

LIFE & WILL OF JAMES ROSS (1811-1885), my 3 X maternal great-grandfather  
transcribed by  
Larry Pearce  
3/11/17

(see Ross, Campbell, Gray, Pearce family tree: [http://e-gen.info/?page\\_id=302](http://e-gen.info/?page_id=302) )

Obit: *Weekly Graphic*, Kirksville, MO, February 13, 1885

“Sunday Feb. 8th, James Ross of Paralysis, at the residence of his daughter, Mrs. Harriet McEwen in Polk Township.”

Burial: Fort Madison Cemetery, Kirksville, Adair County, MO  
Find-a-Grave Memorial # 61553120 (see attached photo)

Probate: Last Will of James Ross of Adair County, Missouri (p. 225)

“I, James Ross of Adair County, Missouri, being of sound mind but advanced in years do make and publish this my last will, hereby revoking all former wills by me made. My wife is advanced in years as well as myself and she by law will receive out of my estate, if she shall survive me, ample means for her support, care, and comfort.

Aside from what she shall take from my estate as my widow, I give and will to my daughter Harriet McEwen, who is now a widow, all of my property of whatsoever kind or nature to have and to use during her natural life, not subject to the control of any future husband if she should again marry; and should she marry, her husband shall not acquire any marital rights in any property she may receive by reason of this will.

This life estate willed to my said daughter Harriet is subject to the following incumbrances and conditions: that she shall pay within a reasonable time after my death to my son Samuel J. Ross in cash the sum of twenty-five dollars (\$25), and to my daughter Jane Campbell of Allegheny County, Pennsylvania, the sum of two dollars (\$2), and also pay all if any my just debts. And I request her if she is able to do so without harrassing her in means to erect a tombstone for myself and wife with suitable Masonic emblems, and she shall also pay all just tax as assessed against all real estate she shall come into the use of under this will so as to resist (?) any penalties or forfeit uses by reason of such tax or taxes subject to these provisions. She shall have the entire use of all my estate, real person (?) and mixed, for and during the period of her natural life.

At the termination of the life estate to my daughter Harriet McEwen as here provided, I desire and will that the rest and residue of my said estate of whatsoever nature shall pass to and rest in my heirs at law, the same as if no will had been made with this restriction (?), and in that case my son Samuel J. Ross and his children shall then be living and shall inherit as take under this will and shall afterwards die, none of such property shall become the property of his present wife nor shall she have at any time any legal interest in the title thereto by inheritance or marital rights.

I hereby appoint Lewis Spriggs of Adair County, Missouri, the executor of this will, in witness whereof I have hereto subscribed my name this 27th day of August 1884.  
(his X) James Ross

Signed and declared by the above named James Ross to be his last will and testament in the presence of us who at his request have subscribed our names as witness thereto:

Philip M. Smith of Kirksville, Mo  
John Shaver of Kirksville, MO  
W.G. Lout (?) of Kirksville, MO  
James M. DeFrance (?) of Kirksville, MO”

Proof of Will: State of Missouri, County of Adair

“In the Probate Court be it remembered that on the 3rd day of March in the year of our Lord One-Thousand Eight-Hundred and Eighty-five before me C.L. (?) Lewis, Judge of the Probate Court in and for the County of Adair and State of Missouri personally appeared John Shaver and W.G. Lout, who being duly sworn upon their oaths, depose and say that they were present and saw James Ross sign the foregoing instrument purporting to be the last will and testament of him the said James Ross and heard him publish and declare the same to be his last will and testament and that at the time of signing the same, the said James Ross was of sound mind and that these deponents (?) subscribed their names thereto as witnesses to the same in the presents of the testator and each other and at the request of the said James Ross:

John Saver  
W.G. Lout

Sworn to and subscribed before me, Judge of the Probate Court, the day and year first aforesaid.  
C.L. Lewis, Judge”

Certificate of Probate of Will: State of Missouri, County of Adair

“In the Probate Court C.L. Lewis, Judge of the Probate Court of Adair County, State of Missouri, having examined the foregoing instrument purporting to be the last will of James Ross, deceased, and signed by James Ross, and having heard the testimony of John Shaver and W.G. Lot subscribing witnesses thereto in relation to the execution of the same, do declare and adjudge said instrument to be the last will ad testament of said James Ross, deceased late of Adair County, Missouri.

In testimony whereof I have hereunto set my hand and affixed the seal of said court at office in Kirksville this 3rd day of March 1885.  
C.L. Lewis, Judge”