

Hygiene 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 Department of Mental Hygiene 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 Spring Grove State Hospital, or such other institution as may be designated, from time to time, by the Department of Mental Hygiene for the care or treatment of the criminal insane, 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.

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 Department of Mental Hygiene. The said Department of Mental Hygiene shall be notified of such commitment, and shall thereupon examine such person, and as soon as said Department shall determine whether such person is insane or lunatic, and in every case within two weeks after said Department shall have been so notified as aforesaid, said Department shall report its findings to the court of justice then having jurisdiction of the charge against such person. If said Department 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 Department, 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 Department to be sane, the court of 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