

time of the commission of the alleged offense, but insane at the time of said hearing, the court shall thereupon pass an order committing the person to an institution, hospital, almshouse or some other place suited, in the judgment of the court, to the condition of such prisoner, there to be confined until he shall have recovered his reason, at which time he may be placed upon his trial under said indictment; and if the jury shall find that the prisoner was insane at the time of the commission of the alleged offense but sane at the time of the hearing, the person shall be thereupon discharged, and not required to answer the indictment; and if the jury shall find that the person at the time of the commission of the alleged offense was sane and then is sane, the jury shall be discharged, and the trial on the question of his guilt or innocence of the matter charged shall proceed before the court or jury as the defendant may elect, and it shall be proper for the defendant or for the State to introduce on the latter trial, the finding of the jury on the question of the sanity of the defendant at the time of the commission of the alleged offense, and at the time of such hearing; if the jury selected and impanelled to determine the question of sanity alone, as herein provided for, shall find the person sane at the time of the commission of the alleged offense and sane at the time of its finding, and that thereafter during the trial of such person on the indictment, he shall offer evidence tending to show his mental incapacity it shall not be necessary for the court or jury before which the case is being tried to say by its verdict whether such person was or is sane or insane; and if the defendant or the State shall offer evidence tending to show insanity or sanity, it shall be proper for either side to show that the same or similar evidence was introduced in the hearing before the jury especially impanelled to pass on the question of the sanity of the defendant.

Approved April 17, 1931.

CHAPTER 437.

AN ACT to repeal and re-enact with amendments Section 243 of Article 93 of the Annotated Code of Maryland (Edition of 1924), relating to powers of the Orphans' Court.

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That Section 243 of Article 93 of the Annotated Code of Maryland (Edition of 1924), be and the same is hereby repealed and re-enacted, to read as follows:

Section 243. The court shall have full power to take probate of wills, grant letters testamentary and of administration, direct