

Grafton, }  
Dec. 6, 1938. }

## PETITION OF JOHN F. SIMPSON &amp; a.

*Fred S. Wright*, by brief, for Piermont.

*Thomas P. Cheney*, Attorney-General, *Frank R. Kenison*, Assistant-Attorney-General and *J. Blanche Newhall*, by brief, for the State.

*Per Curiam.* The will discloses no purpose that anyone other than the voters of the town at a duly held meeting shall determine what use of the income shall be made as deemed in the town's best interest. Such action failing, the town trustees of trust funds have the duty to retain the income in their hands. Only upon proper vote of the town may they pay it over to the town treasurer, for expenditure according to the vote.

*Case discharged.*

BRANCH, J., was absent.