

# Civil Case: Fivecoats vs Abnet - Partition

Name in Record	Reason for Being in Record	Date of Record
John Abnet	Summoned to court to answer to Sarah Fivecoats	June 29, 1861
Sarah Fivecoats	Filed complaint for partition	
James B. Simcoke	Clerk	
M. V. B. Simcoke	Attorney for plaintiff; notice to court	Sept. Term 1861
M. V. B. Simcoke	Oath: Adriel Hersy in 1859 seized of land	
M. V. B. Simcoke	Oath: Widow Sarah Fivecoats is entitled to 1/3 of said land	
M. V. B. Simcoke	James Buckmaster is administrator of estate of Adriel Hersy	
M. V. B. Simcoke	James Buckmaster sold 2/3 land to John Abnet to pay debts	
M. V. B. Simcoke	Request courts to make John Abnet a defendant in case	
M. V. B. Simcoke	Request commissioners to set of 1/3 land for widow	
Michael Fivecoats	Plaintiff	Sept. Term 1861
Sarah Rush	Plaintiff	
John Abnet	Defendant - denies allegations of Plaintiff	
James B. Simcoke	Clerk; Notice to Jonathan Kelly, Jr. to partition land	Sept. 12, 1861
James B. Simcoke	Clerk; Notice to John Hisey to partition land	
James B. Simcoke	Clerk: Notice to William J. Kelley to partition land	
Jonathan Kelly, Jr.	Oath to honestly discharge duty to partition land	Sept. 23, 1861
John Hisey	Oath to honestly discharge duty to partition land	
William J. Kelley	Oath to honestly discharge duty to partition land	
John Fethers	Justice of Peace	
Jonathan Kelly Jr.	Commissioner appointed by court to make partition	Jan. 13, 1862
John Hisey	Commissioner appointed by court to make partition	
William J. Kelley	Commissioner appointed by court to make partition	
James B. Simcoke	Clerk	
John Hisey	Received from Abnet fees in Fivecoats vs Abnet	May 26, 1862
Wm. J. Kelly	Receipt for costs	May 27, 1862
Jonathan Kelly Jr.	Receipt for dividing land between John Abnet & Sarah Hersy	Oct. 14, 1862
James Buckmaster	Paid Jonathan Kelly Jr.	

Roll No 3 (15)

Sarah Firecoats  
vs Partition  
John Abnet

Box 12.

State of Indiana vs the Court of common  
 Adams county 3 Mors of Adams county  
 Michael Finecoat  
 Sarah Finch  
 John about  
 comes now  
 to defendant and denies the  
 allegations of the Plaintiff complaint  
 at Adams county

225  
 228 (1) 24  
 577/4

THE STATE OF INDIANA. } SS.  
 Adams County.  
 To the Sheriff, of Adams County, Greeting:

You are hereby Commanded to Summon  
 John about

To appear in the Court of Common Pleas of Adams County, on the 2<sup>nd</sup> Monday in  
 next, then there to answer said Finecoat and  
 Complaint for Partition

and of this summons make due return  
 Witness, the Clerk and seal of said Court, this 29<sup>th</sup> day of  
 March 1862  
 Sarah Finch  
 Clerk C.C.P.

October the 14<sup>th</sup> 1862  
 Received of James Buckmaster four Dollars  
 and fifty cents as Commissionery on the divide  
 of land between Sarah Hery and John about  
 Jonathan Kelly Jr

Received of James C. Adams Esq  
 Received of Michael Finecoat in full my cost & fees  
 in the case of Finecoat against Buckmaster  
 Esq 21/1862  
 Wm J Kelly

Michael Finecoat }  
 Sarah Finecoat } Petition for Partition  
 vs  
 John about  
 Received of the Defendant By James Buckmaster  
 four Dollars and fifty cent being my fee in  
 full May 26<sup>th</sup> 1862  
 John Hery



State of Indiana In the Court of Common  
Adams County Pleas September Term 1861

Sarah Fivecoats  
vs  
John Abner Petition for Partition

To the Hon. Judge of  
the Court of Common Pleas of said  
County Your petitioner Sarah  
Fivecoats Represents to your Honor  
that Adriel Hursey departed this life  
in the year of our Lord one thousand  
eight hundred and fifty nine (1859)  
seized in fee simple of the following des-  
cribed lands lying in said County to-  
wit. The North West quarter of the  
South East Quarter of section nineteen  
(19) in Township twenty five (25)  
North of Range fifteen East in the said  
County of Adams and that he left your  
petitioner his widow entitled to one  
third part in value of said Real Estate  
in fee simple. Your petitioner further  
shows that James Buckmaster the  
Administrator of said Estate of said  
Adriel Hursey deceased by the order  
of the Court of Common Pleas of said County of  
Adams sold & conveyed the undivided  
two thirds part in value of said land  
to one John Abner to pay the debts out-  
standing against said Estate which said  
sale was confirmed by said Court and  
that your petitioner and the said John  
Abner now hold said land as tenants

in Common each being seized as  
aforesaid. Your petitioner therefore prays  
the said John Strick may be made  
Defendant to this petition and that he  
may answer the same and that your  
Honor may appoint Commissioners  
to set off and make partition of  
said premises between your petitioner  
and said Defendant assigning her  
portion of said lands severally by  
setting off and assigning to her one  
third part in value of said premises  
and by setting off and assigning to  
the said John Strick two thirds  
part in value of said premises in se-  
veralty or if it shall appear that parti-  
tion of said lands and tenements cannot  
without manifest injury be made then  
that the same may be sold or the proper  
order taken in that behalf pursuant  
to the Statute in such Case made &  
provided and grant unto your  
petitioner such other and further relief  
as your Honor may see fit  
to Decree

N. T. D. Simecke  
Atty for Petitioner



State of Indiana vs the Court of Common Pleas  
Shannon County (of Adams County) January Term 1862  
Sarah Firewall  
Michael Firewalls  
vs  
John Abert

Report of Commissioners  
making Partitions

Come now Abraham  
Kelly for John Wiley and William J. Kelly  
commissioners heretofore appointed by the  
said Court to make partition of lands  
ordered to be partitioned in the above cause  
and Reports to the said Court that by virtue  
of the Warrant of Partition to us issued airt  
and delivered and in obedience thereto after  
first having been duly sworn according to  
law which said oath is endorsed on the back  
of the said Warrant and the said Oath together  
with the said Warrant are herewith returned  
and made a part of this Report did present to  
examine the said premises mentioned in the  
said Warrant of Partition and to make partition  
of the same as follows Unit Ave du Set off  
and assign to the said Sarah Hancock as  
her share of the said Real Estate in generalty  
the following described tract commencing  
at the South East corner of the said North  
West quarter of the South East quarter of section  
number six Township twenty five North of  
Range fifteen East crossing Thence  
North <sup>Twenty</sup><sub>four</sub> rods Thence West eighty  
rods to the West line of said tract Thence

South twenty nine <sup>one half</sup> (29 1/2) rods to the South West  
corner of said forty acre tract Thence East  
on the South line of said tract to the place  
of beginning designated by certain fourteen  
and <sup>thirty</sup> ~~thirty~~ <sup>one</sup> ~~one~~ acres of land &

And we do set off and assign  
to the said John Hines as his share of  
said Real Estate <sup>more</sup> simple in severalty  
beginning at a point twenty <sup>one</sup> <sup>half</sup> <sup>feet</sup>  
(20 <sup>1</sup>/<sub>2</sub>) rods north of the South East corner of the  
said North West quarter of the South East quarter  
of said section number (19) in Township twenty  
five (25) South of Range fifteen East Thence  
north to the North East corner of said forty  
a cew tract Thence west to the North West corner  
of said forty acre tract Thence south fifty <sup>one</sup> <sup>half</sup>  
feet (50 <sup>1</sup>/<sub>2</sub>) rods to the corner of that sett off to the  
said John Hines Thence East to the  
place of beginning estimated to contain  
twenty five and one <sup>quarter</sup> <sup>half</sup> <sup>acre</sup> more or less  
and have made said partition submit the  
foregoing as our report John Hines

Jonathan Kelley  
State of Indiana Adams County William Kelley  
Personally appeared in open court Jonathan Kelley by  
John Kelley and William Kelley and each before  
said court acknowledged the signing sealing and  
execution of the foregoing Report to be voluntary and  
and said for the uses and purposes therein mention  
Witness my hand and the seal of said court the  
13<sup>th</sup> day of May A.D. 1862  
Court Clerk

State of Indiana } In the Court of Common  
Adams County } Pleas Sept Term 1861,  
Sarah Finweat }  
Michael Finweat }

vs.  
John Abner

The State of  
Indiana to Jonathan Kelley, John  
Hisey and William C. Kelley

Whereas heretofore to wit  
on the 29<sup>th</sup> day of June 1861,  
The Plaintiff filed in the Clerk's  
Office of the Court of Common  
Pleas of Adams County her  
Petition for Partition  
of the lands herein after described  
between the said Plaintiff and  
Defendants upon which Petition  
such proceedings were had in  
said Court as resulted in the  
 rendition of an interlocutory &  
decree for Partition of said  
land in said Petition mentioned  
to wit the North West quarter  
of the South East quarter of  
Section nineteen (19) in Town-  
ship twenty five (25) North of  
Range fifteen East in the said  
County of Adams and that you  
two were each appointed  
by the Court to make partition  
of said land by setting off and  
assigning to the said Sarah  
Finweat one third part in value



of the said land for her share  
thereof and to John Abner  
two thirds part in value of  
the said land for his share  
thereof.

You are therefore  
hereby commanded to make  
said Partition by setting  
off and assigning to the  
said Plaintiff and to  
each of said Defendants  
their respective shares  
in Severalty as ordered by  
said Court if the same can  
be done without injury to  
the value of said land or  
damage to the Owners  
thereof and Report your  
proceedings to said Court  
at the next Regular  
Term thereof.

Witness my hand  
Clerk of said Court and the  
Seal thereof hereto affixed  
at Decatur this 27<sup>th</sup> day  
of September A.D. 1861  
James B. Simicks  
Clerk

State of Indiana

Adams County } Personally appeared before  
me James B. Simicks Clerk of the  
Court of Common Pleas of Adams County  
Jonathan Kelly, John Nixey and

State of Indiana  
Adams County

} Personally appeared

before me John H. Miers & Justice



of the peace in and for the County of Edmond  
and State of Indiana  
John Hisey and Jonathan Kelley

William J. Kelley, the Commissioners  
named above in the above warrant  
and on their oaths say that they  
will honestly and impartially  
discharge the duty of said trust  
of such Commissioners according  
to law and the best of our  
Judgments & help is God,

Jonathan Kelley } Commissioners  
John Hisey }  
William J. Kelley }

Subscribed and sworn to before me  
the 23<sup>rd</sup> September 1891  
John L. Hatters