

Richard Smith — Full Deposition Testimony

Witness in Two Related Roberts Family Land Claims, Court of Claims, State of Texas

Richard Smith of Leon County testified four separate times across two related applications filed by James Johnston as attorney in fact for Charles Roberts. In case c/c 6994, Smith testified about Charles Roberts's late father, Charles Roberts, Sr., whom he knew from 1837 in Shelby County until near his death. In case c/c 6996, Smith testified about Charles Roberts's late brothers, John and Eli (Ely) Roberts, whom he knew from Shelby County (Eli, 1837) and from 1838 (John, then in Harris County). In both cases Smith gave a direct interrogatory session and a separate cross-interrogatory session, each sworn before Henry D. Patrick, Clerk of the County Court of Leon County, at Centreville.

Case c/c 6994 — Heirs of Charles Roberts (father), deceased

Session 1 — Direct Interrogatories

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

1st Interrogatory. Were you acquainted with said Charles Roberts, dec'd? If so, when and how long?

I was acquainted with one Charles Roberts who is now dead. I was acquainted with him in the year 1837, Shelby County I think it was then, it is now Shelby. I was acquainted with said Roberts from 1837 till near the time of his death.

2nd Interrogatory. Was he or was he not a man of family?

He was a man of family.

3rd Interrogatory. When did you first become acquainted with him? And what were the circumstances under which you became acquainted with him?

The first clause of this I have answered in 1st Interrogatory. I became acquainted with him by living in the same neighborhood and by moving with him over two hundred miles.

4th Interrogatory. Say if you know whether he ever rendered any service as a soldier, or whether he only became a citizen of the country?

I don't think he was ever a soldier.

5th Interrogatory. Do you know whether he ever obtained any land from the Government of Texas? If yea, how much?

I don't know whether he ever obtained any land from Texas.

6th Interrogatory. Say if you know who is the heir at law of said Charles Roberts, dec'd?

Said Roberts has three sons living that I know, namely Charles, Fred, Elias.

7th Interrogatory. State all you may know of Charles Roberts, dec'd, that may have any bearing on the case in hearing?

I don't know that I know anything more than I have stated, that would have any bearing in the case.

8th Interrogatory. Say what you may know of the character of Charles Roberts, dec'd, as a citizen, &c.?

He was looked upon as a good old man, and limited in circumstances.

9th Interrogatory. Say if you know how much land said Charles Roberts, dec'd, was entitled to as a citizen of Texas?

I think he would have been entitled to 1280 acres, from the time I knew him, though he might have been in Texas some time before I knew him.

— Richard Smith

Session 2 — Cross Interrogatories

Sworn and subscribed before Henry D. Patrick, Clerk, Leon County — November 21, 1858. This session covered two printed cross-interrogatory forms in sequence.

Part A — Family, Heirship & Residency

1st. When did said Charles Roberts, dec'd, immigrate to Texas, and where from? When — where, in Texas, did you first know him?

I don't know when said Roberts emigrated to Texas, I don't know from what state, [he came] in Shelby County.

2nd. Was he a single man or had he a family, and was his family with him in Texas? Please state what family he had—number, names, &c.

Said Roberts had a family. His family was with him in Texas. He had a Wife and 7 children, to wit: James, John, Eli, Susan, Elias, Charley, & Fred.

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

I think he was here, but don't know of my own knowledge.

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

I don't know.

5th. Did he aid or assist the enemy?

I don't know.

6th. Has he remained in the country from the time of his emigration to this date and performed his duty as a citizen as required by law?

He remained up to the time of his death, and was a good citizen.

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

He never left Texas.

8th. When did he return if at all?

This is answered above.

9th. Is he now living and where? If dead, who are his representatives and where do they reside?

He is dead, his representatives are his Children. Fred is in this Leon County. I don't know where the others are.

10th. Has not the land due him been heretofore applied for and obtained? Why not? Is the person making this application his heir, only heir?

I don't know, I don't know. This Applicant is an heir but not the only one.

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

By being acquainted with said family.

Part B — Military Service

1st. When was said Charles Roberts, decd., in the Military service of Texas; when and where did he join the Army; for what time did he enlist; how long did he serve; in whose company was he; in what service was he engaged; when, where and by whom was he discharged; where is said discharge; has not the land due for said service been heretofore applied for and obtained; why not; how do you know the above facts?

I don't know, I don't know, I don't know, I don't know, I don't know, I don't know, I don't know, I don't know, I don't know, I don't know them.

2nd. Was he engaged in any of the battles of Texas?

I don't know.

3rd. If yea, state in which.

I don't know.

4th. How do you know that?

I don't know that.

5th. Were you in said Service, and in whose company?

I was not.

6th. Has the land due for this service never been granted? Why not? Is the person making this application the heir or only heir of said Roberts, dec'd?

I don't know.

7th. How do you know the above facts?

I don't know them.

— Richard Smith

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

Session 3 — Direct Interrogatories

Sworn and subscribed before Henry D. Patrick, Clerk, Leon County — November 17, 1858

1st Interrogatory. Were you acquainted with a John Roberts and Eli Roberts?

I was acquainted with a John Roberts and Eli Roberts. I was acquainted with Eli Roberts in Shelby County, in the year 1837. And I have known John Roberts since 1838. He was living in Harris County.

2nd Interrogatory. Were the said parties married or single when you knew them?

Neither of the parties were married when I knew them.

3rd Interrogatory. What were the circumstances under which you became acquainted with them?

I have answered this Interrogatory in my first answer. They were both poor men when I knew them.

4th Interrogatory. Do you know whether they are now living or dead?

I have heard that both were dead, but do not know from my own knowledge.

5th Interrogatory. Do you know of any military or other service rendered by them?

I know that Eli Roberts went into an Indian campaign but don't know of either of them engaged in any other service. I think that Eli was in said campaign in the year of 1839 or 1840. Colonel Neill was Commander, and I think Samuel Davis was the Captain. I don't know whether or not they were in more campaigns than one.

6th Interrogatory. Do you know whether they ever received any land or pay for their services?

I don't know whether they, or either of them, ever received any land or pay for their services. I have answered the last clause of this Interrogatory — I have answered [it] in the first.

7th Interrogatory. Do you know who are the heirs at law of Eli Roberts and John Roberts, deceased?

I do not know who are the heirs at Law of Eli Roberts and John Roberts, deceased.

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

This Interrogatory I have answered above.

9th Interrogatory. Do you know whether or not they rendered good service, and were they regarded as good citizens?

I don't know whether or not they rendered good service — They were looked upon as good Citizens.

— *Richard Smith*

Session 4 — Cross Interrogatories

Sworn and subscribed before Henry D. Patrick, Clerk, Leon County — November 21, 1858

1st. When did John and Eli Roberts emigrate to Texas, and from what State?

I cannot say when John and Eli Roberts emigrated to Texas, I don't know from what State they came from. I have answered the last clause of this Cross Interrogatory in one of the direct interrogatories.

2nd. Did the said Eli and John Roberts have families when you knew them?

The said Eli & John Roberts had no families when I knew them.

3rd. Did they remain in the country since you first knew them?

They remained in the Country since I first knew them.

4th. Do you know whether or not they assisted in the struggle for Independence?

I don't know whether or not they assisted in the struggle for Independence.

5th. Do you know whether or not they aided and assisted the enemy?

I don't know whether or not they aided & assisted the enemy.

6th. As far as you know, have they remained in the country and performed their duty as citizens?

As far as I know they have.

7th. Do you know that they ever left Texas?

I don't know that they ever left Texas.

8th. If they never left, could you know when they returned?

I don't know that they ever left, consequently could not know when they returned.

9th. Are they dead? If so, who are their legal representatives, and where do they reside?

They are dead, as I have heard. I don't know where their legal representatives — I don't know where they reside.

10th. Do you know whether this applicant is the only heir?

I don't know, I don't know. I don't know that this applicant is the only heir.

11th. How do you know the answers given above?

I know the answers to the above by living in Texas since the year 1837.

— *Richard Smith*