

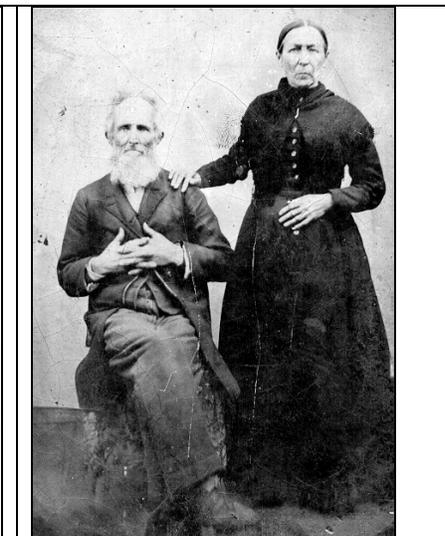
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Document Title: Will of John Roberts (ca 1770-1860/1) of Bedford Co., TN

Reference: Decree Issued 26 September 1868 in Chancery Court, Shelbyville, Bedford Co., TN-- Includes true copy of will of John Roberts (Book B: 53-55).

Why a Chancery Court Lawsuit?

The will of John Roberts was preserved only because his heirs were defendants in a lawsuit regarding his estate in 1868. The recorded original will was destroyed when the court house in Shelbyville, Bedford Co., TN was burned in March 1863. A "true and perfect" copy of the will is included in the following court decree.

		
<p>D.A. "Doc" Gilbert and his wife, Lucretia Roberts Gilbert, b 1820, daughter of John and Sarah Smith Roberts.</p>		<p>William C. Morton, son of Susannah Roberts Morton, b 1807, and his wife, Sarah M. Gilbert Morton, daughter of Rachel Roberts Gilbert, b 1812. Wm and Sarah were 1st cousins on the Roberts side.</p>

John Roberts' Will (Included in 1868 Chancery Court suit.)

Verbatim:

I, John Roberts, being of sound mind, but weak in body and calling to mind the uncertainty of human life, and being desirous of disposing of my worldly estate, that it has pleased God to bless me with-

1st--It is my desire that all my property, both real and personal, be sold by my Executor on a twelve months credit.

2nd--It is my desire that my funeral expenses and all my just debts be paid out of the first money that may fall into the hands of my Executor, or that I may die possessed of.

3rd--It is my desire that after my funeral expenses & just debts are paid, the remaining proceeds be equally divided among all my children except Artamicia Roberts, who has already received her full share in lands, and also Rezin Roberts who has already received five hundred and forty dollars of his share--After each of my children, (except the two above named) has received five hundred forty dollars if there be anything left, Rezin Roberts comes in & gets an equal share with all my children, except Artamicia Roberts.

4th--If any of my children should be dead, I desire that their children receive their part of my estate.

5th--I hereby appoint James H. Curtis Jr. my Executor, hereby revoking and making void all other wills heretofore made by me.

6th and lastly; It is my desire that my body return to dust from whence it came and my spirit to God who gave it. Witness my hand and seal, this __ day of 1861,___.

/s/ John Roberts (seal)

Witnesses: James L. Gibson and Fredrick Brown

That said James H. Curtis jr. as Executor aforesaid, pursuant to the power conferred upon him by said Will, sold the tract of land on which the testator resided at the time of his death, to one William R. Smith, who paid nothing on his said purchase, and died: and after his death said land was sold under decree of the Circuit Court of Bedford, and complainant Thomas W. Buchanan became the purchaser of it. That there was no deed of conveyance from said Curtis to said Smith, and there was a decree of the Circuit Court vesting or purporting to vest the title in said Buchanan. That James H. Curtis jr. is dead and complainant Thomas J. Dysart is Executor of his last Will and testament duly appointed by the Will and qualified by the County Court of Bedford. That said defendants are the heirs of said John Roberts deceased, and devisees under his said Will. It is therefore decreed by this court that said Copy herebefore recited is a true and perfect copy of the last Will and testament of John Roberts dec'd, and it is now further decreed by this Court that the facts hereinbefore recited shall be perpetuated, and said Will be set up and forever established as the last Will and Testament of John Roberts deceased. It is further ordered and decreed by the Court that Complainant Thomas J. Dysart shall pay the costs of this suit out of any monies belonging to the estate of said John Roberts, and that he shall have a proper credit for the same. And he shall execute and deliver to said Thomas W. Buchanan a deed of conveyance, but without personal Warranty of title, for said land, upon payment of all of the purchase money therefore, referring in said deed to this decree for his authority to execute the same.

Court adjourned till Tuesday morning, 6th October, 9 o'clock.

/s/ John P. Steele, Chancellor

Legal Notice in The Republican on 21 August 1868

In Chancery at Shelbyville. Thomas J. Dysart, Ex/r, &c, and Thos. H. Buchanan vs. Rachel Gilbert and others--O. Bill.--

In this case it appears from complainants' bill, which is sworn to, that the defendants, Henry Moore, John F. Moore, Adaline Moore, Sarah Moore, Susannah Moore, Mary Moore, Rezin Roberts, and the children of Jonathan England (a deceased son of Elizabeth and John England) who are unknown to complainants, Tillman England, Martin England, Newell England and John

England, are all non-residents of the State of Tennessee, so that the ordinary process of law cannot be served on them: It is therefore ordered that publication be made for four successive weeks in the "Republican," a newspaper published in the town of Shelbyville, requiring them to appear at the next Term of this Court to be held on the Third Monday in September 1868, at the court-house in said town, and make defense to complainants bill, or the same will be taken for confessed and set for hearing exparte as to them. --Lewis Tillman C. & M.--aug21-pr fee \$3. 50

Decree Issued 26 September 1868 in Chancery Court, Shelbyville, Bedford Co., TN--Includes true copy of will of John Roberts (Book B: 53-55):

Thomas J. Dysart, Executor of the Will of James H. Curtis Jr., and Thomas W. Buchanan, [complainants] vs. Rachel Gilbert, Rezin England, Mary England, Eliza England, James S. Roberts, Zacheus Roberts, Rezin Roberts, Sarah Raney, and her husband Riley Raney, Susannah Morton and her husband John Morton, Lucretia Gilbert and her husband D.A. Gilbert, James L. Foster, Joel Foster, Jno. R. Foster, Willis Foster, James Foster, Peter Foster, Ailsey Nichols and her husband Briggs Nichols, Nancy Morton and her husband ____ Morton, James L. Muse, Susannah Lambert and her husband H.C. Lambert, Sarah E. Muse, Rachel Muse, Jno. R. Muse, Thomas W. Muse, Mary J. Muse, Sally Davis, Malinda Williams, Henry Moore, John F. Moore, Adaline Moore, Sarah Moore, Mary Moore, Susannah Moore, Rezin Roberts, Jonathan England's children whose names are not known to complainants, Tillman England, Martin England, Newell England, Nancy Reavis, and her husband, William Reavis, and Artamicia _ [defendants]. [Defendants are children and grandchildren of John Roberts.]

Be it remembered that this cause was heard by the Hon. John P. Steele Chancellor &c on the 26th day of September 1868, upon Bill and pro confesso order against all of said defendants.

It appeared to the Court that John Roberts late of Bedford County, Tennessee, departed this life testate in said County in the year 1861, having previously made his last will and testament, which at the __ Term 1861 of the County Court of Bedford was duly proved by the subscribing witnesses thereto and admitted to record in said Court, and James H. Curtis Jr. the Executor therein named, was at the same time appointed and qualified by the said County Court Executor of said Will.

That the probate of said Will and the appointment and qualifications of the said James H. Curtis as Executor thereof were entered upon the minutes of said Court, and the original Will was filed in said Court, and it was duly recorded in the Will Book of said Court, all of which were destroyed by burning when the Court House in Shelbyville was burned in March 1863--that the following is a true copy of said Will: [end transcription; will transcription begins at top of this page.]

Family of John Roberts

John Roberts was recorded as being 80 years old and born in Virginia in the 1850 U.S. Census. He married Sarah Smith Roberts (1774 - bef 1861), daughter of John and Elizabeth (Simpson) Smith.

The Roberts family was in Bedford Co., TN by about 1800. Later census records of their children indicate that some Roberts children were born in North Carolina. The Smiths were from 96 District, later Pendleton Co., SC, and sold their land in SC in 1815 and presumably moved to Bedford Co. with their children.

The value of John Roberts' estate in 1861 would have been about \$5,400.00, with land already having distributed to Artamecia Roberts and with Rezin Roberts having received \$540.

Children of John and Sarah (Smith) Roberts include:

1. Elisabeth Roberts b 1792, d before her father; m John England
2. Mary Roberts b 1794; m Samuel Moore
3. William Roberts b 1796
4. John Roberts b 1798
5. Juten or Justen (?) Roberts b 1800 [Juten/Justin has the same birth date as Peter Roberts, as per his tombstone. They may be the same person or they may be twins.] Justen Roberts m Lethe ___ about 1828.
6. Nancy Roberts b 1802; d 1867; m James Littleton Foster
7. Reason Roberts b 1805 [also spelled Rezin]; moved to Texas; m Elizabeth _____.
- **8. Susannah Roberts b 1807; d 1891; m John C. Morton
9. Sarah L. Roberts b 1810
- **10. Rachael Roberts b 1812; d 1898; m John C. Gilbert
11. Artamecy Roberts b 1814; d 1882
- **12. Lucretia Roberts b 1820; d 1893; m D.A. Gilbert, brother of John C. Gilbert

**My direct line

Sources: Bessie D. Morton of Nashville, Tennessee, sent me the photos above.