

Tuesday's Tip: Analyzing the Will and Probate of John S. Roberts of Indiana

expenses together with the debts of my last sickness. And my further will is that my Executor take charge of all of my Real and Personal Estate after my decease, for the use and support of my beloved wife Jane Roberts and David Roberts their natural lives, off the rents and profits of the farm but in case the rents and profits should not be sufficient for their support, then my Executor to sell in parts or parcels of Estate as he may deem most advantageous for the purposes hereby intended. And my wife Jane Roberts and my son David Roberts is to have their home on the farm on which we now reside and also Quintilla Roberts my daughter to have her home and support on the farm while she remains single. And I hereby appoint my son Edward Roberts to be Guardian for my son David Roberts and to see that he is well cared for during his natural life and to provide for him out of my Estate. And I hereby appoint my son Edward Roberts my Executor after

Excerpt from John S. ROBERTS- Will, page 1. From Indiana Wills and Probate Records, 1798-1999, Ancestry.com and previously from Ripley County, Indiana.

[Roberts Family](#) (Click for Family Tree)

Having a the will of an ancestor is indeed a treasure, especially for those of us who had mostly poor ancestors who did not own anything or couldn't afford a lawyer, or ancestors who lived in counties that were burned, flooded, or for whatever reason, the will has been lost. The words of a will can tell us so much, and then some if we read between the lines.

The excerpt above is a good example. A husband usually provided for his wife to live on the farm or otherwise have a home and a little money. In this will John S. Roberts not only provided for his wife, Jane (Salyers) Roberts, but also for the natural life of their son David Roberts. He even appointed

his Executor, his son Edward Roberts, to be Guardian for David. This suggests that there was something concerning about David, as he had younger siblings that were not mentioned in the will in the same way.

A look at the censuses gives us some clues as to why David would need care for the rest of his life. In 1860, his younger siblings were attending school, but David was not. He was 14 years old, but not listed with an occupation like his older brothers who were still living at home. By 1870, at age 24, it looks like the census taker wrote "works farm" under the occupation heading. In 1880, the census was taken on 7 June 1880, and David was listed in the home of his sister Quintilla Roberts and her husband, David Mitchell. Under the heading "Sick" he is listed as an "idiot" and there is a tick mark in the column for "idiotic." David was with his sister's family instead of on the family farm because their mother, Jane (Salyers) Roberts, had died just three months before, on 7 March 1880. David later died on 27 Sep 1892 at the age of 45.

The will specifies that John had property in both Jefferson and Ripley Counties of Indiana, which explains why he lists "rents" as part of the income of his estate. It also explains why there are some records in his name in Jefferson County, as well as Ripley County.

It is interesting that John S. Roberts listed a Jeremiah Roberts as his friend, along with Thomas S. Mitchell. Is this his son Jeremiah (1837-1918, and a doctor)? Or a cousin Jeremiah Roberts? Or an unrelated Jeremiah Roberts? (Roberts is a common name.) More research to do... But we do know that Thomas S. Mitchell was the father-in-law of Quintilla Roberts, John's youngest, who married Daniel K. Mitchell.

Stovall Wilkins was a witness to the will. We do not know any relationship with Stovall- was he just a friend or actually related by blood?

John S. Roberts very specifically provided a mechanism or two to keep his children from fighting over his legacy once he was gone. First, he left one cow and one featherbed to each child who had not yet received one from him. Edward Roberts, Jeremiah Roberts, Henry Roberts, and Quintilla Roberts each received these inheritances "in order to make them equal with my other children that has had these things given them."

Once Jane and David had passed away, John's property was to be evenly divided among his remaining children- all ten of them, with one being the Executor.

John may have foreseen some trouble, so his second method was basically a 'binding arbitration':

"And lastly my express will and meaning is And I do hereby order and appoint, that if any difference dispute, questions or controversy shall be moved, arise or happen, concerning any Gift, bequest, matter or thing in this my will given and bequeathed, expressed or contained, that no suit or suits in law or equity or otherwise shall be brought or commenced, or prosecuted for and concerning the same but the same shall be referred wholly to the award, order and determination of my friends Thomas S Mitchell and Jeremiah Roberts both the State of Indiana one of Jefferson & one of Ripley County and what they shall order or direct or determine therein, shall be binding and conclusive to all and every person and persons therein concerned."

So he had a friend in each county that he owned property, to try to make his bequests fair.

We do know, however, that Edward Roberts resigned as Executor. No reason is given in the surviving paperwork- was it a personal issue, too much work (settling a large estate can be complicated and time consuming, and this one went on for years), too hard to be fair, or was there a lot of squabbling over the will between siblings? We probably will not find the

reason, but there is more to come in upcoming posts about the inventory and probate of John S. Roberts.

Notes, Sources, and References:

1. Special thanks to our cousin Jon Roberts for his transcription and work on these documents.
2. *Wills*; Author: *Indiana. Probate Court (Jefferson County)*; Probate Place: *Jefferson, Indiana. Will Records, Vol B, 1872-1884***Source Information:** Ancestry.com. *Indiana, Wills and Probate Records, 1798-1999* [database on-line]. Provo, UT, USA: Ancestry.com Operations, Inc., 2015. Original data: Indiana County, District and Probate Courts. A copy of the will was received from this office around 1989.

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