ANNO PRIMO

VICTORIÆ REGINÆ.

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C A P. LXXXVI.

An Act to amend the Laws relating to Burglary and Stealing in a Dwelling House.

[17th *July* 1837.]

WHEREAS it is expedient to amend so much of an Act passed in the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith,* (7&8G.4.c.29.) and also so much of an Act passed in the Ninth Year of the same Reign, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith,* (9 G. 4. c. 55.) as relates to the Punishment of any Person convicted of Burglary, and so much of the same Acts as relates to any Person who shall steal any Chattel, Money, or valuable Security, to any Value whatever, in any Dwelling House, any Person therein being put in fear, and so much of the same Acts as relates to the Punishment of Principals in the Second Degree, and of Accessaries before and after the Fact respectively to such of the Felonies punishable under those Acts as are herein-before referred to: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said Acts as is herein-before referred to shall continue in force until and throughout the Thirtieth Day of *September* One thousand eight hundred and thirty-seven, and shall from and after that Day be repealed, except as

Recited Acts in part repealed after 30th Sept. 1837, except

as to Offences on or before that Day.

as to Offences committed before or upon the said Thirtieth Day of *September*, which shall be dealt with and punished as if this Act had not been passed.

Burglars using Violence to suffer Death.

II. And be it enacted, That whosoever shall burglariously break and enter into any Dwelling House, and shall assault with Intent to murder any Person being therein, or shall stab, cut, wound, beat, or strike any such Person, shall be guilty of Felony, and being convicted thereof shall suffer Death.

Punishment of Burglary.

III. And be it enacted, That whosoever shall be convicted of the Crime of Burglary shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of the natural Life of such Offender, or for any Term not less than Ten Years, or to be imprisoned for any Term not exceeding Three Years.

Between what Hours the breaking into a House is to be considered as Burglary.

IV. Provided always, and be it enacted, That, so far as the same is essential to the Offence of Burglary, the Night shall be considered and is hereby declared to commence at Nine of the Clock in the Evening of each Day, and to conclude at Six of the Clock in the Morning of the next succeeding Day.

Stealing in a Dwelling House with Menace or Threat.

V. And be it enacted, That whosoever shall steal any Property in any Dwelling House, and shall by any Menace or Threat put any one being therein in bodily Fear, shall be guilty of Felony, and being convicted thereof shall be liable to be transported beyond the Seas for any Term not exceeding Fifteen Years nor less than Ten Years, or to be imprisoned for any Term not exceeding Three Years.

Punishment of Accessaries.

VI. And be it enacted, That in the Case of every Felony punishable under this Act every Principal in the Second Degree and every Accessary before the Fact shall be punishable with Death or otherwise in the same Manner as the Principal in the First Degree is by this Act punishable; and every Accessary after the Fact to any Felony punishable under this Act (except only a Receiver of stolen Property) shall, on Conviction, be liable to be imprisoned for any Term not exceeding Two Years.

Offences punishable by Imprisonment.

VII. And be it enacted, That where any Person shall be convicted of any Offence punishable under this Act for which Imprisonment may be awarded, it shall be lawful for the Court to sentence the Offender to be imprisoned or to be imprisoned and kept to hard Labour in the Common Gaol or House of Correction, and also to direct that the Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, or of such Imprisonment with hard Labour, not exceeding One Month at any one Time, and not exceeding Three Months in any one Year, as to the Court in its Discretion shall seem meet.

Not to affect Powers of 5 & 6 W. 4. c. 38. and 4 G. 4. c. 64.

VIII. And be it further enacted, That nothing in this Act contained shall be construed to extend to the Alteration or Repeal of any of the Powers, Provisions, or Regulations contained in an Act made

and passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for effecting greater Uniformity of Practice in the Government of the several Prisons in* England *and* Wales, *and for appointing Inspectors of Prisons in* Great Britain, or in an Act made and passed in the Fourth Year of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws relating to the building, repairing, and regulating of certain Gaols and Houses of Correction in* England *and* Wales.

Construction of the Word "Property."

IX. And be it enacted, That the Word "Property" shall throughout this Act be deemed to denote every Thing included under the Words "Chattel, Money, or valuable Security" used in the said Acts of the Seventh and Eighth Years and Ninth Year respectively of King *George* the Fourth.

Offences committed within Jurisdiction of Admiralty.

X. And be it enacted, That where any Felony punishable under this Act shall be committed within the Jurisdiction of the Admiralty of *England* or of *Ireland*, the same shall be dealt with, inquired of, tried, and determined in the same Manner as any other Felony committed within that Jurisdiction.

Not to extend to Scotland.

XI. Provided always, and be it enacted, That nothing in this Act contained shall extend to *Scotland*.

Commencement of Act.

XII. And be it enacted, That this Act shall commence and take effect on the First Day of *October* One thousand eight hundred and thirty-seven.

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