

persons indicted for any offence and found to be insane by a Jury, to be impanelled for the purpose on their arraignment.

be found so to be by a jury lawfully empaneled for that purpose, so that such person cannot be tried upon such indictment, or if, upon the trial of any person so indicted, such person shall appear to the jury charged with such indictment to be insane, it shall be lawful for the Court 5 before whom any such person shall be brought to be arraigned or tried as aforesaid, to direct such finding to be recorded, and thereupon to order such person to be kept in strict custody until Her Majesty's pleasure shall be known; and if any person charged with any offence 10 shall be brought before any Court to be discharged for want of prosecution, and such person shall appear to be insane, it shall be lawful for such Court to order a jury to be empanelled to try the sanity of such person; and if the jury so empanelled shall find such person to be 15 insane, it shall be lawful for such Court to order such person to be kept in strict custody in such place and in such manner as to such Court shall seem fit, until Her Majesty's pleasure shall be known; and in all cases of insanity so found, it shall be lawful for the Governor of 20 this Province to give such order for the safe custody of such person so found to be insane, during Her Majesty's pleasure, in such place and in such manner as to him shall seem fit.

Persons committed by Justice of Peace on account of being insane and dangerous shall not be bailed except by two Justices, the Quarter Sessions or a Judge of a Superior Court of Law or Equity.

III. And, for the better prevention of crimes being 25 committed by 'persons insane,' be it enacted, That if any person shall be discovered and apprehended under circumstances that denote a derangement of mind and a purpose of committing some crime, for which, if committed, such person would be liable to be indicted, and any of 30 Her Majesty's Justices of the Peace before whom such person may be brought, shall think fit to issue a warrant for committing him or her as a dangerous person suspected to be insane, such cause of commitment being plainly expressed in the warrant, the person so committed 35 shall not be bailed except by two Justices of the Peace, one whereof shall be the Justice who has issued such warrant, or by the Court of general Quarter Sessions, or in Lower Canada by one of the Judges of Her Majesty's Court of Queen's Bench, or one of the Judges of Her 40 Majesty's Superior Court for that section of the Province, or in Upper Canada by one of the Judges of Her Majesty's superior Courts of Law or Equity at Toronto.

Two Justices, with medical aid, may inquire into case of prisoner becoming insane.

IV. And be it enacted, That if any person, while imprisoned in any prison, or other place of confinement, 45 under any sentence of death, transportation, or imprisonment, or under a charge of any offence, or for not finding bail for good behaviour or to keep the peace or to answer a criminal charge, or in consequence of any summary conviction or order by any Justice or Justices of the 50 Peace, or under any other than Civil Process, shall appear to be insane, it shall be lawful for any two Justices.