

shall find that such person was, at the time of the commission of such act insane or lunatic and still is so, the court shall direct such person to be confined, as directed in the preceding section, at the expense of the county or city, as the case may be, until he shall have recovered and be discharged by due course of law.

See note to sec. 8.

1904, art. 59, sec. 7. 1888, art. 59, sec. 7. 1860, art. 58, sec. 7. 1826, ch. 197, sec. 3.

7. If during the recess of the circuit court for any county, or the criminal court of Baltimore, any person appearing or alleged to be insane or lunatic shall be arrested and charged with any crime or misdemeanor before the judge thereof, the said judge shall issue an order to the sheriff of the county or city where said offense has been committed, requiring him forthwith to summon a jury of twelve good and lawful men and to charge such jury to inquire whether such person was lunatic or insane at the time such offense was committed and still is so; and if the jury find that the party charged was insane or lunatic at the time of the commission of the offense and still is so, the judge shall commit such person as directed in the preceding section.

See note to sec. 8.

Ibid. sec. 8. 1888, art. 59, sec. 8. 1860, art. 58, sec. 8. 1828, ch. 201.

8. The provisions of the preceding section shall apply to the case of any person who may be arrested on any process issued by any court or judge of this State, founded on oath, requiring security to keep the peace, and who shall fail to give such security.

The proceedings are not invalid because the peace warrant was issued by a magistrate and not by the judge himself, nor because it does not appear from the face of the proceedings, that the lunatic had failed to give security to keep the peace. Case held to be within the spirit and intent of the law. *Devilbiss v. Bennett*, 70 Md. 558.

Ibid. sec. 9. 1888, art. 59, sec. 9. 1860, art. 58, sec. 9. 1826, ch. 197, sec. 3.

9. If any insane or lunatic person mentioned in the three preceding sections shall be possessed of real or personal property, the annual profit or rent of which shall be adequate to his reasonable support in any hospital or asylum for the reception of insane or lunatic persons, the court or judge shall appoint a trustee for the estate of said lunatic or insane person and shall require the said trustee to give bond to the State of Maryland in such penalty and with such security as the court or judge shall approve, with condition that he will cause the said lunatic or insane person to be confined and supported in some hospital or insane asylum until such person shall have recovered his reason, and that he will faithfully administer and fully account for all such estate, income and effects of said lunatic or insane person as shall come to his possession or be under his care or direction.

Proceedings of a trustee in making a final report (after the discharge of the lunatic) and asking that his reports be referred to an auditor to state an account allowing commissions, etc., upheld. *Devilbiss v. Bennett*, 70 Md. 559.