

act, or to a hospital, or to some other place better suited, in the judgment of the said court, to the condition of such prisoner, there to be confined until such person shall have recovered his reason, and be discharged by due course of law; *Provided*, that nothing in this section contained, shall be construed to allow any one to avail himself of the plea or allegation of drunkenness, at the time of the commission of the offence of which he is indicted.

When arrested for disorderly conduct, &c.

SEC. 2. *And be it enacted*, That where any person shall be arrested for improper or disorderly conduct, or is charged with any crime, offence or misdemeanor, and who appears to the court, or is alleged to be lunatic or insane, and against whom there is no indictment, it shall be the duty of the several county courts of this state, or of Baltimore city court, as the case may be, if in session at the time of such arrest or charge, to cause a jury of twelve good and lawful men to be empannelled forthwith, and to charge said jury to inquire whether such person was, at the time of the commission of the act complained of, insane or lunatic, and still is so; and if such jury shall find that such person was, at the time of the commission of such act, insane or lunatic, and still is so, that then it shall be the duty of the court to cause such person to be sent to the alms-house of the county to which such person belongs, or to a hospital, or to some other place better suited, in the judgment of the said court, to the condition of such prisoner, there to be confined at the expense of the county, or Baltimore city, as the case may be, until he shall have recovered, and been discharged by due course of law.

If arrested during recess of court, judge to direct jury to be summoned, &c.

SEC. 3. *And be it enacted*, That if, during the recess of such courts, any person appearing to be, or alleged to be, insane or lunatic, shall be arrested and charged for any crime or misdemeanor before any judge, or any of the said county courts, or before any judge of Baltimore city court, it shall be the duty of such judge, and he is hereby empowered, to issue an order to the sheriff of the county, where said offence hath 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 offence was committed, and then is so; and if such jury shall find that the person so charged was insane or lunatic at the time of the commission of the said offence, and still is so, then it shall be the duty of such judge to send (or commit,) such person to the alms-house, or other place as is herein before mentioned, and to do all other acts that the court of which he is a judge could or might lawfully do under this act, were such court in session; *Provided nevertheless*, that such insane or lunatic person be possessed of real and personal property, the annual profit or

*Provido.*