

county officers which are to be elected by the people that year.
[Approved by the Governor, March 18, 1841.]

An Act respecting the Taxation of Houses of Public Worship.

Chap 127.

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

Whenever any building, now exempt by law from taxation, is appropriated in part only to the purposes of religious worship, and in part to other purposes, the owners of such building shall be taxed according to the seventh chapter of the Revised Statutes, for the value of all parts of such building not so appropriated to the purpose of public worship. [Approved by the Governor, March 18, 1841.]

Where only a part of a building is devoted to public worship, the rest not to be exempt from taxation.

An Act in addition to an Act to establish the Boston and Worcester Rail-road Corporation.

Chap 128.

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

SECT. 1. The Boston and Worcester Rail-road Corporation are hereby authorized and empowered to take as much more land, on either or both sides of their rail-road, as they shall deem necessary for the proper construction and security thereof, with two sets of tracks, beginning at the south end of the passenger depot building, in the South Cove in Boston, and extending from said point, as the same has been located and constructed, to the westerly termination of said rail-road in Worcester: *provided, however*, that the land so to be taken, together with what has heretofore been taken for said rail-road, shall not exceed in width what said corporation were authorized to take by their Act of incorporation.

Corporation may take sufficient additional width of land for a double track.

Proviso.

SECT. 2. All damages occasioned by the taking of any land as aforesaid shall be estimated, and said corporation shall be liable to pay the same, in the manner provided for in that part of the thirty-ninth chapter of the Revised Statutes which relates to rail-roads.

Concerning damages to be paid for land so taken.

SECT. 3. Whenever said corporation shall, at any time, take any strip or parcel of land, as aforesaid, they shall, within ten days from such taking, give notice, if practicable, to the owner thereof, and shall, within thirty days after a demand in writing, made by such owner upon the treasurer or principal agent of the corporation, deliver to him a description, or plan, in writing, of the land so taken; and said corporation shall file a location of every such strip or parcel of land, defining the courses and boundaries of the same, within one year from the time of the taking thereof, with the county commissioners of the county in which such strip or parcel lies, or with the mayor and aldermen of the city of Boston, when such strip or parcel lies in said city, in the same manner as the original location of said rail-road has heretofore been filed with said county commissioners, and with said mayor and aldermen.

Concerning notices and plans to be given to owners of land taken.

Location, &c. of land taken, to be filed with county commissioners, &c.

Capital stock may be increased.

SECT. 4. The said corporation are authorized and empowered, by vote of the stockholders at a meeting specially notified for the purpose, to increase their capital stock, by the creation of an additional number of shares, to be assessed to the same amount as the shares which are already created by the said Act of incorporation, and by virtue of an Act in addition thereto : *provided*, that the additional number of shares, so to be created, shall not exceed ten thousand. [*Approved by the Governor, March 18, 1841.*]

Proviso.

Chap 129.

An Act in relation to Bills of Discovery.

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

Concerning allowance of costs in certain suits in equity.

SECT. 1. In all suits in equity now pending, or that shall hereafter be brought, in which, as to any one or more of the defendants, the plaintiff seeks merely for a discovery of facts material to his rights and interests, in any pending or anticipated suit, and not for any decree against such defendants, the court shall allow such defendants all reasonable costs, expenditures and charges, by them made or sustained, according to the usual course of proceeding in equity in like cases ; and the same allowance to defendants, of costs and expenditures, shall be made by the court, notwithstanding any prayer in the plaintiff's bill for a decree against the defendants, on any matter, if the court shall be satisfied that such prayer for a decree is either a frivolous one, a mere pretence, or not essentially connected with the subject matter of the discovery.

SECT. 2. This Act shall take effect from and after its passage. [*Approved by the Governor, March 18, 1841.*]

Chap 130.

An Act relating to the State House.

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

A committee on public buildings to estimate expenses on state house.

SECT. 1. There shall be annually appointed by the House of Representatives a committee on public buildings, who shall report to the House an estimate of expenses necessary to be incurred during the year, upon the state house.

Sergeant-at-arms to superintend repairs, &c.

SECT. 2. All the repairs and alterations upon the state house shall be carried into effect under the superintendence of the sergeant-at-arms, which superintendence shall hereafter become a part of his official duties.

Bills for repairs, &c., how audited.

SECT. 3. No bills for said expenses shall be paid by the treasurer until the same shall have been presented to the governor and council, audited by them, and a warrant drawn therefor by the governor.

Treasurer to submit account of expenses, &c.

SECT. 4. The treasurer shall annually submit to the legislature a detailed account of said estimates of the preceding year, and of all monies expended upon the state house during the year, and to whom paid. [*Approved by the Governor, March 18, 1841.*]