

Riggs v. Palmer

A. Facts of the Case

Mr. Francis B. Palmer, on August 13th, 1880, created a will in which he granted a portion of his property to his daughters, the plaintiffs in the case, Mrs. Riggs and Mrs. Preston, and willed for the remainder of his estate to be given to the defendant, his grandson, Mr. Elmer E. Palmer. If Mr. Elmer E. Palmer were to die at a young age, without being married, and without any problems, the remainder of the estate would then be given to his daughters, Mrs. Riggs and Mrs. Preston. Mr. Francis B. Palmer was the proprietor of a farm and had in his possession a sizable amount of personal property at the date of the creation of his will. Mr. Francis B. Palmer was a widower at the time of the creation of his will, and two years later in March, 1882, married Mrs. Bresee. Prior to this marriage, Mr. Francis B. Palmer and Mrs. Bresee entered into an antenuptial contract, in which the agreement stated that if Mrs. Bresee were to survive Mr. Francis B. Palmer, she would be allowed to receive support for the rest of her life upon his farm, in place of dower and any other claims upon his estate. On the date the will was created, Mr. Elmer E. Palmer resided with the testator as a member of his family, and was 16 years of age at the time of the death of Mr. Francis B. Palmer. Mr. Elmer E. Palmer was aware of the provisions favorable to him in the will, and in his attempt to preclude Mr. Francis B. Palmer from altering the will and to secure an early inheritance of his grandfather's property, intentionally murdered Mr. Francis B. Palmer by means of poisoning him. Mr. Elmer E. Palmer now makes claim to the property.

B. The Question Before the Court

The question before the court is whether or not Mr. Elmer E. Palmer can inherit the property his grandfather, Mr. Francis B. Palmer, willed for him to receive despite the fact that he killed him. Can a person who murders one whose will contains gifts for that individual, the murderer, still receive their inheritance?

C. The Law Applying to the Facts of the Case

The law applying to this specific case is the statute concerning the alteration and revocation of a will, and the manner in which it may be altered or revoked. The statute specifies that a will be altered or revoked in a particular fashion and in no other way

deviating from that very fashion. A section of the statute states the following: “No will in writing, except in the cases hereinafter mentioned, nor any part thereof, shall be revoked or altered otherwise...”

D. The Decision of the Court’s Majority

The court decided that the initial court decision should be reversed and that the new judgment should not allow for Mr. Elmer E. Palmer to use any of the testator’s personal property and/or real estate for his benefit. The court held that the portion of the will granting Mr. Elmer E. Palmer the title to the testator’s estate should now be made ineffective. Due to Mr. Elmer E. Palmer’s intent to murder the testator and actually carrying out this intent, he should no longer have any interest in the estate of the testator. The court decided that the plaintiffs in the case should be granted full ownership of the testator’s real and personal estate.

E. The Reasons the Court Majority Proffered in Support of their Decision

The court’s majority essentially says that the *purpose of the statutes* relating to the regulation of wills and estates, and the *intention of the lawmakers* who created those statutes are just as significant as the letter of the law itself and should be heavily contemplated alongside the letter of the law as well. The court’s majority argues that it was obviously the intention of the creators of the statutes regarding wills and estates to have the donees in a will receive the property granted to them, but that it could not have been their intention to allow the murderer of a testator/testatrix, who sought to make the will effective immediately, to receive their inheritance as outlined in the will. The court’s majority says that if such a case came to the minds of the lawmakers at the time of the creation of the law that a provision would have been made by the lawmakers to address such a case.

The court says that “rational interpretation” as spoken of by Rutherford in his *Institutes* must be utilized, whereby the intention of lawmakers is considered just as much as what is actually contained within the law itself, as laws can never be perfect and thus can never address and meet all possible cases. A judge, the court argues, must then use his/her discernment ability when it comes to ambiguous cases such as these. The magistrate(s) considering the case, the court says, must act as though the lawmaker is present and suppose they have inquired of him/her whether or not he/she intended to comprehend or consider such a case. Then, the court says, the judge must then give an answer to the question as that upright and reasonable lawmaker would, and decide on the case accordingly.

The court’s majority says to allow one who murdered his/her ancestor to receive their inheritance legally expressed in the will is unreasonable. The court says that laws and statutes are founded upon the principles of common law, such as no benefitting from

their own deviant, criminal behavior. This principle, the court says, has never been trumped or overridden by any statute. The court's majority said that it was not certain if the murderer would outlive the testator, or if the testator would not alter his will, and it was not certain if Mr. Elmer E. Palmer would get this property if a natural occurrence of things were allowed to take its course. Based upon the aforementioned reasons, the court's majority then concluded that Mr. Elmer E. Palmer murdered the testator in order that he might make the will of the testator effective and receive his inheritance.

The court says that if Mr. Elmer E. Palmer were to have taken the testator's property by force that he would have no right to it, and that if he had met up with the testator at his home and through some deviant, criminal, manipulative, fraudulent means forcefully compelled Mr. Francis B. Palmer to grant him his property, the law would not grant him any right to it. Therefore, the court suggests, Mr. Elmer E. Palmer, should have no title to the testator's property being that he murdered the testator and through his own means effected the will so as to receive the inheritance.

The court argues that according to previous laws and statutes from generations ago, upon which the civil law stands, that no one who murders an ancestor or benefactor would be allowed to receive an inheritance from them. The court says that one cannot grant him/herself with ownership of property by means of a crime. This, the court says, does not confiscate any property from the murderer but merely precludes him from receiving property through his crime.

F. Arguments of Dissenting Judge Gray

Judge Gray dissents with the decision of the court's majority on the basis that the matter presented by the case does not operate within the realm of conscience, but rather the rule of law. Judge Gray argues that the court must decide on the case solely within the confines and limits of the pertinent laws on the books. Judge Gray believes that this case concerns a matter which is under the control of the legislature, whose laws and statutes ought to regulate and guide the decision of the court.

Judge Gray believes that the letter of the law as well as what is legally expressed in the will must be strictly followed. Judge Gray concedes that laws regarding wills and estates and concerning the inheritance of property may rest upon the principles of equity and natural justice, but feels that such principles only suffice to say that more pertinent laws relating to these types of cases need to be created and enacted so as to specifically address them.

Judge Gray argues that the way in which a will can be altered or revoked as specified in the statute implies that it cannot be altered or revoked in any other way. Judge Gray believes the will of the testator to be unalterable as the facts of the case do not meet the cases that are mentioned in the pertinent section of the statute, and because the revocation did not take place as it is specified in the statute. Judge Gray believes, that a

will, unless it is revoked in the way specified in the law, should continue to stand. Judge Gray believes that an intention to revoke one's will is not sufficient to effect the revocation.

Judge Gray also believes that the likelihood of the testator to alter his will if he knew of his grandson's criminal intent should not in any way affect the question before the court. Judge Gray says that the creation and revocation of wills are under the domain of statutory regulation, by which the court is bound when it is deciding on cases such as these.

Judge Gray cites two court cases in defense of his position: *Gains v. Gains* and *Leaycraft v. Simmons*. In the first case, *Gains v. Gains*, Judge Gray says that the testator intended to sabotage his will, but was precluded from doing so by the defendant in the case, and because of this, it was argued in the case, the will was then revoked. The court decided, however, Judge Gray notes, that because the will was not revoked in the manner as specified in the statute, that the will sustains its integrity. In the second case, *Leaycraft v. Simmons*, Judge Gray notes that an 89-year-old testator sought to make a codicil to his will so as to grant additional gifts to his daughter. The testator's son, who had the will in his possession refused to produce the will for alteration. The judge in the case, notes Judge Gray, decided to admit the will to probate as it was not altered or revoked according to the manner specified in the law.

Judge Gray says the appellants' argument was essentially that because the legatee committed a crime he should not be granted rights to the property and be stripped of his estate. Judge Gray sees this as the court actually taking on a responsibility and obligation it does not have, creating another will for the testator. He also believes that it is adding punitive measures on top of the penalties already present. He believes that the law does not warrant the court to do this. Judge Gray's opinion is that the initial judgment should be affirmed along with costs.