

to inquire whether such person is insane or lunatic, and if found so, it shall be the duty of the court to cause such person to be sent to the almshouse of the county or city to which he belongs, or to an hospital, or to some other place better suited in the judgment of the court to his condition, there to be confined at the expense of the county or city until he shall have recovered and be discharged in due course of law. Nothing contained in this section shall prevent the friends or relations of such lunatic or insane person from confining him or providing for his comfort.

P. G. L., (1860,) art 58, sec. 2. 1817, ch. 78.

2. The county commissioners of any county may, in their discretion, remove from the almshouse any lunatic pauper therein, and cause said lunatic pauper to be sent to the Maryland hospital, and shall levy on the county such sum as will defray the expenses incident to the removal of such lunatic, and the expenses that may be incurred during his stay in said hospital; said expenses in said hospital in no case to exceed the sum of one hundred and fifty dollars per annum.

Ibid. sec. 3. 1824, ch. 49.

3. No person shall be deemed a lunatic pauper under the preceding sections who shall possess in his own right any property, real or personal, or be entitled to the use of any property by last will and testament, or deed of trust for his use or benefit; nor shall the child of any person whose property is actually assessed at one thousand dollars, who may be afflicted with lunacy, and whose usual place of abode has been with his parents, be entitled to the benefit of the preceding sections.

Insanity as a Defence in Criminal Cases.

P. G. L., (1860,) art 58, sec 4. 1826, ch. 197, sec 1.

4. When any person indicted for a crime or misdemeanor shall allege insanity or lunacy in his defence, the jury empanelled to try such person shall find by their verdict whether such person was, at the time of the commission of the offence, or still is, insane, lunatic or otherwise.

Ibid sec 5 1826, ch. 197, sec. 1.

5. If the jury find by their verdict that such person was, at the time of committing the offence, and then is, insane, or lunatic,