

Robert O. Lusk — Full Deposition Testimony

Case c/c 6996 — Heirs of Eli Roberts & John Roberts, deceased

Court of Claims, State of Texas | Applicant: Charles Roberts, by James Johnston, attorney in fact

These are the two sworn Q&A sessions Robert O. Lusk gave as a witness supporting Charles Roberts's claim to headright and bounty land as heir at law of his deceased brothers, John Roberts and Eli (Ely) Roberts. Lusk testified to having known both brothers since 1833 in Mississippi, and later in Texas from 1836, and spoke to their emigration, marital status, military service (including Eli's service under Col. Neill and Capt. Samuel Davis), continuous residency, deaths, and surviving family. Both sessions were taken before Henry D. Patrick, Clerk of the County Court of Leon County, at Centreville, and sworn the same day: December 20, 1858.

Session 1 — Direct Interrogatories

Sworn and subscribed before Henry D. Patrick, Clerk, Leon County — December 20, 1858

1st Interrogatory. Were you acquainted with the said John and Ely Roberts, or either of them? If so, when & how long?

I was acquainted with both of them from the year 1833 until their death.

2nd Interrogatory. Were they, or either of them, married or single when you knew them?

They were both single men, and remained so.

3rd Interrogatory. When did you first learn to know them, or either of them? And what were the circumstances under which you became acquainted with them?

I first knew them in the State of Mississippi in the year 1833. Afterwards in the year 1836 in Texas.

4th Interrogatory. Do you know whether they, or either of them, are now living or dead?

As I have already stated, they are both dead.

5th Interrogatory. Do you know of any service rendered by them, or either of them? If so, when & where, and under what officer?

Eli Roberts served a tour of duty in what is generally called Neill's Campaign in 1839 (I think it was) under Capt. Sam Davis. I don't know of any service rendered by John Roberts.

6th Interrogatory. Do you know whether they, or either of them, ever obtained any land from the Government, or any pay for service rendered? If so, what land or pay, and for what services?

I know of no land that either of them got for military service.

7th Interrogatory. Say if you know who is the heir, or who are the heirs at law, of John Roberts, dec'd, & Ely Roberts, dec'd?

Their Father and Mother are both dead. Charles, Elias and Isaiah are Brothers to John and Eli — they are living in this State, and another Brother, I think, living in the State of Ky. They also have a Sister who is dead, I think she left one or more heirs.

8th Interrogatory. State all that you may know of these parties that may have a bearing on the case in hearing.

I don't know of anything more relative to the parties that would be of any service in procuring their land or pay for service, except Eli served again in the year 1842, a short tour, and generally done so when called upon, or there was a necessity for it. John might have served and I not apprised of the service, for he was not so strictly confined to my own immediate neighborhood as Eli was.

9th Interrogatory. Say whether these parties were or were not good citizens, and their character generally; or, in other words, did they render service and perform their duties as good citizens?

They — or Eli — performed his duty as a good citizen, and I know of nothing derogatory to the character of John.

— R. O. Lusk

Session 2 — Cross Interrogatories

Sworn and subscribed before Henry D. Patrick, Clerk, Leon County — December 20, 1858

1st. When did said Jno. & Eli Roberts immigrate to Texas, and where from? When — when, in Texas, did you first know them?

They emigrated from the State of Mississippi. I knew them in Eastern Texas in the year 1836.

2nd. Were they single men, or had they families? Were their families with them in Texas? Please state what families they had—number, names, &c.

They were both single men.

3rd. Did they remain in the country during the struggle for independence?

They did.

4th. Did they aid and assist Texas in the struggle for independence?

Eli did. I am not apprised of any assistance by John.

5th. Did they aid or assist the enemy?

Not that I am aware of.

6th. Have they remained in the country from the time of their emigration to this date and performed their duty as citizens as required by law?

They remained in the country up to the time of their death. John was temporarily absent a few months. I think they performed their duty as good citizens, and all that was required of them by Law.

7th. When did they leave Texas if at all?

They did not leave at all. Came, stayed, and died here.

8th. When did they return if at all?

My answer to 7th Cross Interrogatory answers the 8th.

9th. When, when did they die, if dead?

As I have already stated, they are dead. I know of no representatives they may have. Their parents are both dead. Their Brothers: Charles lives in Montgomery or Walker County, Isaiah lives in Leon County, Elias in Falls County, and James (if living at all) probably in Kentucky. They had a sister that died in Limestone County. John died about Columbus on the Colorado (as I understand) in 1846 or '47. Eli died in Harris County two or three years since.

10th. Has not the land due him been heretofore applied for and obtained? Why not? Do [you know] the applicant to be the person he is appeared to be?

I don't know of any application for Land for them or either of them for services. I don't know why it has not been applied for. I know the applicant to be the person he is represented to be.

11th. How do you know the facts about which you are asked?

I was intimately acquainted with the parties, and know the most of the facts from observation.

— R. O. Lusk