

to award a Writ of Restitution for the Mony or Goods stollen, directed to the party in whose hands the same Goods are, &c. 21 H.8. cap. 11. Br. Restit. 22.

Also the Executors of the party robbed shall have Restitution by force of this Statute, viz. Upon Evidence given by them, or by their procurement against the Felon, whereby the Felon is attainted or found guilty. Co. 6. 86.
Bcn. 3 Ed.

If a Thief do rob or steal Goods from three Men severally, and he be indicted of the robbing or stealing from one of them, and arraigned thereupon; in this case, though the other two would give Evidence against the Offender, yet shall not they have Restitution of their Goods, by the meaning of that Statute; for the Felon is not attainted of any other felony, saving of that whereof he was indicted. But if he be indicted of all the three Robberies or Felonies severally, and arraigned upon one of them, and found guilty by the Evidence given by one of the parties robbed, &c. yet shall he be after arraigned upon the other two Indictments, to the intent he also may be found guilty by the Evidence of the other two Persons robbed, and that so they may have Restitution of their Goods stollen, according to the meaning of the said Statute. Statut. 166
P. R. 162.

And if a Man do steal Goods at divers times from several Men, and he is after attainted at the Suit of one of them only, for the Goods stollen from him, but is not attainted at the Suit of the other; by this Attainder the Felon shall forfeit to the King not only his own Goods, but also the Goods stollen from those others at whose Suit he was not attainted, though the Felon had no property, but only a possession of those Goods; and the property of the Goods which remaineth in the right Owner in this case is forfeited (by the Owner) to the King, for default of the Owner pursuing the Felon. 44 Ed. 44.

Also if there be divers of the Thieves, and but one of the Principals attainted, (as before) yet it seemeth the party robbed shall have Restitution.

Market.

But in these and the like cases of Restitution, if the Felon hath sold the Goods in a Fair or Market-overt, and after be attainted of the felony, (upon Evidence given by the party robbed) here the Owner shall not have Restitution: For by Alienation in a Fair or Market-overt, the property of the Goods stollen is altered, 12 H.8. 10. b. Yet if he that bought the Goods in Market were privy to the felony, such Sale shall not alter the property, *quia particeps criminis*. See 33 H.6. 7. Co. 3. 78. Vide antea tit. Horses.

If any Goods of what nature, soever they be, be Stollen, Purloyned, &c. and be Sold, Exchanged or Pawned to any Broker, &c. in London, Westminster, Southwark, or within two Miles of London, the same shall alter no property, 1 Jac. 2. 1.

A Man shall have Restitution of Mony stollen, &c. though it cannot be known, Br. Restit. 22.

§. 6
waifs.

But if a Man hath a Horse or other Goods stollen from him, and knoweth not by whom; if the Felon waiyeth the Goods, flieth and escapeth, and the Kings Officer, or the Lord of the Mannor, &c. seizeth them, the party robbed shall have no Restitution, for that he cannot indict and attain the Felon. And yet if the Felon had not the Goods in his possession, and with him at the time when he fled, but had formerly left them elsewhere, (sc. in the Thieves own House, or in any other Mans House, or in the custody of any other, or had hid them) then are they no waived Goods, nor forfeit,