



**The Penal Code of the State of New York; In Force
December 1, 1882, as Amended by Laws of 1882,
1883, 1884 ... 1899, with Notes of Decisions to Date**

New York

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This historic book may have numerous typos and missing text. Purchasers can usually download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1899 edition. Excerpt: ...but not on this ground, in *Dedieu v. People*, 22 N. Y. 178, § 492. "Night time," defined.--The words "night time," as used in this chapter, include the period between sunset and sunrise, and every building or structure, which shall have been usually occupied by persons lodging therein at night, is a dwelling-house within the meaning of this chapter. §493. "Building" defined.--Any house, vessel, or other structure, capable of affording shelter for human beings, or appurtenant to, or connected with a structure so adapted, is a "building" within the meaning of this chapter. See § 504, post. *Com. v. Harney*, 10 Cush. 478; *State v. Johnson*, 48 Ga. 116; *State v. O'Toole*, 29 Conn. 342; *Rouse v. Catskill & N. Y. S. Co.*, 59 Hun, 82; 35 N. Y. State Rep'r, 493. § 494. "Inhabited building," defined.--A building is deemed an "inhabited building" within the meaning of this chapter, any part of which has usually been occupied by a person lodging therein at night. *People v. Oreutt*, 1 Park. 252; *Hooker v. Com.*, 13 Gratt. 763; *Com. v. Barney*, 10 Cush. 478; *Rex v. Donovan*, Leach C. C. 81; *Reg. v. Connor*, 2 Cox C. C. 65; *People v. Cotteral*, 18 Johns. 115; *Smith v. State*, 23 Tex. App. 357; 59 Am. Rep. 773. § 495. Ownership of building.--To constitute arson it is not necessary that another person than the defendant should have had ownership in the building set on fire. *People v. Van Blarcom*, 2 Johns. 105; *Shepherd v. People*, 19 N. Y. 637; *State v. Taylor*, 45 Me. 322; *People v. Smith*, 3 How. 226. CHAPTER II. BURGLARY. Sec. 496. Burglary in first degree defined. 497. Id., in second degree. 498. Id., in third degree. 499. "Break," defined. 500. "Night time,"...

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