

SEC. 629. If it appear that the property taken is not the same as that described in the warrant, or that there is no probable cause for believing the existence of the grounds on which the warrant was issued, the magistrate shall cause it to be restored to the person from whom it was taken.

SEC. 630. The magistrate shall annex, together with the depositions, the search warrant and return, and the inventory, and return them to the next term of the court having power to inquire into the offences in respect to which the search warrant was issued, at or before its opening on the first day.

SEC. 631. Whoever shall maliciously and without probable cause, procure a search warrant to be issued and executed, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in a sum not exceeding five thousand dollars, or imprisonment not more than six months.

SEC. 632. A peace officer who, in executing a search warrant, shall willfully exceed his authority or exercise it with unnecessary severity, shall be deemed guilty of a misdemeanor and punished as in the last preceding section is provided.

SEC. 633. When a person charged with a felony is supposed by the magistrate before whom he is brought to have on his person a dangerous weapon or anything which may be used in evidence of the commission of the offence, the magistrate may direct him to be searched in his presence, and the weapon or other thing to be retained subject to his order, or to the order of the court in which the defendant may be tried.

#### *Of Proceedings against Fugitives from Justice.*

SEC. 634. A person charged in any State or Territory of the United States with treason, felony, or other crime, who shall flee from justice and be found in this Territory, shall, on the demand of the executive authority of the State or Territory from which he fled, be delivered up by the Governor of this Territory to be removed to the State having jurisdiction of the crime.

SEC. 635. A magistrate may issue a warrant for the apprehension of a person so charged who shall flee from justice and be found in this Territory.

SEC. 636. The proceedings for arrest and commitment of the person charged, shall be in all respects similar to those provided in this chapter for the arrest and commitment of a person charged with a public offence committed within this Territory, except that an exemplified copy of an indictment found, or other judicial proceeding had against him in the State or Territory in which he is charged to have committed the offence, may be received as evidence before the magistrate.

SEC. 637. If, from the examination, it appear that the person charged has committed treason, felony, or other crime at common law charged, the magistrate, by warrant reciting the accusation, shall commit him to the proper custody within his county, for a time to be specified in the warrant, which the magistrate may deem reasonable to enable the arrest of the fugi-