Offence is Felony without benefit of Clergy. But it seemeth also, that the Justices of the Peace have not to deal with this, for that they cannot well take notice of the former Conviction. See Co. 9. 118. b. & hic antea, tit. Felony.

Lamb. 127. P. Fel. 17. Samf. 36. Gaolers (by dures of imprisonment and pain) enforcing their Prisoner to become an Approver, (that is, an Accuser of others as Coadjutors with him in Felony;) this is Felony in such Gaoler, although the Appellee or Party so accused be acquit, or shall happen to die before he be arrested upon the Appeal, &c. Stansf. 36. 14-E. 3. 10. §. 10. Gaolers.

If a Gaoler shall only procure his Prisoner to appeal, or accuse another of Felony, this is Felony, by Scrope. An. 18 Ed. 3. Abr. d' Ass. 75. & Fitz. Coron. 272. And yet the Statute of 14 Ed. 3. seemeth to extend only where the Gaoler shall do this by great dures or pain.

Also by Brit. f. 18. if the Gaoler shall keep his Prisoner more strait than he ought of right to do, by reason whereof the Prisoner dieth; this is Felony by the Common Law in the Gaoler. And herein the Book called Speculum Justiciar. agreeth with Britton. And yet by the Statute of West. 1. cap. 12. Notorious Felons, and such as be openly of evil Name, or which be Rebellious, they shall have strong and hard Imprisonment.

34 E. 3. 22. 37 E. 3. 19. P. Fel. 20. Hawks: Whosoever findeth any Hawk that is lost, if he shall not immediately bring the same to the Sheriff of the same County to be proclaimed, &c. But doth imbezell and carry away the Hawk, it is Felony. §. 11. Hawks.

2. Hawks. 2. Vldc. So it is in him whosoever taketh up any Hawk, and concealeth the same from the Owner, or his Falkner; or that taketh away any Hawk from the Owner, or stealeth any Hawk and carrieth it away, not observing the aforesaid Ordinance.

1 H. 7. 7. P. Felon. 24. Lamb. 271. Dyer 50. Hunting of any Deer or Conies in any Park, Forest or Warren, unlawfully in the night time, or with Vizards or other disguises, and (upon Examination by a Justice of Peace, &c.) to conceal the Offence, or any Offender therein, is Felony in such Concealer: But if such Offender (upon his Examination) shall confes all the truth, then he is but finable. See hereof, antea tit. Hunting. §. 12. Hunting.

If any Person to be arrested for such Offence shall disobey the Arrest, or if any Person shall make Rescous, so that the Warrant (of the Justice of Peace) &c. for arresting them be not executed, it is Felony.

Quere, If such Hunting and Concealment, or Resistance, be Felony where the Offenders killed no Deer, &c. it seemeth not; for all the Precedents do run, Occiderunt & asportaverunt, &c. See Lambert, Crompt. & Westm.

Also Quere, If all such Hunting disguised, or any other unlawful Hunting in the night time, be not Felony; although the Offender be never examined thereof, nor conceal the same, as abovesaid. See the Statute 1 H. 7. cap. 7. in fine, where it seemeth, that all unlawful Hunting in the night (generally) is Felony.