

C. W. W. - post →
Mar 20
1871

Estillville March 20th 1871

Dear Henry

According to promise I write you hastily a few lines. The case of Mrs Ball is this. Her husband in his lifetime and before the war executed his note for \$500, or \$600, or to Robert M Ely Commissioner for Butchers heirs being the price of a negro girl purchased by Mr Ball at a sale of property of Butchers estate made by said Ely Court. The said Court Ely died during the war and the Plff M. Pherson administered on said Elys estate and as Admr of Ely took possession of said note as property of the estate of Ely and brought suit on it against the obligor Ball and his security several years after the death of the obligor Ball and obtained a judgment by default against Ball & his security the said Ball being dead as aforesaid. The Plffs Counsel then had a scire facis issued against Mrs Ball to have the judgment reversed against her as the Executrix of her husband and to obtain an execution to collect the money. She then employed me and Mr Lane and I prepared a notice under the Statute to reverse and annul the said judgment obtained by default 1st Because the Admr of the estate of R M Ely had no right to maintain the action, as the said note of Ball & his security was executed for property belonging to the estate of Butcher and was executed to Robert M Ely Commissioner for Butchers heirs and the right of action, at the death of R M Ely, vested in the successor of said Ely who might be appointed Court of said Heirs of Butcher, and if no such Commissioner succeeded said Ely, then the right of action on said note vested in the Admr or Heirs of Butchers estate and never vested in the Admr of said Elys estate as said note was not the property of said Elys estate as aforesaid

2nd Because the obligor Butcher was dead when the said

H. D. Lane June 21/71
At the Base case etc.