

**Chap.311** AN ACT AUTHORIZING THE CITY OF WORCESTER TO REINSTATE JEREMIAH W. MOYNIHAN AND JOHN F. MCGOURTY FOR THE SOLE PURPOSE OF RETIREMENT.

*Be it enacted, etc., as follows:*

SECTION 1. Any provision of law to the contrary notwithstanding, the city of Worcester may reinstate Jeremiah W. Moynihan and John F. McGourty as members of the fire department of said city for the sole purpose of retirement and in order to correct a mistake made at the time of their original retirement. Upon said reinstatement the city of Worcester shall retire said Jeremiah W. Moynihan and John F. McGourty for disability caused by injuries sustained in the actual performance of their duties as firemen. Said retirement shall be under the provisions of section eighty of chapter thirty-two of the General Laws, in effect in said city on the date of their original retirement.

SECTION 2. This act shall take effect upon its passage.

*Approved May 14, 1951.*

**Chap.312** AN ACT RELATIVE TO COUNSEL FEES AND CERTAIN OTHER EXPENSES IN THE PROBATE COURTS.

*Be it enacted, etc., as follows:*

G. L. (Ter. Ed.), 215, new § 39B, added.

Counsel fees and certain other expenses in the probate courts.

Chapter 215 of the General Laws is hereby amended by inserting after section 39A the following section:— *Section 39B.* When a decree is entered in a contested proceeding in equity or on an account or to determine the construction of a will or of any trust instrument or to determine any question as to the powers, rights or duties of any fiduciary under any written instrument or to determine any question with respect to services rendered by any such fiduciary or the compensation of such fiduciary for such services, the probate court may, in its discretion as justice and equity may require, provide that such sums as said court may deem reasonable be paid out of the estate in the hands of such fiduciary to any party to the proceeding on account of counsel fees and other expenses incurred by him in connection therewith. The sums awarded shall be specified in the decree which may in such case direct that any sum so awarded to any party be paid in whole or in part to his counsel. The probate court, subject to appeal, shall have like powers when entering a decree after the coming down of a rescript from the supreme judicial court unless the rescript shall specifically direct otherwise. The counsel of any party to whom an award might be made under this section on account of counsel fees or expenses may file and prosecute in his own name a petition under section thirty-nine A for the payment directly to him of any sum or sums which the court would have power to award to the party. A person interested, whose counsel would have standing hereunder or under section thirty-nine A, shall have standing to file and

prosecute a petition for the determination of any sum or sums which the court would have power to award against such person.

*Approved May 14, 1951.*

AN ACT RELATIVE TO THE RENT TO BE CHARGED TO TOTALLY UNEMPLOYABLE DISABLED VETERANS IN CERTAIN HOUSING PROJECTS. Chap.313

*Be it enacted, etc., as follows:*

Section 26FF of chapter 121 of the General Laws is hereby amended by adding at the end of the paragraph inserted by chapter 631 of the acts of 1950, the following sentence:— In determining the net income for the purpose of computing the rent of a totally unemployable disabled veteran, a housing authority is authorized to exclude amounts of disability compensation paid by the United States government for disability occurring in connection with military service in excess of eighteen hundred dollars in any year, but such authorization shall apply only in state-aided projects and while such projects are receiving state financial assistance, as provided in sections twenty-six NN and twenty-six OO.

G. L. (Ter. Ed.), 121, § 26FF, etc., amended.

Disability pay to be excluded in computing net income.

*Approved May 14, 1951.*

AN ACT AUTHORIZING THE TOWN OF FREETOWN TO SUPPLY ITSELF AND ITS INHABITANTS WITH WATER. Chap.314

*Be it enacted, etc., as follows:*

SECTION 1. The town of Freetown may supply itself and its inhabitants with water for the extinguishment of fires and for domestic and other purposes; may establish fountains and hydrants, relocate or discontinue the same; and may regulate the use of such water and fix and collect rates to be paid for the use of the same.

SECTION 2. For the purposes aforesaid, said town of Freetown, acting by and through its board of water commissioners hereinafter provided for, may contract with any other municipality, acting through its water department, or with any water company, or with any water district, for whatever water may be required, authority to furnish the same being hereby granted, or may take by eminent domain under chapter seventy-nine of the General Laws, or acquire by lease, purchase, gift, devise or otherwise, and hold, the waters, or any portion thereof, of any pond, brook, spring or stream or of any ground water sources, by means of driven, artesian or other wells or filter galleries, within the limits of said town except Long Pond and except any other waters already appropriated for purposes of public water supply and the water rights connected with any such water sources; and also for said purposes may take by eminent domain under said chapter seventy-nine or acquire by lease, purchase, gift, devise or otherwise, and hold, all lands, rights of way and other easements necessary for collecting, storing, holding, purifying and treating such water and protecting