

SUPREME COURT OF MINNESOTA

In re Estate of Jenks

205 N.W. 271 (Minn. 1925) · Decided October 9, 1925

SUMMARY

The Minnesota Supreme Court considers a challenge to the probate of Harry E. Jenks’s will based on alleged undue influence by his second wife. The court holds that the evidence, including the familial relationships, the will’s unequal disposition, and the circumstances of execution, did not establish that the testator ceased to act as a free agent. The judgment affirming probate of the will is affirmed.

CASE DETAILS

COURT	Supreme Court of Minnesota
WRITING FOR THE COURT	Taylor
JURISDICTION	Minnesota
DECIDED	October 9, 1925
DISPOSITION	affirmed
PROCEDURAL POSTURE	Harry J. Jenks contested the probate of his father's will on the ground of undue influence. The probate court allowed the will, the district court affirmed, and the contestant appealed to the Supreme Court of Minnesota.
STANDARD OF REVIEW	The Supreme Court reviewed whether the evidence established undue influence as a matter of law and whether the district court's findings and rulings were erroneous.
PRECEDENTIAL VALUE	Published, precedential Minnesota Supreme Court decision
PARTIES	Harry J. Jenks v. Anna Jenks

TOPICS

- will contests
- undue influence
- probate
- burden of proof
- evidence

PRACTICE AREAS

- Probate
- Wills and estates
- Trusts and estates litigation

QUESTIONS PRESENTED

1. Whether the evidence established undue influence as a matter of law despite the district court's contrary finding.
2. Whether the testator's exclusion of his son, the favorable treatment of his second wife's children, and the failure to read the will in the subscribing witnesses' presence established undue influence.
3. Whether the contestant met the burden of proving that another person exerted constraint or pressure that caused the testator to cease acting as a free agent.

HOLDINGS

1. The evidence did not establish undue influence as a matter of law, and the district court correctly affirmed probate of the will.
2. A harsh or unnatural will is not, standing alone, evidence of undue influence, although it may be considered with other evidence tending to establish undue influence.
3. The testator's failure to read the will at the execution ceremony did not establish lack of knowledge of its contents or undue influence.

KEY QUOTATIONS

“It is sufficient to say that a finding of undue influence is not warranted, unless it appears that another exerted such constraint or pressure upon or control over the testator in the matter of the making of the will that he ceased to act as a free agent, and that the will gives effect to the purpose and intent of the other instead of the purpose and intent of the testator.” (383)

“It is not enough to show that another person had the opportunity to exert undue influence and a motive for exerting it; the proof must go further and show that he did exert it.” (383)

“As he had it in his possession and produced it for signature himself, the fact that he did not read it at that time is no evidence that he had not read it. On the contrary, the presumption is that he had previously read it and had full knowledge of its contents.” (384)

FACTUAL BACKGROUND

Harry E. Jenks executed a will in California in June 1921, after suffering partial paralysis, leaving his property in equal shares to his second wife, Anna Jenks, and her three children while excluding his son, Harry J. Jenks. The will was formally executed, and the testator's mental capacity was undisputed. The contestant relied on the family relationship, statements allegedly made by Anna Jenks, the will's allegedly unnatural distribution, the absence of evidence about who prepared the will, and the fact that the testator did not read the will in the witnesses' presence. The subscribing witnesses testified that Anna Jenks did not participate in or discuss the execution of the will.

PROCEDURAL HISTORY

The St. Louis County probate court sustained the will of Harry E. Jenks. Harry J. Jenks appealed to the district court, which found that the testator was not acting under duress or undue influence and affirmed. The Supreme Court of Minnesota affirmed the judgment.

DISPOSITION

affirmed

CASES CITED

- In re Storer's Will, 28 Minn. 9, 8 N.W. 827
- Mitchell v. Mitchell, 43 Minn. 73, 44 N.W. 885
- In re Hess' Will, 48 Minn. 504, 51 N.W. 614, 31 Am. St. 665
- Thill v. Freiermuth, 132 Minn. 242, 156 N.W. 260
- Estate of Jernberg, 153 Minn. 458, 190 N.W. 990

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