

seers & Masters, & make such further regulations & alterations in the treatment & Government of the Prisoners as they shall judge necessary or proper, & not repugnant to the laws of the Commonwealth.

SECT. 3D. *Be it further enacted by the authority aforesaid*, that when it shall be made to appear to any two Justices *quorum unus*, that any person being within their County is Lunatic & so furiously mad as to render it dangerous to the peace or the safety of the good people, for such lunatic person to go at large; the said Justices shall have full power by warrant under their hands & seals to commit such person to the house of correction there to be detained till he or she be restored to his right mind or otherwise delivered by due course of law. And every person so committed shall be kept at his or her own expence if he or She have estate, otherwise at the charge of the Person or Town upon whom his maintainance was regularly to be charged if he or She had not been committed; & he or She shall if able be put to work during his or her confinement.

Lunatics may be confined to house of correction.

SECT. 4TH. *Be it further enacted by the Authority aforesaid*, that all privileges granted to towns to provide work for their inhabitants at the County house of Correction, & also to provide for their Support there shall remain in force notwithstanding this Act; but the persons confined shall be wholly under the Government of the overseers & master to be appointed by the Court of Sessions as herein provided; And all charges attending the business more than the Wages of the Prisoners or such expenses as arise, & ought to be borne by the Individual out of their estates, shall be paid out of the County Treasury, when allowed by the Court of Sessions.

Old privileges continued.

*Approved February 27, 1798.*

**1797. — Chapter 63.**

[January Session, ch. 30.]

AN ACT IN ADDITION TO AN ACT ENTITLED "AN ACT FOR THE SUPPORT AND REGULATION OF MILLS."

*Whereas in said Act no provision is made for ascer-*  
*taining the right of Owners or Occupants of Mills to flow*  
*the lands of others without payment of any sum by way of*  
*damages therefor, or for trying the Title of Complainants*

Preamble.

therein mentioned to the lands for flowing of which they may complain: — Therefore

When complaint is made to Court of Common Pleas, the owner of mill to have notice.

SECT. 1. *Be it Enacted by the Senate and House of Representatives in General Court assembled and by the authority of the same*, that whenever any person shall complain to the Court of Common Pleas, that he sustains damage in his lands by their being flowed in the manner mentioned in said Act, the said Court shall order the Complainant to notify the Owner or Occupant of the Mill complained of by serving him with an attested Copy of such complaint (together with such Order thereon) fourteen days at least before the then next term of said Court, that he may then appear and shew cause if any he have, why a warrant should not issue in the manner and for the purposes prayed for in such complaint. Or such Complainant may fourteen days at least before the sitting of the Court to which he intends to prefer his Complaint, cause the owner or occupant of such Mill to be served with an attested Copy of such complaint. And such service or notification certified by the proper Officer, shall be deemed sufficient evidence of proper notice.

Complaint to be tried by Jury; or by the Justices.

SECT. 2. *Be it further Enacted*, that if any owner or occupant of any Mill shall plead to such complaint, and in his plea shall dispute the statement made by the Complainant, or shall deny the Complainant's title to the lands said to be damaged by flowing, or shall claim a right to flow such lands without payment of damages or for an agreed composition, the Court shall order a trial of the issue which may be joined by the parties, by a jury at the Bar of said Court; or if the issue be an issue in law, shall determine the same themselves, reserving to each party the liberty of appealing to the Supreme Judicial Court as in other cases.

Warrant to be issued.

SECT. 3. *Be it further Enacted*, that if the Owner or Occupant of a Mill notified as aforesaid, shall not appear, or appearing shall not shew sufficient cause, the said Court of Common Pleas shall issue a Warrant and such Proceedings shall be had in all things as are prescribed by the Act to which this is an addition. *Provided* that whenever there shall be an appeal to the Supreme Judicial Court, & a determination shall there be had against the Respondent, a Certificate of such determination shall first be exhibited to said Court of Common Pleas.

Proviso.

SECT. 4. *Be it further Enacted*, that if the Com-  
 plainant shall fail to prosecute his Complaint in any stage  
 of the proceedings, or the issue joined shall be determined  
 against him, the Respondent shall recover his costs as in  
 other cases. Complainant to  
 pay costs, in  
 case.  
*Approved February 28, 1798.*

**1797. — Chapter 64.**

[January Session, ch. 31.]

AN ACT FOR ALTERING THE TIMES OF HOLDING THE COURTS  
 OF GENERAL SESSIONS OF THE PEACE & COMMON PLEAS  
 WITHIN & FOR THE COUNTY OF HANCOCK.

SECT. 1ST. *Be it enacted by the Senate & House of  
 Representatives in General Court Assembled & by the  
 Authority of the same*, that from & after the passing  
 this Act the Courts of General Sessions of the Peace &  
 Common Pleas which by Law are holden at Castine  
 within & for the County of Hancock on the Third Tues-  
 days of [of] April & September, annually, shall be holden  
 at the same place on the first Tuesday of May & the last  
 Tuesday of September, annually, instead of the Third  
 Tuesdays aforesaid. Times of hold-  
 ing Courts  
 altered.

SECT. 2D. *Be it further enacted* that all Actions, Suits,  
 Writs, Processes, Precepts, Appeals & Recognizances  
 already commenced, sued out, or made; or that hereafter  
 may be commenced, sued out, or made returnable to  
 either of the Courts aforesaid, on the Third Tuesday of  
 April next, & all Actions, Suits, Processes, Recognizances  
 & Prosecutions of every kind now pending, or that may  
 be pending before either of the Courts aforesaid, which  
 before the passing this Act, were to have been holden on  
 the Third Tuesday of April next, shall be returnable to,  
 entered, made, proceeded upon, prosecuted, tried &  
 determined, agreeably to the true intent of such Actions,  
 Writs, Suits, Processes, Appeals, Recognizances & Pro-  
 cections, before the said Courts to be holden by virtue  
 of this Act at said Castine, on the said First Tuesday of  
 May next. Business trans-  
 ferred to the  
 next period for  
 the Courts  
 sitting.  
*Approved March 1, 1798.*