

# HOUSE . . . . No. 819

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By Mr. Sears of Dedham, petition of the Massachusetts Society for Protection of the Insane and Mentally Infirm that one of the committing physicians be a psychiatrist in connection with commitment of alleged insane persons. The Judiciary.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Thirty-Eight.

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### AN ACT RELATING TO COMMITMENTS OF INSANE PERSONS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Section fifty-one of chapter one hundred and twenty-  
2 three of the General Laws is hereby amended by add-  
3 ing the words: — one of whom if available shall be a  
4 duly qualified psychiatrist, — after the words “prop-  
5 erly qualified physicians” in the sixth line of said  
6 section, — so that said section shall read:— *Section 51.*  
7 No person shall be committed to any institution  
8 for the insane designated under or described in sec-  
9 tion ten, except the Walter I. Fernald state school,  
10 the Belchertown state school and the Wrentham state  
11 school, unless there has been filed with the judge a  
12 certificate in accordance with section fifty-three of  
13 the insanity of such person by two properly quali-  
14 fied physicians, one of whom if available shall be a  
15 duly qualified psychiatrist, nor without an order

16 therefor, signed by a judge named in the preceding  
17 section stating that he finds that the person com-  
18 mitted is insane and is a proper subject for treatment  
19 in a hospital for the insane, and either that he has  
20 been an inhabitant of the commonwealth for the six  
21 months immediately preceding such finding or that  
22 provision satisfactory to the department has been  
23 made for his maintenance or that by reason of in-  
24 sanity he would be dangerous if at large. The order  
25 of commitment shall also authorize the custody of the  
26 insane person either at the institution to which he  
27 shall first be committed or at some other institution  
28 to which he may be transferred. Such judge shall  
29 see and examine the alleged insane person, or state  
30 in his final order the reason why it was not considered  
31 necessary or advisable so to do. The hearing, unless  
32 a jury is summoned, shall be at such place as the judge  
33 shall appoint. In all cases he shall certify in what  
34 place the insane person resided or was at the time of  
35 his commitment; or, if the commitment is ordered by  
36 a court under section one hundred or one hundred and  
37 one the court shall certify in what place the insane  
38 person resided or was at the time of the arrest upon  
39 the charge for which he was held to answer before  
40 such court. Such certificate shall, for the purposes  
41 of the preceding section, be conclusive evidence of  
42 the residence of the person committed.