

before the Magistrate, he is still considered in the custody of the officer, until bailed or discharged, or committed to prison.

ACTING UNDER SEARCH WARRANT.

Mode of Executing it.]—The constable's powers, acting under search warrant, appear to require a separate notice.

With respect to its direction, and the County or place wherein it may be executed, the rule is the same as in other warrants. In executing it, the constable must be careful strictly to pursue its directions. It is usual to direct that it be executed in the day time, but even if not so directed, it is the better course, unless where there is danger of the stolen property being taken away in the meantime. The warrant commonly specifies the place to be searched, the goods to be seized, and the person to be taken. As to the mode of procedure, if the outer door of the house to be searched be shut, and, upon demand, not opened, it may be broken open, and so may inner doors, boxes, &c., after the keys have been demanded and refused.

Proper Precautions.]—The constable should not take away any goods but those specified in the warrant, unless they are indispensable in substantiating the charge of stealing the goods specified.

As great caution is necessary on the part of the constable, to avoid mistakes, he should bring the person who has lost the goods with him, in order to point them out. The constable should come with sufficient assistance to watch outside the house or place, to prevent the things being taken away while he is making a search within. He should bring with him materials for striking a light, if necessary, and he should take sufficient time to make a thorough search.

Disposal of Goods taken.]—When the goods, or any part of them are found, the constable is to bring them, and the person, before the Magistrate according to the directions of the warrant. To restore them to the possession, if so directed, after the examination, by the Magistrate, or if the party is committed, to keep them, if not deposited at the Magistrate's office, in order to their being produced at the trial. The goods may be marked, or otherwise be thoroughly examined by the constable, that he may have no hesitation in afterwards identifying them.

If a horse, &c., is the subject it is sometimes given to the supposed owner, on his entering into recognizance to prosecute, and giving security that the animal shall be forthcoming; or it may be put to livery; but the constable will of course follow the directions of the Magistrate in this particular.