

therein, or stabs, cuts, wounds, beats or strikes any such person, shall be guilty of felony, and shall suffer death. 4, 5 V. c. 25, s. 14.

When not a capital offence, and how punished.

**9.** Any person who commits the crime of burglary shall be imprisoned in the Penitentiary for the term of his natural life, or for any term not less than two years, or be imprisoned in any other prison or place of confinement for any term less than two years. 4, 5 V. c. 25, s. 15,--and see s. 5. 6 V. c. 5, s. 2.

The night defined.

**10.** The night, so far as the same is essential to the offence of burglary, shall commence at nine of the clock in the evening of each day, and conclude at six of the clock in the morning of the next succeeding day; And if any person enters the dwelling of another with intent to commit felony, or being in such dwelling house, commits any felony, and in either case breaks out of the said dwelling house in the night time, such person shall be guilty of burglary. 4, 5 V. c. 25, s. 16.

What entry or exit from a dwelling house shall constitute burglary.

Stealing in a dwelling house and putting in bodily fear, felony.

**11.** Any person who steals any chattel, money or valuable security in any dwelling house, and by any menace or threat puts any one, being therein, in bodily fear, shall be guilty of felony, and shall be imprisoned in the Penitentiary for any term not exceeding fourteen years nor less than two years, or be imprisoned in any other prison or place of confinement for any term less than two years. 4, 5 V. c. 25, s. 17,--6 V. c. 5, s. 2.

What is or is not part of the dwelling house.

**12.** No building, although within the same curtilage with the dwelling house, and occupied therewith, shall be deemed a part of such dwelling house for the purpose of burglary, or for any of the purposes aforesaid, unless there be a communication between such building and dwelling house, either immediate, or by means of a covered and inclosed passage leading from the one to the other. 4, 5 V. c. 25, s. 18.

Larceny within the curtilage not being part of the dwelling house.

**13.** In case any person breaks and enters any building, and steals therein any chattel, money, or valuable security, such building being within the curtilage of a dwelling house and occupied therewith but not being part thereof according to the provision hereinbefore mentioned, and be convicted thereof, (either upon an indictment for the same offence, or upon an indictment for burglary, house breaking, or stealing to the value of five pounds sterling or \$24 33½ cents, in a dwelling house, containing a separate count for each such offence,) he shall be imprisoned in the Penitentiary for any term not exceeding fourteen years, nor less than two years, or be imprisoned in any other prison or place of confinement for any term less than two years. 4, 5 V. c. 25, s. 19.

Punishment.

Breaking into and stealing in shops.

**14.** Any person who breaks and enters any shop, warehouse, or counting house, and steals therein any chattel, money or valuable security, shall be liable to any of the punishments