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## CHAPTER 110.

### OF PROCEEDINGS IN CRIMINAL CASES.

SECTION

1. Search warrants when and by whom issued.
2. Magistrate when to issue warrant.

SECTION

3. Warrants to whom issued, what to contain.
4. Property seized how kept and disposed of.

#### OF SEARCH WARRANTS AND PROCEEDINGS THEREON.

Search warrants when and by whom issued.

SEC. 1. When complaint shall be made, on oath, to any magistrate authorized to issue warrants in criminal cases, that personal property has been stolen or embezzled, or obtained by false tokens or pretences, and that the complainant believes that it is concealed in any particular house or place, the magistrate, if he be satisfied that there is reasonable cause for such belief, shall issue his warrant to search for such property.

Magistrate when to issue warrant.

SEC. 2. Any such magistrate when satisfied that there is reasonable cause, may also upon like complaint made on oath, issue search warrants in the following cases to wit:

1. To search for, and seize any counterfeit or spurious coin, forged bank notes, and other forged instruments, or tools, machines, or materials, prepared or provided for making either of them.

2. To search for and seize any books, pamphlets, ballads, printed papers, or other things containing obscene language, or obscene prints, pictures, figures, or descriptions, manifestly tending to corrupt the morals of youth, and intended to be sold, loaned, circulated, distributed or introduced into any family, school or place of education:

3. To search for and seize any gaming apparatus or implements, used, or kept, and to be used in unlawful gaming, in any gaming house, or in any building, apartment, or place, resorted to for the purpose of unlawful gaming.

Warrants to whom issued and what to contain.

SEC. 3. All such warrants shall be directed to the sheriff of the county, or his deputy, or to any constable of the county, commanding such officer to search the house or place where the stolen property or other things for which he is required to search, are believed to be concealed, which place and property or things to be searched for, shall be designated and described in the warrant, and to bring such stolen property, or other things, when found, and the person in whose possession the same shall be found, before the magistrate who issued the warrant, or before some other magistrate, or court, having cognizance of the case.

Property seized how kept and disposed of.

SEC. 4. When any officer, in the execution of a search warrant, shall find any stolen or embezzled property, or shall seize any other things, for which a search is allowed by this chapter, all the property and things so seized, shall be safely kept by the direction of the court or magistrate, so long as shall be necessary for the purpose of being produced as evidence on any trial, and as soon as may be afterwards all such stolen and embezzled property shall be restored to the owner thereof, and all other things seized by virtue of such warrant shall be destroyed, under the direction of the court or magistrate.