

amount of the stock so held by said town, anything in chapter sixty-three of the General Statutes to the contrary notwithstanding.

SECTION 4. The legislature may at any time authorize the county commissioners of the county of Franklin, to lay out as, and for a public highway, the bridge, abutments and ways, belonging to the proprietors of the said Sunderland Bridge Corporation, and make said bridge free, upon such terms and conditions as may be deemed just and proper; and whenever any three toll-bridges now existing across the Connecticut River within this Commonwealth shall become free bridges, then the said county commissioners shall so lay out and make free the said Sunderland Bridge; anything in chapter thirty-eight of the acts of the year eighteen hundred and eleven, or in any other existing laws to the contrary notwithstanding.

County commissioners may lay out bridge as public highway, whenever three toll-bridges over Connecticut River are made free.

SECTION 5. This act shall take effect upon its passage.

Approved June 21, 1869.

AN ACT TO FURTHER PROTECT THE RIGHTS OF THE COMMONWEALTH
IN TIDE-WATERS.

Chap. 432

Be it enacted, &c., as follows:

SECTION 1. All authority or license that has been granted during the present session of the legislature, or that may be hereafter granted by the Commonwealth, to any person or corporation to build any structure upon ground over which the tide ebbs and flows, or to fill up or inclose the same, whether such ground be above or below low-water mark, or within or outside of one hundred rods from high-water mark, or whether it be private property or the property of the Commonwealth, shall be subject to the following conditions, whether they be expressed in the act or resolve granting the same or not, viz.: such license or authority shall be revocable at any time, at the discretion of the legislature, and shall expire at the end of five years from its date, except where and so far as valuable structures, fillings or inclosures, as provided in the act or resolve, shall have been actually and in good faith built or made under the same. All things done under such license or authority shall be subject to the determination and approval of the harbor commissioners, as provided in section four of chapter one hundred forty-nine of the acts of the year eighteen hundred and sixty-six, or of such other board as the legislature may appoint for that purpose. If the legislature shall establish harbor lines within the outer line covered by such license or authority, then such license or authority shall be construed to be limited by and not to extend beyond such harbor line.

Rights of Commonwealth in tide-waters protected.

License revocable by legislature, and to expire in five years.

Subject to approval of harbor commissioners.

License to build structures, how to be construed.

SECTION 2. All license or other authority that has heretofore been granted, or that may hereafter be granted, to build structures upon, or to fill up or inclose any such ground, shall be, as far as reasonably and justly may be practicable, so construed as not to interfere with or impair the right of any person affected thereby to equal proportional privileges of advancing to or towards low-water mark, or one hundred rods from high-water mark, or harbor lines established by law, or so as to impair the opportunity of persons having interests in lands or flats that may be affected thereby to obtain license or authority so to advance. Nothing in such license or authority shall be so construed as to impair the legal rights of any person.

Right of legislature to establish harbor lines not impaired.

SECTION 3. Nothing in this act shall be construed to impair any right or authority of the legislature respecting the establishment of harbor lines in any harbor or on any coast or beach.

Grants heretofore made not affected.

SECTION 4. Nothing in this act, and no provision in any other act or resolve expressing in terms that an authority or license to build upon, fill up or inclose ground under tide-water is revocable at the discretion of the legislature, shall have any effect whatever on the construction of grants heretofore made by the Commonwealth, as indicating whether or not a right of revocation attach to such grants.

SECTION 5. This act shall take effect upon its passage.

Approved June 21, 1869.

Chap. 433

AN ACT CONCERNING INDICTMENTS FOR MURDER.

Be it enacted, &c., as follows:

Party indicted for murder to be served forthwith with copy of indictment.

SECTION 1. As soon as may be after the finding of an indictment for the crime of murder, the party charged, when in custody, shall be served with a copy thereof by the sheriff or his deputy, with an order of the court notifying him, if the indictment is found in the county of Dukes-county, that the indictment will be entered forthwith upon the docket of the supreme judicial court in the county of Barnstable, and if found in any other county, that it will be entered forthwith upon the docket of the supreme judicial court in said county.

Indictment to be entered in S. J. C. in county where found, except Dukes County.

Clerk of superior court to transmit indictment to S. J. C.

SECTION 2. The clerk of the superior court, when such an indictment is found, shall forthwith, if the person accused is in custody, or if not, then immediately after his arrest, transmit the indictment to the supreme judicial court, as mentioned in the preceding section, and it shall be entered at once in that court, whether it shall be transmitted during a term of the court or in vacation. The supreme judicial