

Mary Jane Urquhart's Will

Muscogee County, Georgia Wills, Book C, 1875-1891

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Georgia Coweta County

In the name of God amen
I Mary Jane Urquhart of said State and County of Muscogee being of sound and disposing mind and memory, but remembering that it is allotted to all to die, do make, ordain and publish this my last will and testament, hereby revoking all former wills made by me

I give and bequeath to my beloved husband, all the property of whatever kind or character the same may be, which I have or may have from any source whatever, except the sum of Five Thousand Dollars, which sum I give and bequeath to my dear niece Virginia A. Oliver, for her sole and separate use, free from all claims of husband or husbands,

My husband to invest the Five Thousand Dollars in some good and interest paying stock or stocks, the annual dividends of which he is to pay towards her education and support, so long as he lives, or shall appoint some person, into whose guardianship he can commit this trust, for the benefit of my said niece Virginia A. Oliver

Mary Jane Urquhart

Signed published and declared on this the 4th of September 1869
in presence of

Mary J. Shorter
Robert L Birch
J. A. D. Vatie

In the matter of the Probate of the will of Mrs Mary J. Urquhart in Muscogee County in the State of Georgia } In the Court of Ordinary of Muscogee County Georgia

By virtue of a Commission from the Honorable the Court of Ordinary of Muscogee County Georgia to us directed, we have caused Mary J. Shorter the person named in the Commission, to come before us, and being duly sworn, true answers to make, to certain Interrogatories to the said Commission annexed, depose and answer as follows
To the first Interrogatory she says

I knew Mary J. Urquhart during her life time, she died according to my best recollection in the Spring of the year 1873 in Columbus Georgia

To the 2^d Interrogatory she says

Mary J. Urquhart and myself were boarding together at Newnan Georgia in September 1869, and while thus living together she informed me that she desired to make her will; and about the date given in the paper attached to the Interrogatories which purports to be a copy of her will, she produced a paper which I saw her prepare, and read it to me. - It was a will. She then signed the paper, and requested me, Mr Robert Birch, and Mr J. A. D. Vatie to sign it as witnesses, Mr Birch and Mr D. Vatie the gentlemen just above referred to, did sign it as witnesses in Mrs Urquhart's presence and mine, and in the presence of each other I was requested to sign it as a witness, and my best recollection is that I did so in the presence of Mrs Urquhart, and of the two

Mary-Jane Urquhart's Will Continued.

Muscogee County, Georgia Wills, Book C, 1875-1891

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other witnesses named. I have no positive distinct recollection of writing my name as a witness, but think that I did, and if I did, it was in the presence of the testatrix and the other witnesses to the will as already stated. Then even according to my best recollection several persons present in the room when Mrs Urquhart executed her will.

To the 3^d Interrogatory she says

I saw Mary J. Urquhart sign a will, which she had written for herself, as detailed in my answer to the 2^d Interrogatory, Mr. J. H. De Vatie, Mr. Robert Birch and myself were present when she signed it. I think there were two or three others present when she signed it, but can mention no names, other than that of the wife of Mr. J. H. De Vatie.

To the 4th Interrogatory she says

The will was signed in the presence of all the persons in the room at the time, but only Mr. J. H. De Vatie, Mr. Robert Birch and myself were called on to witness the signing, publishing and declaring of it. It was at Mary J. Urquhart's instance that the witnesses signed it. I refer to my answer to the 2^d Interrogatory as a further answer to the other questions in this Interrogatory.

To the 5th Interrogatory she answers,

At the time I refer to, viz during the month of September 1869 Mary J. Urquhart was of sound and disposing mind and memory. She was a woman of fine mind, and at the time referred to was in the full enjoyment of all her mental faculties, and was in good health. She knew her property the persons to whom she gave it by will, and all about its condition and value.

To the 6th Interrogatory she says

The paper attached to the Interrogatories, purporting to be a copy of Mary J. Urquhart's will, I identify as substantially a copy of the one she signed as stated in my answer to the 2^d Interrogatory. I mean that the bequests are the same, and as far as I can remember, it is an exact copy. All the signatures were made on the original in the presence of each person who signed it. The original was executed while we were at Keenan as hereinbefore stated, and I think on or about the 4th day of September 1869.

Mary Jane Shorter

Answered, subscribed and sworn to before us this the 10th day of February A.D. 1875.

John D. Leander (J.D.)
H. W. B. (H.W.B.)

Commissaries

In the Matter of the Probate of } In Court of Ordinary of Muscogee County
Will of Mary J. Urquhart }

By virtue of a Commission to us directed we have caused Robert S. Birch the witness therein named to come before us which Commission issued by the Hon. Court of Ordinary of Muscogee County, and he having been duly sworn him answers to make to certain Interrogatories to said Commission annexed, depose and answers as follows.

To the 1st Interrogatory he answers

Mary J. Urquhart's Will Continued

Muscogee County, Georgia Wills, Book C, 1875-1891

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We know Mary J. Urquhart in her life time, but does not know when nor when she died

To the 2^d Interrogatory he answers

That in September 1869 he was called on by Mrs Mary J. Urquhart to witness her will, at Witness's residence in Newnan Coweta County Ga, Mrs Mary J. Shorter and the Rev Dr De Vatie were present

Interrogatory 3^d he answers

That he saw Mary J. Urquhart sign her will, and saw Mary J. Shorter and J. H. De Vatie sign the same will as witnesses, and signed it as a witness myself, all in the presence of Mrs Urquhart at my residence in Coweta County about the 1st of September 1869

4th Interrogatory he answers

The will was signed in the presence of the three persons as above stated by the testatrix, no one else was called on to witness the will that I remember Mrs Mary Jane Shorter and Dr De Vatie signed as witnesses, with Witness they signed at the request of Mrs Urquhart the testatrix

5th Interrogatory he answers

Mrs Urquhart was of sound mind and memory at the time she made her will, as above stated, she conversed with Witness about the matter quite freely drew the instrument herself, submitted it to Witness to take his opinion whether the will secured the property to her niece, so that any future husband could not dispose of it, she spoke sensibly and intelligently, and I thought the will as well written, with the object in view, as most professional gentlemen could have done it, she undoubtedly knew her property and the persons to whom she gave it

To 6th Interrogatory Witness answers

He believes the Copy Will attached to the Interrogatories is a copy in substance of the Will testified about, and which Mrs Urquhart signed, and which was signed by Witness, Mrs Shorter and Dr De Vatie in testatrix presence as above testified to in Witness's foregoing answers, as Witness thence at her request and at the time it bears date -

Robt. S. Burch

Answered, subscribed and sworn to before us this 24th February 1875-

Arthur P. Wright (JD) Commissioners
William H. Sander (JD)

In the Matter of the Probate of the Will of Mrs Mary J. Urquhart } In Court of Ordinary of Muscogee County Georgia

Georgia
Spalding County

By Virtue of a Commission to us directed from the Court of Ordinary of Muscogee County Georgia in a case therein pending being in the matter of the Probate of the Will of Mrs Mary J. Urquhart, we have caused J. H. De Vatie the witness in said Commission to come before us and after being duly sworn true answers to make to certain Interrogatories thence attached answers as follows

Mary J. Urquhart Will Continued

Muscogee County, Georgia Wills, Book C, 1875-1891

To the first Interrogatory he answered
I knew Mrs Mary J. Urquhart in her life time, of my own knowledge, do not know when or when she died

To the 2^d Int. He Answers

I was called upon by Mary J. Urquhart to witness a paper I understood to be her last will and testament, at Kewan Georgia about 4th of Sept 1869. Then were present Mary J. Urquhart (the testatrix) Mary J. Shorter, Robert S. Burch and deponent. it was executed at the residence of Robert S. Burch of Kewan Georgia, at which place deponent was then boarding

To the 3^d Int. He Answers

I saw Mary J. Urquhart sign said will, the same was signed by her in presence of deponent, Mrs Mary J. Shorter and Robert S. Burch, witnesses above named signed said will at her request, in her presence, and in the presence of each other

To the 4th Int. He Answers

The will was signed by Mrs Mary J. Urquhart in the presence of deponent, Mary J. Shorter and Robert S. Burch, and the parties named were called on by Mrs Urquhart to witness her will. Have already stated who attested the will and at whose request the same was done

To the 5th Int. He Answers

At the time said will was signed Mary J. Urquhart was of sound mind and memory, as much so, as I had ever seen her, had known her for ten or fifteen years. She knew what she was doing. Had capacity sufficient and mind sufficient to know her property, and to whom she gave it. I saw nothing in her manner or conversation that led me to doubt her capacity. Had been boarding in the house with her, and had been in her company for several days previously

To the 6th Int. He Answers

I was called upon as before testified, about the date of the Copy will attached to attest a paper as the last will and testament of Mrs Mary J. Urquhart and in presence of the witnesses whose names are attached to the Copy annexed, and I have no reason to doubt the Copy attached is a correct Copy of the paper I attested. The original will was signed by Mrs Mary J. Urquhart in my presence, and in presence of the other attesting witnesses, at the date then stated. Deponent signed said paper as a witness in her presence, and the other witnesses did likewise, all doing so at her request

Answered sworn to & subscribed before me this 5th day of December 1874
J. H. D. Votie
Alexander M. Spurr (D) Com^r
John D. Stewart (D) Com^r

Muscogee Court of Ordinary
March Term 1875

After proof in due form of law, it is considered and adjudged by the Court that the said will of Mary J. Urquhart deceased be and the same is hereby admitted to be proven in solemn form, and that the

Mary J. Urquhart's Will Continued

Muscogee County, Georgia Wills, Book C, 1875-1891

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same be admitted to record as the true last will and testament of the said Mary J. Urquhart deceased

F. W. Brooks Ordinary

Georgia Muscogee County

I John A. Urquhart do solemnly swear that this writing contains the true last will and testament of the within named Mary Jane Urquhart deceased so far as I know or believe, and that I will well and truly execute the same according to the constitution and laws of this State So help me God

Shown to & subscribed before me

this May 1st 1876

F. W. Brooks Ordinary

John A. Urquhart