

FLORIDA SUPREME COURT

Hooper v. Stokes, 107 Fla. 607

145 So. 855 (1933) · Decided January 9, 1933

SUMMARY

The Florida Supreme Court affirmed a circuit court decree upholding the probate of George C. Hooper's will. The court held that the evidence did not establish that the testator was dominated by monomania or an insane delusion when he executed the will, despite the will's harsh treatment of his son and evidence of family hostility. The court recognized the right of a testator, absent an illegal purpose, to disinherit children and leave property to others.

CASE DETAILS

COURT	Florida Supreme Court
WRITING FOR THE COURT	TERRELL, J.; BUFORD, C.J.; WHITFIELD, J.; BROWN, J.; DAVIS, J.
JURISDICTION	Florida
DECIDED	January 9, 1933
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from a circuit court decree reversing a probate judge's decree that granted a petition to revoke probate of a will.
STANDARD OF REVIEW	Findings of fact by a probate court on conflicting evidence ordinarily should not be disturbed when supported by ample evidence, but they should not be sustained when the probate judge misapprehended the legal effect of the evidence considered as a whole.
PRECEDENTIAL VALUE	Published Florida Supreme Court opinion; precedential authority.
PARTIES	George T. Hooper v. H. D. Stokes, as executor of the last will and testament of George C. Hooper, deceased

TOPICS

- will contests
- testamentary capacity
- probate
- standard of review
- appellate procedure

PRACTICE AREAS

- Wills, Trusts, and Estates
- Appellate Practice

QUESTIONS PRESENTED

1. Whether the evidence established that the testator suffered from and was dominated by monomania or an insane delusion when he executed his will, so as to justify revoking probate.
2. Whether the probate judge correctly assessed the legal effect of the evidence as a whole.

HOLDINGS

1. The evidence did not establish that the testator suffered from a diseased or deranged mental condition or an insane delusion when he executed the will. His conduct and the will's terms reflected resentment and a depraved or vulgar disposition, not mental disease, and the will was therefore not invalid on that ground.
2. The probate judge's decree should not be sustained because he misapprehended the legal effect of the evidence as an entirety; the circuit court correctly reversed the probate decree.
3. Absent an illegal purpose, a testator may disinherit a child and leave property to strangers; the testator's expressed intent controls interpretation of the will rather than another person's assessment of the testator's moral duty.

KEY QUOTATIONS

“A mere belief in a state of facts, however imperfect or illogical, will not support an insane delusion. It must be the offspring of an unsound or deranged condition of the mind.”

“There is a vast difference between a vulgar or a depraved mind and a diseased mind.”

“Barring illegal purposes, a testator has the legal right to direct the course of his property after death. He may disinherit his children if he desires and bequeath his estate to strangers, but in any event his express intent must determine the interpretation of his will and no what others more sophisticated may think as to his moral duty.”

FACTUAL BACKGROUND

George C. Hooper executed a will in July 1926 that left most of his estate to two friends and a half-sister and gave his son, George T. Hooper, a transcript of divorce proceedings containing testimony the father believed was false. The father and son were estranged following the father's divorce from the son's mother and the son's alleged testimony against his father. Evidence portrayed the testator as stubborn, morose, argumentative, and resentful, and included an allegedly lewd statement about his son.

PROCEDURAL HISTORY

George C. Hooper died testate in 1928. His son, George T. Hooper, petitioned the probate court to revoke probate of the will on the ground that the testator suffered from monomania or an insane delusion when he executed it. The probate judge granted the petition, but the Circuit Court for Marion County reversed. George T. Hooper appealed to the Florida Supreme Court, which affirmed the circuit court.

DISPOSITION

affirmed

CASES CITED

- Owen v. Crumbaugh, 228 Ill. 380, 81 N.E. 1044, 119 Am. St. Rep. 442, 10 Ann. Cas. 606
- Smith v. Smith, 47 N.J. Eq. 566, 25 A. 11
- Wait v. Westfall, 161 Ind. 648, 68 N.E. 271
- Martin v. Thayer, 37 W.Va. 38, 16 S.E. 489
- Benoist v. Murrin, 58 Mo. 307
- Mullins v. Cottrell, 41 Miss. 291
- Potter v. Jones, 20 Or. 239, 25 P. 769, 12 L.R.A. 161
- Rush v. Megee, 36 Ind. 69
- Dibble v. Currier, 142 Ga. 855, 83 S.E. 949, Ann. Cas. 1916C, 1
- Orchardson v. Cofield, 171 Ill. 14, 49 N.E. 197, 40 L.R.A. 256, 63 Am. St. Rep. 211
- Hamilton v. Morgan, 93 Fla. 311, 112 So. 80