

the petitioner filed in the above cause represents--

First--That he admits the allegations contained in the first, second and third paragraphs of the petition.

Second--Answering the fourth paragraph, this respondent says that the portion of the estate represented by personal property is invested in substantially the same character of securities, as existed at the time of the death of Susan R. Nelson; when the trust estate was created, the amount and character of each investment, respondent has not withheld from the petitioner; but on the contrary respondent has made frequent statements to the petitioner showing the income from these investments as well as disbursements which were apparently understood by and acceptable to the petitioner. And respondent is willing at any time when requested, to make his reports to Your Honorable Court showing the exact status of said trust estate.

Third--Answering the fifth paragraph of said petition the respondent says, he has each year when collected paid to petitioner, the whole amount of the surplus, if any, in his hands after the payment of interest on mortgages, taxes, insurance and an allowance of Fifty Dollars (\$50.00) each year in payment of his reasonable commission, without objection on part of petitioner to respondent's methods of handling said estate.

Fourth--Answering sixth paragraph of said petition respondent avers, that he does not think it to the best interest of the estate to collect, at present, the outstanding securities, belonging to the trust estate, and apply the same to the liquidation of the mortgage lien, on the real estate constituting part of the trust estate; because, the respondent believes, it is to the advantage of the trust estate, that, he should have at all times, during existence of the trust, the ability to command and control, an income from the trust, independent of what the land, in possession of the petitioner might be made to yield, that the same might be utilized in the payment of taxes, insurance, commissions and any other expense, he said trust, which, is the purpose and design, as well as the expressed wish of the testatrix in creating said trust.

Fifth--Answering the seventh paragraph, of said petition, respondent says, that, it is the purpose and design of said will, which is plainly indicated, by its terms, to give respondent full power and authority to control the investments of said trust fund, and to use his own judgment and discretion in investing the same. And respondent believes your Honorable Court is without jurisdiction to grant the relief prayed for in the petition, upon the allegations therein contained. Petitioner having suffered no loss, whatever by reason of the manner respondent has handled said trust funds, in view of the fact that said trust funds have been made to yield more than an average of 5% net, being same rate of interest as paid on said mortgage debt.

Sixth--And respondent having fully answered, prays that petition may be dismissed with cost.

Frank L. Stoner
Sols. for Respdt.

GENERAL REPLICATION.

To the Honorable the Judges of said Court--

Your petitioner Fannie M. Cramer, cestui que trust for life under the trust in these proceedings, joins issue on the matters alleged in the answer of John N. Ckary, trustee, to the petition of Your Petitioner filed in the above cause on July 27th 1905 so far as the same may be taken to deny or avoid the allegations of said petition.

Urner & Urner
Sol'rs for Petitioner.

PETITION OF FANNIE M. CRAMER AND COURT'S ORDER THEREON.

To the Honorable the Judges of said Court--

The petition of Fannie M. Cramer, respectfully shews--