

required to be made by the said lunacy commission when summoned to do so by the Board of Directors of the Penitentiary or House of Correction, pursuant to the provisions of Chapter 715 of the Acts of 1910, codified as Section 44 of Article 59 of the Code of Public General Laws of Maryland of 1910.

If there is any evidence to sustain the theory of insanity the court may not withdraw this defense from the jury. Purpose of this section. When "criminal responsibility" exists. *Deems v. State*, 127 Md. 627.

As to the extradition of persons of unsound mind, see article 42, section 21 *et seq.*

See notes to this section in volumes 2 and 3 of the Annotated Code.

1904, art. 59, sec. 6. 1888, art. 59, sec. 6. 1860, art. 58, sec. 6.
1826, ch. 197, sec. 2. 1916, ch. 699.

6. Whenever any person charged with the commission of any crime, offense or misdemeanor shall appear to the court or be alleged to be a lunatic or insane, or if the court shall have any reason to suspect that such person may be a lunatic or insane the court may cause the lunacy commission to inquire whether such person is at the time of such inquiry insane or lunatic, or of such mental incapacity as to prevent such person from properly conducting his or her defense or advising as to the conduct of his or her defense; and if the lunacy commission shall find that such person is at the time of such inquiry insane or lunatic or of such mental incapacity as to prevent such person from properly conducting his or her defense or advising as to the conduct of his or her defense, the court shall in its discretion direct such person to be confined in one of the institutions referred to in the preceding section, until he or she shall have recovered and shall stay the proceedings against such person until that time, and upon recovery the court shall proceed with the trial of the charge pending against such person. The inquisition by said lunacy commission shall be made in the same manner and under the same conditions as examination of convicts are now required to be made by the said lunacy commission when summoned to do so by the Board of Directors of the Penitentiary or House of Correction pursuant to the provisions of Chapter 715 of the Acts of 1910, codified as Section 44 of Article 59 of the Code of Public General Laws of Maryland of 1910.

See notes to this section in volume 2 of the Annotated Code.

Lunacy Commission.

1904, art. 59, sec. 16. 1888, art. 59, sec. 16. 1886, ch. 487, sec. 17. 1918, ch. 68.

16. The members of said commission, except as herein provided, shall receive no compensation for their services, but such necessary expenses as may be incurred in the performance of their duties shall be paid by the Comptroller of the treasury on the presentation of an itemized account with the proper vouchers; but the comptroller shall have the power to refuse payment of expenses which he may decide to be unnecessary.