

T085

Tony Martin: more on the house as a castle

Before Parliament altered it, the common law would have acquitted Mr Tony Martin. I quote Blackstone: 'If any person attempts to break open a house in the night-time, and shall be killed in such attempt, the slayer shall be acquitted and discharged'.

Blackstone added that burglary, or nocturnal housebreaking, had always been looked on as a heinous offence; not only because of the abundant terror that it naturally carries with it, but also as it is a forcible invasion and disturbance of that right of habitation which every individual might acquire even in a state of nature. 'And the law of England has so particular and tender regard to the immunity of a man's house that it styles it his castle and will never suffer it to be violated with impunity'.

Nowadays the law's tender regard is for villains and burglars.¹

¹ *The Times*, 21 April 2000.

