

the commencement of the said special term shall be tested as of the first day of said special term, and shall be made returnable to the ensuing April term; and all writs and other process tested, issued or made returnable according to the provisions of this act, shall have the same legal force and effect as though the terms of the Court of Appeals had not been changed by the existing Constitution.

In force from January 12, 1865.

ARTICLE XXX.

Crimes and Punishments.

LARCENY.

Chapter 13 adds the following section to take place after section 104 :

SEC. 1. If any person shall feloniously steal, take and carry away any pipe, water fixture or gas fixture, or any other article or thing of value attached to or a part of any store, shop, dwelling house, tobacco house or warehouse, whether the same be occupied or not, or if any person shall enter any store, shop, dwelling house, tobacco house or warehouse and shall feloniously sever or separate from the freehold any pipe, water fixture, or gas fixture, or any other article or anything attached or affixed thereto, with intent to feloniously steal, take and carry away the same or any part thereof, he shall be deemed guilty of felony, and shall be punished by imprisonment in the county or city jail or the penitentiary, at the discretion of the court, for not less than one year nor more than eight years; and it shall not be necessary to charge in the indictment that the article or things were attached or affixed to or a part of the freehold.

Passed February 16, 1865.