

(2) A warrant shall issue only upon an affidavit of an officer or employee duly designated and having knowledge of the facts alleged, sworn to before the judge [or magistrate] and establishing the grounds for issuing the warrant. If the judge [or magistrate] is satisfied that grounds for the application exist or that there is probable cause to believe they exist, he shall issue a warrant identifying the area, premises, building, or conveyance to be inspected, the purpose of such inspection, and, where appropriate, the type of property to be inspected, if any. The warrant shall identify the item or types of property to be seized, if any. The warrant shall be directed to a person authorized to execute it. The warrant shall state the grounds for its issuance and the name of the person or persons whose affidavit has been taken in support thereof. It shall command the person to whom it is directed to inspect the area, premises, building, or conveyance identified for the purpose specified, and, where appropriate, shall direct the seizure of the property specified. The warrant shall direct that it be served during normal business hours. It shall designate the judge [or magistrate] to whom it shall be returned.

(3) A warrant issued pursuant to this section must be executed and returned within ten days of its date. If property is seized pursuant to a warrant, the person executing the warrant shall give to the person from whom or from whose premises the property was taken a copy of the warrant and a receipt for the property taken or shall leave the copy and receipt at the place from which the property was taken. The return of the warrant shall be made promptly and shall be accompanied by a written inventory of any property taken. The inventory shall be made in the presence of the person executing the warrant and of the person from whose possession or premises the property was taken, if they are present, or in the presence of at least one credible person other than the person executing the warrant. The judge [or magistrate], upon request, shall deliver a copy of the inventory to the person from whom or from whose premises the property was taken and to the applicant for the warrant.

(4) The judge [or magistrate] who has issued a warrant under this section shall attach to the warrant a copy of the return and all papers filed in connection therewith and shall file them with the clerk of the court from which the warrant was issued.

§ 320. Spitting on floors, etc., of railroad passenger cars; arrests by conductors, etc.

It shall be unlawful for any person to expectorate or spit on the floors, sides, seats or platforms of any railroad or RAILWAY passenger cars in this State, under a penalty of three dollars and costs[, one half of said fine to go to the informer or party arresting and furnishing the evidence upon which the offender is convicted]. And for the purposes of this section all railroad or railway conductors and brakemen running on passenger trains are empowered to arrest such offenders and take them before the nearest [justice of the peace] *court of competent jurisdiction* at the next convenient stop of said train within this State for trial [, and such justices are given jurisdiction in the case]. In default of payment of fine and costs any party so convicted [shall] *may* be sentenced to jail [for not more than five days] *pursuant to the provisions of article 38, § 4*; provided, however, that smoking cars in which cuspidors are not placed by the company operating the same shall be exempt from the operation of this section.