

Estate of  
Cora Sudler

Refused  
Charges

A

Refused  
Jefair J. Masbury,  
Judge

I charge you Gentlemen of the jury, that if you believe the  
evidence in this case you should find for the Proponent.

Q

I charge you Gentlemen of the jury, that if you believe the evidence in this case you should find for the Proponent on the issue as to the mental capacity of the testatrix to make and execute the will involved.

Refused  
Jelfair J. Mablebury Jr.  
Judge

#2.

I charge you Gentlemen of the jury that if testatrix, Cora H. Sadler, at times was wholly insane so as not to know the subject matter under discussion, but at other times had sufficient mental capacity to know and understand what she was doing, then, in order to defeat a probate of the will, the burden is on contestant, Franklin D. Sadler, to show that at the time of the particular instance when the will was executed testatrix Cora H. Sadler, did not have sufficient mental capacity to know and understand what she was doing.

~~Given~~ Refused  
Jelfair J. Masliburn, Jr.  
Judge

3. If the Jury believe from the evidence that the proposed will makes an unnatural disposition of the property of the testatrix, this fact may be taken into consideration with all the other evidence in deciding whether or not testatrix had testamentary capacity.

Refused  
Jefair J. Masliburn Jr.  
Judge

6. The Court charges the jury that if they believe from the evidence that Mrs Saddle ~~the~~ mind was unsound at times, the burden of proof then shifts to proponent to show to the reasonable satisfaction of the jury that the mind of Testatrix was sound at the time the proposed will was executed

Refused  
J. Fairfax. Marlborough  
Judge

FIRE  
RENTS  
PROFITS  
CARGOES  
BRIDGES  
FINE ARTS  
LIGHTNING  
LEASEHOLD  
RIOT & CIVIL  
COMMOION  
COMMISSIONS  
INLAND MARINE  
TOURIST BAGGAGE  
SPRINKLER LEAKAGE

# ROCHESTER AMERICAN

## INSURANCE COMPANY

### NEW YORK

HAIL  
HULLS  
MARINE  
FLOATERS  
TORNADO  
AIRCRAFT  
EXPLOSION  
WINDSTORM  
AUTOMOBILE  
PARCEL POST  
EARTHQUAKE  
REGISTERED MAIL  
GENERAL COVERS  
BUSINESS INTERRUPTION

#8

I charge you Gentlemen of the jury, that testamentary capacity does not imply a mind wholly unimpaired, and undue influence, to defeat a will, must overpower the will of the testatrix and substitute that of another for it.

Refused  
J. Fair J. Mansbury, Jr.  
Judge.



✓ 9. The Court charges the Jury that if they can find from the evidence no other reason than that Mrs. Sadler was under an insane delusion when she cut Frank Sadler out of the will, this is sufficient to allow them to find for the contestant. *Refused*  
*John J. Masbury, Jr. Del.*

#9.

I charge you Gentlemen of the jury, a person of testamentary capacity, and which the law presumes every one to possess, has the right to make unequal gifts of her property, if she sees proper so to do by testamentary disposition; and the fact that she does so does not of itself establish or authorize the inference that the donor is of unsound mind, or that the gift was the result of fraud or undue influence.

Refused  
J. Fair J. Mashburn Jr.  
Judge.

The Court charges the jury that if you believe the  
evidence in this case, your verdict should be for the contestant.

Refused  
J. Fair H. Mashburn, Jr.  
Judge.

26. The Court charges the jury that it is not necessary that there should be confidential relations between all of the beneficiaries and the Testatrix. If there is such relation with one of a family and the Will is found to have been procured through his undue influence, it operates against all of the family.

*Refused*  
*Jelfair J. Mashburn Jr.*  
*Judge*

29. The Court charges the jury that if you believe the evidence in this case, your verdict should be for the contestant.

Refused  
Jelfair J. Masliburn, Jr.  
Judge