

DIVORCE--ABSOLUTE--ISSUE OF INCURABLE INSANITY--DEFENSE OF
CONTRIBUTORY CONDUCT OF SANE SPOUSE.¹

The (*state number*) issue reads:

"Did the plaintiff, by *his* conduct, contribute to the defendant's incurable insanity?"

You will answer this issue only if you have answered the (*state number*) issue "Yes" in favor of the plaintiff.

On this issue the burden of proof is on the defendant. This means that the defendant must prove, by the greater weight of the evidence, that the plaintiff, by *his* conduct, contributed to the defendant's incurable insanity.

Finally, as to this (*state number*) issue on which the defendant has the burden of proof, if you find by the greater weight of the defendant's incurable insanity, contributed to the unsoundness of mind of the defendant, then it would be your duty to answer this issue "Yes" in favor of the defendant.

If, on the other hand, you fail to so find, it would be your duty to answer this issue "No" in favor of the plaintiff.

¹N.C.G.S. §50-5.1 provides that "[i]n all actions brought under this subdivision, if the jury finds as a fact that the plaintiff has been guilty of such conduct as has conduced to the unsoundness of mind of the insane defendant, the relief prayed for shall be denied." "Conduce" means to lead to a particular result or to contribute.

