

1306

SOUTHERN BRASSIERE, INC.
Plaintiff

-vs.-

L A W
CIRCUIT COURT OF
BALDWIN COUNTY,
ALABAMA

ROBERT C. ENGEL and EDWARD W.
ENGEL, Individually and Doing
Business as ENGEL'S DEPARTMENT
STORE,

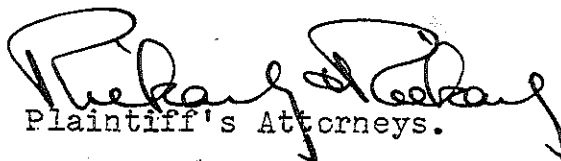
Defendant

COUNT 1.

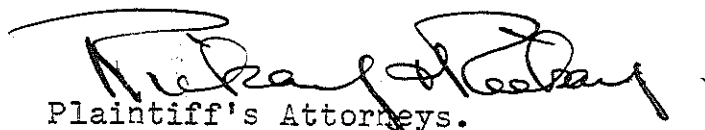
The Plaintiff claims of the Defendant ONE HUNDRED FIFTY-TWO and 61/100 DOLLARS (\$152.61) due from him by account on to-wit, the 30th day of October, 1948, all of which sums of money with interest thereon from the 30th day of October, 1948, is still due and unpaid.

COUNT 2.

The Plaintiff claims of the Defendant the sum of ONE HUNDRED FIFTY-TWO and 61/100 DOLLARS (152.61), for goods, wares and merchandise sold by Plaintiff to Defendant on to-wit, the 30th day of October, 1948, all of which sums of money with interest thereon is still due and unpaid.


Plaintiff's Attorneys.

Note: The account sued on is evidenced by an Itemized and Verified statement filed herewith.


Plaintiff's Attorneys.

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SUMMONS AND COMPLAINT

THE STATE OF ALABAMA, }
BALDWIN COUNTY }

CIRCUIT COURT, BALDWIN COUNTY

No.-----

-----TERM, 194-----

TO ANY SHERIFF OF THE STATE OF ALABAMA :

You Are Hereby Commanded to Summon ROBERT C. ENGEL and EDWARD W. ENGEL

to appear and plead, answer or demur, within thirty days from the service hereof, to the Complaint filed in

the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against ROBERT C. ENGEL
and EDWARD W. ENGEL, individually and D/B/A ENGEL'S DEPT. STORE,
Defendant.

by SOUTHERN BRASSIERE, Inc., a Corporation,

Plaintiff.

Witness my hand this 15th day of February, 1949.

Aerie J. Duck, Clerk.

No. 1308 2-16 Page _____

THE STATE of ALABAMA,
BALDWIN COUNTY

CIRCUIT COURT

SOUTHERN BRASSIERE, Inc.,

Plaintiffs

vs.

ROBERT C. ENGEL and EDWARD
W. ENGEL, Individually and
D/B/A ENGEL'S DEPARTMENT
STORE,

Defendants

SUMMONS and COMPLAINT

Filed February 15th, 1949.

Alice Wick Clerk

RICKARBY & RICKARBY

Plaintiff's Attorney

Defendant's Attorney

Moore Printing Co.

Defendant lives at

Elberta

RECEIVED IN OFFICE

2-16, 1949.

Taylor Wilkins, Sheriff

I have executed this summons

this 2-16, 1949
by leaving a copy with

Edward Engel
Robert C. Engel

Taylor Wilkins Sheriff
Edna H. Steadman Deputy Sheriff

I. J. H. Bailey, named as Commissioner in the attached commission issued from the Circuit Court of Baldwin County, Alabama, in the foregoing cause, hereby certify that I caused Mrs. Beulah E. Olson to appear before me at my residence in the City of Jacksonville, Florida, where after being duly sworn, she answered each of the Interrogatories and Cross-interrogatories propounded to her by me, that her said answers were taken down as near as might be in her own language and that after reading same over, she subscribed same in my presence.

I further certify that I am neither of counsel or kin to any parties in this cause, nor in any matter interested in the outcome thereof.

I do hereto set my hand and seal as Commissioner this 18th day of March, 1949.

J. H. Bailey (Seal)

Estate of
Cora M. Sadler
Law Side:

Filed

3-21-49

Wm. J. Neuk
Clerk

ELLIOTT G. RICKARBY

LAW OFFICES
RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

February 14, 1949

Mrs. Alice J. Duck
Clerk Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:

In re SOUTHERN BRASSIERE, Inc., vs.
ENGEL'S DEPARTMENT STORE:

With this we hand you summons and
complaint in triplicate together with firm
check for \$10.00, deposit for costs, and
ask that service be issued at once in this
case.

Yours very truly,

RICKARBY & RICKARBY

by:- 

EGRjr:la
527.
encls.

ELLIOTT G. RICKARBY

LAW OFFICES
RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

May 23, 1949

Mr. Forest A. Christian
Attorney at Law
Foley, Alabama

Dear Forest:- In Re SOUTHERN BRASSIERE COMPANY
vs. ENGEL'S

Forwarder writes:

"Claimant has accepted the check and our file is
now closed."

Please remember to dismiss this case as per
letter we sent you.

Yours very truly,

RICKARBY & RICKARBY

by:- 

EGR,jr:rs
527

ELLIOTT G. RICKARBY

LAW OFFICES
RICKARBY & RICKARBY
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

April 12, 1949

1306

Mrs. Alice J. Duck
Clerck Circuit Court
Bay Minette, Alabama

Dear Mrs. Duck:- In Re SOUTHERN BRASSIERE COMPANY
vs. ENGEL'S DEPARTMENT STORE

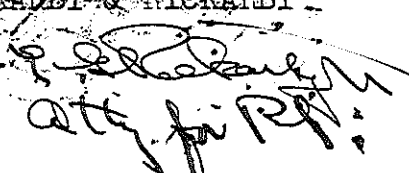
With this we hand you \$3.42 which together with
the \$10.00 deposit for cost, pays the cost in this claim.

Please dismiss claim and oblige.

Yours very truly,

RICKARBY & RICKARBY

by:-



EGR,jr:rs
527
encl.

STATEMENT

Southern Brassiere, Inc.

1440 Willingham Drive

P. O. Box 287

EAST POINT, GEORGIA

Engel's Department Store,
 Elberta,
 Alabama.

| DATE | INVOICE NO. | DEBITS | CREDITS | BALANCE |
|--------------------------------|-------------|----------|---------|----------|
| June 24, 1948 - | 4926 - | \$ 68.05 | | |
| July 22, 1948 - | 5262 - | 20.26 | | |
| August 16, 1948 - Check # 406 | | | \$81.24 | |
| Discount allowed | | | 7.07 | |
| August 31, 1948 - | 5903 | 24.03 | | |
| October 20, 1948 - | 00363 | 40.27 | | |
| October 30, 1948 - Check # 406 | | | | |
| returned second time | | | | |
| "Insufficient Funds" | | 81.24 | | |
| Discount disallowed | | 7.07 | | |
| | | | | \$152.61 |

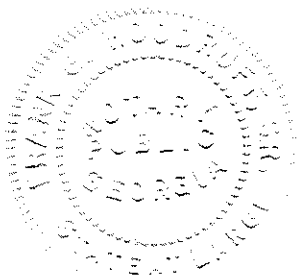
STATE OF GEORGIA:

COUNTY OF FULTON:

Before me, the undersigned Notary Public, personally appeared R. B. Stewart, who, being first duly sworn deposes and says that he is the President of SOUTHERN BRASSIERE, INC. of 1440 Willingham Drive, East Point, Georgia, and as such has knowledge of the correctness of the account between said firm and ENGEL'S DEPARTMENT STORE of Elberta, Alabama, and that the attached itemized statement correctly shows such account and that the balance of ONE HUNDRED FIFTY-TWO and 61/100 DOLLARS shown thereon is still due after allowance of all proper credits and is unpaid.

R. B. Stewart

Subscribed and sworn to before me on this the 4th day of February, 1949.



Frank L. Woodruff, Jr.

Notary Public, Georgia, State at Large
My Commission Expires Sept. 3, 1949

Notary Public, Fulton County, Georgia.
My commission expires:

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 2403
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 4027
 24092T
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 152.61

8124
 707

88.31T
 J. D. & BRADSTREET, INC.
 ATLANTA, GA.

RECEIVED
 FEB 7 1949
 MERCANTILE CLAIMS DIVISION

Estate of
CORA H. SADLER,
Deceased

CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW

Deposition of Beulah E. Olson, witness examined on behalf of
Contestant in the above entitled cause at the time and place
hereinafter stated .

DEPOSITION OF BEULAH E. OLSON:

The witness, having been duly sworn, in answer to
the interrogatories propounded by Contestant, testified as
follows:

Inty. 1.

I am a professional nurse and have been employed
for fifteen years, as a practical Registered Nurse.

Inty. 2.

I was employed as a nurse by the late Mrs. Cora
H. Sadler from December 16th, 1945 to July 20th, 1946.

Inty. 3.

During the time I nursed Mrs. Sadler, I had ample
opportunity to see her attitude, especially toward her
physicians.

Inty. 4.

Mrs. Sadler was a very difficult patient, very hard
to please.

Inty. 5.

When I was nursing Mrs. Sadler, I had frequent
occasion to see that her memory was failing her. Not only was
she very forgetful about what was being done to her, such as
giving medicines and caring for her, but at times the recol-
lection of things that had happened in the past completely
escaped her and she repeatedly stated things that I knew of
my own knowledge to be erroneous.

Inty. 6.

Mrs. Sadler repeatedly said things that I knew
to be untrue. I do not feel in this that she was intentionally
untruthful, but she not only forgot things that had happened
but had ideas and illusions about things that were not true,
but she would state with great positiveness. She would accuse
many people unjustly of taking her things, accuse her
physicians of doing things, or neglecting things, that were
not so. When her son would come to see her, in her room,
which he did several times each day while I was nursing her,
she would, at times, be very tender and affectionate, at
other times she was irritable, unreasonable and unjust to
him without cause. She being a very old lady and almost
constantly in pain, I attributed these moods to the weakness
and effects to her long bed-ridden condition and paid little
attention to them at the time.

Inty. 6 Concluded.

On one occasion she criticised Dr. Jordan, one of her physicians, very severely because she claimed that in turning her over to see if she shown any symptoms of bed sores, he put his knee on her body. I knew ~~that~~ to be untrue, because I assisted Dr. Jordan on this occasion and she was turned over very gently and skillfully and it would have been impossible for the Doctor to put his knee on the bed, which was hospital height, and very high from the floor.

Inty. 7.

Beside Dr. H. C. Jordan, Mrs. Sadler as attended by Dr. L. P. Dahlgren and for a while by Dr. C. G. Godard., all of Fairhope, Alabama, also by a Dr. Hannon, of Mobile, Alabama.

Inty. 8.

Mrs. Sadler was very bitter in her criticism of Dr. Jordan without cause and finally dismissed him for a number of untrue grievances and because he charged her, while in his Infirmary, at the same rate that he charged other people. She also accused nearly every nurse who had waited on her, before I came, of stealing her things and after I left her, she made similar charges against me, but these charges were so general, frequent and unfounded that no one paid much attention to them.

Inty. 9.

As I said before, Mrs. Sadler was very arbitrary and dictatorial to all of those who had anything to do with her and she insisted on everything being done immediately and exactly as she said, even though when this would not be to her advantage.

Inty. 10.

Mrs. Sadler said, when she returned after having been taken to the Mobile Infirmary, that the reason she left was that she had been put in a ward with two men who had been bathed and dressed in her presence. I happen to know that this is unheard of in any high class infirmary and that men and women patients are not only not put in the same rooms but are not even on the same floors.

Inty. 11.

As I said before, Mrs. Sadler accused almost every nurse who waited on her of taking her things, including myself. Among those she so charges was Mrs. Petersen, which I know to be untrue.

Inty. 12.

Mrs. Minnie Moore was a warm friend of Mrs. Sadler and came to see her frequently during the first three months of my duty but these visits ceased abruptly about this time.

Inty. 13.

Mrs. Sadler accused her of taking her family silver and of failing to bring back the change when Mrs. Moore bought groceries for her and in some instances, of taking her money and not buying anything at all with it. She also made other charges against Mrs. Moore which were very unfair.

Inty. 14.

A good deal of the time when I was nursing Mrs. Sadler, a man named G. R. Negus stayed in one of the rooms in her large house on the Bay front and at times got his meals there.

Inty. 15.

To my knowledge Mr. Negus paid nothing for his board or lodging and if he did any work it was only to bring in an armful of wood occasionally, though he took plenty of it up to his own room.

Inty. 16.

As far as I could see, he did nothing about the place to pay for his board or lodging and Mrs. Sadler resented the insistence of her son Frank that she make Negus pay.

Inty. 17.

Mrs. Sadler's attitude toward Negus was peculiar. She said that she had picked him up in Mobile, apparently in need. She brought him to the house, gave him a room and at times, meals, charges him no board and on one occasion gave him a suit of clothes and stated that she was going to pay the expense of an operation for him for hernia to which Frank objected, as he said that Negus had people who could afford to do this, if he needed it.

Inty. 18.

Mrs. Sadler told not only me but others that when she got well she expected to marry Negus, but as her condition with a broken hip and advanced age was such that she could not recover, I did not take this seriously, though she seemed very fond of him.

Inty. 19.

Frank Sadler was a devoted son and, while I was there, would not let a day pass that he did not visit his mother in her room as he was making his home with her at that time. He attended to her business affairs for her, drew her checks, paid her bills, and she seemed very fond of him, though on some days when he would come, she would be very ugly and irritable without cause.

Inty. 20.

As I have already said, her manner toward Frank changed from day to day, at some times she would be very cross, irritable and unreasonable with him. At other times, loving and affectionate. His manner at all times toward her was that of affection and respect.

Inty. 21. and

Mrs. Sadler had a nephew, William, or Bill McDonald, for whom she showed a great affection, and preference over all her relations.

Inty. 22.

McDonald seemed very devoted to her and she gave him money repeatedly. On one occasion she gave him the money to purchase an automobile according to her statement to me afterwards. On several occasions I drew the checks for him and she signed them. McDonald represented that he was working at night, hence could visit her only during the day.

Inty. 23.

As I said before, Mrs. Sadler was a difficult patient, impatient, demanding and inconsiderate toward me and toward other nurses that she had, as I learned from them and from the doctors. To show her inconsiderateness, on one occasion she knew I was expecting a long distance call from my son in Seattle, Washington. When this came, she called me repeatedly from the telephone while he was talking at great expense to do minor things of no importance and seemed to take a pleasure in doing this.

Inty. 24.

My answers to the last questions show that Mrs. Sadler was unreasonable and inconsiderate of those who were working for her and trying to make her comfortable.

Inty. 25.

Mrs. Sadler was very demanding and very irritable if her wishes were not complied with immediately, though I might be doing something that I could not leave at once.

Inty. 26.

Like other nurses of experience, I knew that Mrs. Sadler, being in her eighties' and having been in bed with a broken hip for some time, was consequently under great physical and mental strain. I could see that this had affected her memory and her attitude toward people and that since her grave accident, her mind had become affected and she did not sufficiently remember the past to make her act intelligently in what she would do that would require a memory of past events.

Inty. 27.

In my opinion, from all of the numerous instances and delusions that she had about people and things she was not of sound mind and good memory when I was with her.

Inty. 28.

When I say that Mrs. Sadler was not of sound mind or disposing memory, I do so because in the months in which I nursed her, I saw that she repeatedly had delusions about things that were not so, that she was irritable and unreasonable without just cause or excuse, was unfair and unjust to Frank who was a devoted and patient son, and repeatedly made wild charges against the other nurses who waited on her, the physicians who attended her and even of her closest and most devoted friends, which would not be done by a person of sound mind.

SUBSCRIBED by Mrs. B. E. Olson

(1)

BALDWIN COUNTY? ALABAMA

AT LAW

NO. 1305

CROSS INTERROGATORIES PROPOUNDED BY THE PROPONENT
JACOB HARTLEY.

Inty. 1.

I began working for Mrs. Cora H. Sadler December 16th, 1945.

Inty. 2.

I was employed by Mrs. Cora H. Sadler from December 16th, 1945 to July 20th, 1946.

Inty. 3.

During the time I was with her, Mrs. Sadler was able to conduct her business only at times, and then with the aid of her son, Frank, and her attorney.

Inty. 4.

During the time I was with her, Mrs. Sadler did not carry on her usual business in remodeling and improving her property.

Inty. 5.

Her son, Frank, would explain what bills were due, draw up the checks and she would sign them. This was the usual procedure during the time I was with her. At times, it was difficult to make her understand what was needed and at these times the matter was put aside until later.

Inty. 6.

During the time I was with her, Mrs. Sadler bought and paid for only the groceries and other necessities of life, but to my knowledge she purchased no materials for the remodeling and repairing of her property.

Inty. 7.

During the time I was with Mrs. Sadler, I do know she sold property to one of the churches in Fairhope, but I do not know positively that she executed or delivered any deeds, nor do I have any knowledge of her executing or delivering deeds to any property to the contestant, Franklin D. Sadler.

Inty. 8.

I know positively that during my time with Mrs. Sadler, that upon Frank's advice she issued checks in payment for services rendered her by her doctors.

(2)

Inty. 9.

Doctor H. C. Jordan called on Mrs. Sadler at various times but I am unable to state the exact number of visits.

Inty. 10.

Doctor C. A. Goddard called upon Mrs. Sadler several times at her request but I am unable to state the exact number of visits.

Inty. 11.

I positively know that Mrs. Sadler issued checks in payment for services rendered, to both Dr. Jordan and Dr. Goddard, upon her son, Frank's request.

Inty. 12.

Mrs. Sadler appeared to have just a common school education.

Indy. 13.

During the time I worked for Mrs. Sadler, she lived at her home near the intersection of Fels Avenue and Mobile Street, in Fairhope, Alabama.

Indy. 14.

I know that Mrs. Sadler was carried to the hospital in Mobile, Alabama, on July 12th, 1946. Both Franklin D. Sadler and I accompanied her to the Hospital but I did not visit her during her stay but understand that Franklin did visit her during her period in the Hospital.

Indy. 15.

Mrs. Sadler was very self-willed and demanding after her accident.

Indy. 16.

Yes. She had obviously been spoiled and resented being crossed in any way.

Indy. 17.

At no time did Mr. Jacob Hartley or Mrs. Theresa Hartley discuss with Mrs. Sadler about the disposition of her property, in my presence.

Indy. 18.

I was not working for Mrs. Sadler on December 8th, 1947, and the last time I saw Mrs. Sadler was on July 20th, 1946.

(3)

Indy. 19.

I do not know the present whereabouts of J. R. Negus.

Indy. 20.

During the time I was working for Mrs. Sadler, she did not direct or supervise any remodeling or repairing of her home near the intersection of Fels Avenue and Mobile Street, in Fairhope, Alabama.

SUBSCRIBED by Mrs. Beulah E. Olson.

her last will and testament on December 8th, 1947. If you state that you were present, then please state who else was there at that time. If you state that you were not present at the time Mrs. Sadler executed her last will and testament on December 8th, 1947, then please state how long before that day, was it when you last saw Mrs. Sadler.

19.

Please state whether or not you know the present whereabouts of J. R. Negus, one of the witnesses to the last will and testament of Mrs. Cora H. Sadler, and if so his address.

20.

Please state whether or not you were with Mrs. Sadler at the time she was directing and supervising the remodeling and repairing of the place nears the intersection of Fels Avenue and Mobile Street, in Fairhope, Alabama.

J. H. H. H.
Attorney for the Proponent, Jacob
Hartley.

CORA H. SADLER, DECEASED

ESTATE OF

FILED

MAR 17 1949

ALICE J. DUCK, Clerk

9.

Please state whether or not, and if so, how many times Doctor H. C. Jordan called on her;

10.

Please state whether or not it is a fact, and if so, how many times Doctor C. A. Goddard, during the time you were working for her.

11.

Please state whether or not it is a fact that Mrs. Sadler issued checks in payment for services rendered by Dr. Jordan and Dr. Goddard.

12.

Please state whether Mrs. Sadler was an educated woman.

13.

Please state where Mrs. Sadler was living at the time you worked for her.

14.

Please state whether or not you know that Mrs. Sadler was carried to a hospital in Mobile at any time during the last four or five years of her life, if so, whether you or the contestant Franklin D. Sadler, went over with her, or visited with her during the time she was in the hospital.

15.

Please state whether or not Mrs. Sadler was a self willed woman.

16.

Please state whether or not it is a fact that Mrs. Sadler was stubborn and always insisted upon having her own way.

17.

Please state whether or not it is a fact that either Mr. Jacob Hartley or Mrs. Theresa Hartley, at any time, in your presence talked with Mrs. ^{Sadler} Hartley about the disposition of her property.

18.

Please state whether or not you were working with Mrs. Sadler on December 8th, 1947, when it is alleged that she executed

CORA SADLER, DECEASED

ESTATE OF

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 1305

Cross Interrogatories propounded by the Proponent
Jacob Hartley.

1.

Please state when you began working for Mrs. Cora H.

Sadler.

2.

Please state how long you worked for Mrs. Cora H. Sadler.

3.

Please state whether or not it is a fact that Mrs. Cora H. Sadler, during the time you were with her, conducted her own business.

4.

Please state whether or not it is a fact that Mrs. Sadler, during the time you were with her carried on her usual business in the remodeling and improving of her property.

5.

Please state whether or not it is a fact that during the time your were with Mrs. Sadler, that she conducted her own affairs, in the issuance of checks, and the payment of all of her bills.

6.

Please state whether or not it is a fact that Mrs. Sadler, ~~that~~ during the time you were with her, bought and paid for, by check, or in cash, groceries, necessities of life, and materials in the remodeling and repairing of her property.

7.

Please state whether of not it is a fact that Mrs. Sadler, during the time you were with her executed and delivered deeds to properties owned by her to one of the chruches in Fairhope, and also to the contestant, Franklin D. Sadler.

8.

Please state whether or not it is a fact that Mrs. Sadler during the time you were with her issued checks in payment for services renderd her by her doctors.

Contestant suggests the name of James H. Bailey of 924 Cameron Street, South Jacksonville, Florida as a suitable person to act as Commissioner in taking this deposition.

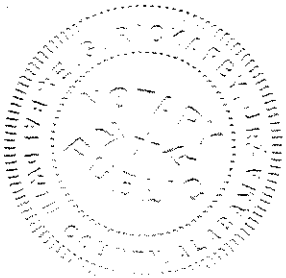
STATE OF ALABAMA:

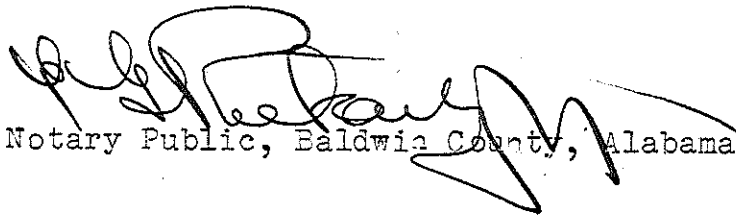
BALDWIN COUNTY:

Before me, the undersigned Notary, personally appeared Frank D. Sadler who being sworn says that Mrs. Beulah E. Olson is now residing in South Jacksonville, Florida, more than fifty miles from Bay Minette, where she is now convalescing with her daughter from a serious illness and that her testimony can only be had by deposition.

Franklin D. Sadler

Subscribed and sworn to before me this the 4th day of March, 1949.




Notary Public, Baldwin County, Alabama.

120 1305

denied & within acceptance this
March 7, 1949

Atty for Proprietary
10msteel

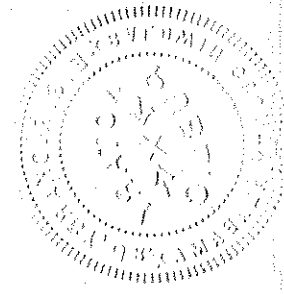
Estate of
CORA H. SADLER,
Deceased

INTERROGATORIES TO BE
PROPOUNDED TO BEULAH E.
OLSON

Witness for Contestant

Filed 3.7.49
Alice Smith
Revised

RICKARBY & RICKARBY,
Attorneys for Contestant.



[Handwritten signature]

[Handwritten signature]

X, Inty. 14.
Was one G. R. Negus a resident of the Sadler home while you were there?

X, Inty. 15.
Did he, to your knowledge, pay anything for his board and lodging?

X, Inty. 16.
Did he do any work about the place to justify his presence there?

X, Inty. 17.
What was Mrs. Sadler's attitude toward said Negus?

X, Inty. 18.
Did she make any statements to you about what her intentions were toward him? If so, what?

X, Inty. 19.
Did Frank D. Sadler visit his mother while you were nursing her? If so, how often did he come?

X, Inty. 20.
What was Mrs. Sadler's attitude toward him on these visits?

X, Inty. 21.
What was Mrs. Sadler's attitude toward her nephew, Bill McDonald?

X, Inty. 22.
Did she, to your knowledge, give him any articles of value? If so, state what and how you know this.

X, Inty. 23.
What was her attitude about the treatment that she received from you and other nurses?

X, Inty. 24.
Was she pleasant and cooperative or vindictive and irritable?

X, Inty. 25.
What was her attitude when her wishes were not immediately complied with?

X, Inty. 26.
From your experience as a nurse and from what you saw of Mrs. Sadler and her treatment of others would you say that she was a woman of sound mind and disposing memory?

X, Inty. 27.
Was she ~~not~~, in your opinion, of sound mind *and memory*?

X, Inty. 28.
and memory
If you say that Mrs. Sadler was not of sound mind *or memory*, State the facts and statements made by her to your knowledge that have caused you to reach this conclusion.

Reisley & Reisley
Attorneys for Contestant.

Estate of
CORA H. SADLER,
Deceased

L A W
CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

Interrogatories to be propounded to BEULAH E. OLSON,
Witness for Contestant:

Interrogatory 1.

What is your occupation, and how long have you been
so employed?

Inty. 2.

Were you employed as a nurse by the late Mrs. Cora
H. Sadler during the years 1945-6. If so, during what period?

Inty. 3

During this period did you have opportunity to see
her attitude toward her physicians?

Inty. 4.

Was Mrs. Sadler a docile patient and easy to manage?

Inty. 5.

Did Mrs. Sadler at any time while you were with her
show any indications of a failing memory, or was her knowledge of
facts clear and accurate?

Inty. 6.

Did Mrs. Sadler at any time make statements to you
about people or things that you knew of your knowledge to be
incorrect? If so, state some of these instances.

Inty. 7.

What physicians other than Dr. H. C. Jordan attended
Mrs. Sadler while your patient?

Inty. 8.

Did Mrs. Sadler make any statements about her physicians
or about any other persons with whom she was thrown that you knew
of your knowledge to be incorrect and unjust? If so, state such
instances.

Inty. 9.

Was Mrs. Sadler patient and considerate or arbitrary
and dictatorial?

Inty. 10.

What reason did she give for staying but a few days
in the infirmary in Mobile to which she was taken? Give the name
of said infirmary.

Inty. 11.

Did she accuse any one of stealing from her under
circumstances that you knew to be untrue? State such instances.

Inty. 12.

Was Mrs. Minnie Moore a friend of Mrs. Sadler and a
frequent visitor?

Inty. 13.

Did Mrs. Sadler make a charge against Mrs. Moore's
honesty in respect to her silver?

THE STATE OF ALABAMA
Baldwin County

Circuit Court

TO: J. H. Bailey

924 Cameron St.

S. Jacksonville, 7 Fla.

KNOW YE: That we, having full faith in your prudence and competency, have appointed you Commissioner, and by these presents do authorize you, at such time and place as you may appoint, to call before you and examine Mrs. Beulah E. Olson

as witnesses in behalf of Contestant in a cause pending in our
Circuit Court in Baldwin County, of said State, wherein

(Estate of Cora Sadler)

Jacob Harley Proponent

Complainant

and

Franklin W. Sadler, Contestant

Respondent

on oath, to be by you administered, upon these
to take and certify the depositions of the witness and return the same to our Court, with all
convenient speed, under your hand.

Witness 17th day of March, 194 9

Alice J. Duck

Register.

Commissioner's Fee, \$ 10 00

Witness' Fees, \$ _____

No. _____

THE STATE OF ALABAMA
Baldwin County

CIRCUIT COURT

Complainant _____

VS.

Defendant _____

COMMISSION TO TAKE DEPOSITION

COMMISSIONER:

WITNESSES:

Given
Selfair J. Masliburn, Jr.
Judge.

25. The Court charges the jury that if they believe from the evidence that the Will, which has been offered for probate, makes an unnatural disposition of the property of the Testatrix, this fact will be taken into consideration, together with or in connection with all of the evidence in the case and in the determination of the issues involved.

#5
I charge you Gentlemen of the jury that though "insanity" is a disease of the mind, it is common knowledge that one's mind may become permanently impaired by age and physical weakness, and yet such impairment does not, as a matter of law, constitute insanity which destroys testamentary capacity, or shift the burden of proof from contestant, Franklin D. Sadler, to proponent, Jacob Hartley.

Given
Selfair J. Masliburn, Jr.
Judge.

#15
I charge you Gentlemen of the jury that a will made in conformity with a fixed determination freely entertained and expressed for many years is the strongest proof of capacity to make the ~~will~~ will.

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

#10

I charge you Gentlemen of the jury, the presumption is indulged by the law that every person of full age has testamentary capacity.

Given
Jelfair J. Mashburn, Jr.
Judge

#3

If the jury believe from the evidence that at the time of the making of her will Cora H. Sadler had mind and memory enough to recollect the property she wished to bequeath, the persons to whom she wished to bequeath it, and the manner in which she wished to dispose of it, and to know and understand the business in which she was engaged, then she had a right to make such disposition of her property, and was in legal contemplation of sound and disposing mind and memory.

Given
Jelfair J. Mashburn, Jr.
Judge.

5-
Gentlemen of the Jury, the Court charges you that you may look to statements shown in the proposed will itself, taken in connection with other evidence, to show lack of a disposing memory in Mrs. Sadler.

Given
Jelfair J. Mashburn, Jr.
Judge

#4

I charge you Gentlemen of the jury that if you believe from the evidence that Mrs. Cora H. Sadler was at times 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 the probate of the will the burden is on the contestant Franklin D. Sadler, to show that at the time or the particular instant when the will was executed said Cora H. Sadler did not have sufficient mental capacity to know and understand what she was doing.

Given
Jelfair J. Mashburn, Jr.
Judge

#7.

I charge you Gentlemen of the jury that if Cora H. Sadler possessed at the time of execution of alleged will sufficient mentality to understand the business about which she was engaged, the kind and extent of the property devised and the persons who were the objects of her bounty, and the manner in which she desired the disposition of her property to take effect, her will is valid.

Given
Jelfair J. Mashburn, Jr.
Judge.

*Given
Jefair J. Mashburn, Jr.
Judge*

The Court charges the jury that monomania is insanity only upon a particular subject and with a single delusion of mind and if you are reasonably satisfied from the evidence in this case that the Will of Cora H. Sadler, dated December 8, 1947, is the direct offspring and fruit of monomania and an insane delusion, your verdict should be for the contestant.

27

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 influence exerted by Jacob Hartley over the testatrix in the execution of her last will and testament.

*Given
Jefair J. Mashburn, Jr.
Judge*

✓ 4. If the Jury is reasonably satisfied from the evidence that at the time of the making of the will here propounded for probate, Mrs. Sadler did not have testamentary capacity to make a will, then the verdict should be for the contestant and against the validity of of the paper propounded for probate.

*Given
Jefair J. Mashburn, Jr.
Judge*

28. The Court charges the jury that monomania is insanity only upon a particular subject and with a single delusion of mind and if you are reasonably satisfied from the evidence in this case that the Will of Cora H. Sadler, dated December 8, 1947, is the direct offspring and fruit of monomania and an insane delusion, your verdict should be for the contestant.

*Given
Jefair J. Mashburn, Jr.
Judge*

B

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 execution of the will.

*Given
Jefair J. Mashburn, Jr.
Judge*

✓ 14. The Court charges the Jury that a person may have upon some subjects, and even generally, mind and memory and sense to know and comprehend ordinary transactions, and yet upon the subject of those who would naturally be the objects of his care and bounty, and of a reasonable and proper disposition as to them of his estate, he may be of unsound mind.

15.

Given
Selfair J. Mashburn, Jr.
Judge.

✓ 18. The Court charges the Jury that the testimony of medical men of large experience in their profession upon the question of the existence or non-existence of soundness of mind is, as a general rule, entitled to more consideration than the testimony of un-professional witnesses who have not devoted their attention to the same class of studies. But the relative importance of the various parts of the evidence is a question entirely for the Jury, to be determined by them from a careful consideration of all the evidence in the case.

Given
Selfair J. Mashburn, Jr.
Judge

30. The Court charges the jury that if you are reasonably satisfied from the evidence in this case that the manifest prejudices of Cora H. Sadler against the contestant, Franklin Dudley Sadler, can be explained on no other theory than that of an insane delusion and that the Will, dated December 8, 1947, is the direct offspring and result of such insane delusion, this is sufficient to avoid it and your verdict should be for the said contestant.

Given
Selfair J. Mashburn, Jr.
Judge

2

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 influence exerted by Theresa Hartley over the testatrix in the execution of her last will and testament.

Given
Jelfair J. Maslibury, Jr.
Judge

Given
Jelfair J. Maslibury, Jr.
Judge

#1

I charge you Gentlemen of the jury that the law presumes that the Testatrix, Mrs. Cora H. Sadler, was of sound mind and disposing memory at the time of making the will, and the burden of proving that she was not of sound mind and disposing memory at the time of making her will is on the contestant.

#6

I charge you Gentlemen of the jury that in a proceeding, as
in this case, to contest will on ground that testatrix Cora H.
Sadler lacked testamentary capacity, issue to be decided was testa-
trix mental capacity at date of execution of will.

Given
Jefair J. Mashburn Jr.
Judge