

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 Board of Mental Hygiene 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 Board of Mental Hygiene when summoned to do so by the Board of Correction pursuant to the provisions of Section 48 of this Article.

This section referred to in construing sec. 6. *Price v. State*, 159 Md. 499.

See note to sec. 11.

An. Code, 1924, sec. 9. 1912, sec. 7. 1904, sec. 7. 1888, sec. 7. 1826, ch. 197, sec. 3.

9. 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. 11.

An. Code, 1924, sec. 10. 1920, ch. 735, sec. 7A.

10. Whenever any person shall be arrested and brought before a judge of any court of this State or before any justice of the peace of this State, having criminal jurisdiction, charged with any offense, and such person shall appear to be or be alleged to be insane or lunatic, and shall be committed in default of bail to await further proceedings in such court or before such justice or elsewhere, the said judge or justice shall commit him to the jail of the county or city where the charge is pending, or to such institution for the care of the insane as may from time to time be designated by the Board of Mental Hygiene. The said Board of Mental Hygiene shall be notified of such commitment, and shall thereupon examine such person, and as soon as said Board shall determine whether such person is insane or lunatic, and in every case within two weeks after said Board shall have been so notified as aforesaid, said Board shall report its findings to the court or justice then having jurisdiction of the charge against such person. If said Board shall find such person insane or lunatic, he shall remain in the institution to which he shall have been committed as aforesaid, or in some other institution to which he may be transferred on the recommendation of said Board, until he shall be tried or until the court shall in its discretion give the direction provided for in Section 8 of this Article. If, however, such person shall be found by said Board to be sane, the court or justice then having jurisdiction of the charge against such person shall order him transferred to the jail of the county or city in which such charge shall then be pending. In all cases not punishable by death or confinement in the Penitentiary, the examination provided for in this section and in Sections 6 and 8 of this Article may be made by the Superintendent of any institution for the care of the insane in which such person may be confined pending trial, instead of by the said Board of Mental Hygiene, and such Superintendent shall within