Platte County Circuit Court
Circuit Court
September Term 1853

Box 26 File 117

Dale, Elijah, a free person of color

vs

Pitt, John E.

Petition

- No specific listed
- Case re: accusations of fraud
- Defendant accused of telling plaintiff he was guardian of heirs of Layton Ewell, deceased. Dale says Pitt's claims were false.
- Told Dale he would have to pay estate $120 for hiring of Philis, a slave + Dale's wife
- Pitt accused of threatening to take Philis away if money not paid

Elijah Hale a Person of Color, Plaintiff
vs Petition
John E Pitt Defendant In the Circuit Court
of Platte County
September Term A D 1853

Platte County - Circuit -

Plaintiff States that on or about the first day of March A D 1853 Defendant represented to Plaintiff, that he was the guardian of the heirs of Dayton Ewell deceased, having been duly appointed and qualified by the Judge of the Probate Court of Platte County as such guardian and as such guardian demanded of defendant the sum of One hundred and twenty dollars which said sum defendant Plaintiff was owing by Plaintiff to said State, on account of hire for a Negro woman named Phillis a slave wife of said Plaintiff & belonging to said State. Plaintiff being ignorant & illiterate & having at that time no knowledge as to the residence of said heirs, had permitted the said woman to stay with him, there being no one who would take charge of her, & had during the time said woman had so lived with him, supplied her with necessaries, boarding &c. amounting to more than the amount so claimed by Defendant.

Plaintiff being ignorant & illiterate as aforesaid & believing the representations of said Defendant as to his Plffs liability & also as to defendant being guardian as, aforesaid, Paid to de

defendant

the sum of one hundred and twenty dollars
Plaintiff States, that Defendant in order to induce
Plaintiff to make said payment, made statements
as to the taking of the said Negro woman immediately
from the neighborhood and by means of such state-
ments he worked upon the fears of Plaintiff as to
get the said money— The Plaintiff states and
charges the fact to be, that the said defendant was
not guardian as he represented, and that he had no
right to collect & receive said money, and that
the said representation as well as the representation
as to plaintiffs liability to pay said money and his
representations working upon the fears of plaintiff
were all false and fraudulent, made with an
intent to cheat and defraud said plaintiff out
of the said sum of money
By means of the above and of divers other
false and fraudulent representations of
said defendant— Plaintiff states he is greatly
injured & claims damages to the amount of
two hundred & fifty— dollars

Elijah Hale
By Rees Wilson Hall
his Attorneys

State of Missouri } SS
County of Platte } Elijah Hale the above
plaintiff makes oath and states, that the foregoing
petition and the facts therein stated, he believes
to be true
Elijah Hale.
mark
Sworn and subscribed to before me the undersigned
Clerk, this 28th day of July A.D. 1853
W. C. Remington Clerk
By W. B. Kaufman Deputy

We the Jury find for plaintiff - $130.80.

James Stone

Foreman

Elijah Slade
vs
Peter Peters
Debt & Pltf

Filed July 21. 1853
Off. Ex. Burnside & Lewis
Daff. Humphreys & Lewis Pltf

The Clerk of the Cir-
: cuit Court, will issue
this writ as above
Russ. Pittman Clerk
for Pltff

Stage $1.00

STATE OF MISSOURI, } SCT.
COUNTY OF PLATTE,

The State of Missouri,

To the Sheriff of Platte County, Greeting:

You are hereby commanded to Summon John C. Pitt

that he be and appear before the Judge of our Platte Circuit Court, in and for said County, on the first day of the next term thereof, to be holden at the Court House in Platte City, on Monday the 5th day of September next, then and there to answer unto the petition of Elijah Dale. (a free person of Colour

Wherein fail not, and have you then there this Writ.

Witness, WILLIAM C. REMINGTON, Clerk of said Circuit Court, with the *Seal* thereof affixed, at Platte City, the Second day of August 1853.

W. C. Remington clerk

The within Fa. entered on the 3d day of August 1858
in Platte County Mo. by delivering a Copy of the
Writ ~~& attached~~ & as well as a Copy of the
Petition hereto attached, to John E. Pitt

J. S. Lipscomb, Sh'ff

By H. B. Edmonds D. S.

Elijah Dale Plaintiff
vs
John C Pitt Defendant

In the Platte Circuit Court
As of September Term 1833
Platte County to wit

Defendant states that he does not now recollect nor does he believe that he ever presented himself to Plaintiff as guardian of the heirs of Lydia Cuttle dec'd but supposes that Plaintiff thought he was such guardian Defendant states that at the time spoken of by Plaintiff he defendant thought he was appointed by the said Probate Court of Platte County guardian of said heirs but has since ascertained that he was mistaken— Defendant admits that he received the sum of one hundred and twenty dollars from Plaintiff for the hire of said Slave Phillis as charged by Plaintiff in his petition. but admits and states the fact to be that he paid of Billis Bannum of Camden the sum of eighty dollars for the hire of said Slave Phillis for the years 1831 and 1832. and that he paid the said Slave Phillis & said Bannum for the year 1833. for which the said Bannum paid him the further sum of forty dollars. that it is true that these several sums of money were paid & defendant in the presence of and with the advice and consent of Plaintiff eighty dollars of which was Plaintiffs money & defendant believes. the

remaining sixty dollars Defendant does not know
to whom it belongs. nor ~~is he fully~~ has he
sufficient knowledge to form an opinion
but believes the full amount was paid for
the benefit of Plaintiff. Defendant states
that at the time something was said by Plain-
" tiff as to his having furnish said Clara Philis
with clothing &c but that nothing was
" said in determining and settling upon the Note
& by said Defendant for the hire of
said Clara Philis who was then and had
been for two years previous thereto in
the possession and service of Plaintiff
Defendant denies and for conclusive
or persuasions or threats made by him to
or against said Plaintiff. or that he threatened
to take the said Clara Philis immediately from
the neighborhood. or that he in any way
worked upon the fears of Plaintiff in or-
der to get said Money. or took
any advantage of his ignorance. but to the
contrary thereof he would and did not have
" act the business with Plaintiff in con-
" sideration of the fact of his being a Negro
and did do and transact said business with
said Business ~~[illegible]~~ Defendant
at that time
Admits that he was not guardian of
the person of Boston Ewell. although at the
time he believed he was. Defendant denies
having then or at any time intention of defrauding
or cheating Plaintiff out of said sum
of Money. but states that he collected
" said said Money as aforesaid in good
faith and for the benefit of Plaintiff

of said Leyton Ewell dec'd and that he still holds the same for the benefit of said heirs. Defendant states that he is advised and believes that he holds said sum of money and is liable as "Trustee" for said heirs. To whom or any one properly representing them he is ready and willing at any and all times to pay the same but denies that he is liable to pay the same or any other sum of money to the Plaintiff

Defendant denies that Plaintiff is or was ever injured by divers false and fraudulent Representations of & by Defendant and that Plaintiff thereby has no right to claim and have judgment against Plaintiff for Two hundred and fifty dollars or any other sum of money

Jno. E. Pitt

John E. Pitt makes oath and says that the foregoing Answer and the matters and things as stated he believes to be true

Jno. E. Pitt

Sworn to and subscribed before me this 24th day of Sept. 1853

N. C. Remington
Clerk

107

Elijah Dick

Petition

vs

John. C. Pitt.

Answer of Defts

Filed Apr. 24 1843

W. C. Rencher

Clk

Elijah Dale Pltff
vs } Petition } In the Circuit Court
Wm. E Pitt Deft } Platte County - Sept Term 1853

And the said Plaintiff by his attorney comes and ~~moves~~ the Court strike out the answer of the said defendant heretofore filed in this cause for the following reasons

1, Because the answer is not responsive to the allegations in Plaintiffs petition

2nd The said defendant does not state any matter constituting a defence in the above cause of action

~~Wm Phelps~~

Rees Wilson & Clark
atty's for Pltff

No 107

Elijah Dale
vs
John E Pitts

Motion to Strike out
answer

STATE OF MISSOURI, }
COUNTY OF PLATTE, } SCT.

THE STATE OF MISSOURI,

To John O'Mason

You are hereby commanded to be and appear before the Judge of our Platte Circuit Court, at the Court house in Platte City, on the 5th day of March 1854, to give evidence between Elijah Dale Plantiff and John E. Pitt Defendant on the part of the Plaintiff

Fail not at your peril.

Witness, WILLIAM C. REMINGTON, Clerk of said Circuit Court, with the Seal thereof affixed, at Platte City, the 6th day of February 1854.

W. C. Remington Clerk.

By W. L. Stuy Kendall Dpt.

I Executed the within Subpoena by reading the
Same to and in the presence, and hearing of
the within named John Mason at Big Spring
Missouri on the 25th day of February A.D. 1857

Sheriff's Fees 50 Cents

B. J. Brown Sheriff
By Thos. L. Brown Deputy
Sheriff

Elijah Dale
Wm G. Shaw
John G. Pitt
Jan 10th March 1857

James Cannon
for John Mason

Affidavit, 25
Postage, 5
30

Elijah Dale } Plaintiff
vs
John C. Pitt } Defendant

In the Platte Circuit Court
at March Term A.D. 1854

Defendant for answer to Plaintiff's Petition states he does not now recollect of nor does he believe that he represented himself as guardian of the heirs of Lufton Ewell dec'd but such cases Plaintiff thought he was such guardian Defendant states that at that time he thought he was guardian of said heirs under an appointment by the Probate Court of Platte County and so continued to think until about the bringing of this suit—

Denies that he Rec'd one hundred and twenty dollars from Plaintiff as charged in his Petition But admits and states the fact to be that about the time spoken of by Plaintiff Defendant Received of one Willis Bassett of Camden Mo. eight dollars for the hire of said negro Philis who was a slave belonging to Eliza June, Martha— James R— Pleasant & America Ann Ewell heirs and minor children of said Lufton Ewell) that it was Rec'd on her hire for the years 1851 and 1852— and that he hired said Philis to said Bassett for the year 1853. at and for forty dollars. which Bassett Paid him— That these sums of money were Paid to Defendant in the presence of and with the advice and consent of Plaintiff eight dollars of which Defendant believes was plaintiffs Money. The remaining forty Defendant does not know to whome it belonged nor has he sufficient knowledge to form an opinion— but believes that all

Amount was paid for the use and ben-
" efit of Plaintiff
Defendant states that at the time of settling and
paying said Money Plaintiff claimed an al-
" lowance for expenditures and Trouble in Tak-
ing care of said Philis and her youngest Child
and that the same was considered and allow-
for in determining the Amount of Money
" said to be paid on and for the hiring of said
Philis — Defendant denies that during the
" time said Philis had lived with Plaintiff he
had furnished her necessaries boarding &c
Emoluments to more than the Amt claimed by
Defendant — That said Philis was
then and had been for two or more years
in the service and employ of Plaintiff and
such service was worth after allowing Plain-
" tiffs Charges fully the Amt of Money Paid
by Defendant as aforesaid
Defendant denies that any fraudulent Rep-
" resentations were made by him to or against
Plaintiff — or that he threatened to take said
Philis immediately from the neighborhood
or that he in any way worked upon the
fears of Plaintiff or took any advantage
of his Ignorance to get said Money
but to the contrary thereof he would and did
not transact said business with Plaintiff
because of his being a Negro and there-
upon did the same with said Barnes —
Defendant further states that is now pending
in this Court against him by Richard Stanton
as Administrator of the Estate of Lafon
Ewell &c claiming and seeking to recover
said Money of Defendant

Defendant admits that he was not guardian of said heirs by Appointment legally made at the time of Receiving said Money but that he then thought he was and so acted in good faith - and denies having then or at any time having any intention of defrauding and cheating Plaintiff out of said Sums of Money - but that he collected and received the same for the said heirs and Minors and still has and holds it for their use and benefit

Defendant states that he is advised and believes he holds said Sum of Money and is liable for the same as Trustee for said heirs - and is ready and willing to pay the same to them or anyone properly representing them - but denies that he owes and is liable to Plaintiff for said Sum of Money or any other -

Defendant further states that Plaintiff is or was grossly injured by any fraudulent Representations of ~~Plaintiff~~ Defendant and therefore has no right to claim and have judgment against Plaintiff for two hundred and fifty dollars or any other Sum of Money -

Defendant further states that on the 11th day of February 1854 he was by the Probate Court of Platte County duly appointed Curator of the estate of said Minor James R. Ewell a Certified Copy of which Appointment is herewith filed. Wherefore Defendant says he is further entitled to hold said Money as against Plaintiff

Jno. C. Platt

John E. Pitt, defendant, makes oath and says he believes the foregoing answer and the matters and things therein as stated are true

John E. Pitt

Sworn to & subscribed before me this 25th day of March 1874

N. A. Pennypacker Clk

In the Platte County Court February 11th 1854

In the matter of the Estate of James R Ewel a minor, non resident of the State of Missouri

And now at this day comes John E Pitt and makes application to be appointed Guardian of the Estate of James R Ewel a minor son of Layton Ewel dec'd; and it being proved to the satisfaction of the Court that the said James R Ewel minor as aforesaid is a non resident of the State of Missouri and that said minor has an estate or property in this County which may be wasted or destroyed there being no person legally authorized to preserve or to take charge thereof; and the said Court being satisfied that the said John E Pitt is a suitable and proper person to be appointed such Guardian of the Estate of the said James R Ewel minor as aforesaid does hereby appoint him the said John E Pitt Guardian of the Estate of the said James R Ewel minor as aforesaid, he the said John E Pitt having just entered into bond in open Court as such Guardian in the sum of One Thousand dollars conditioned as the law requires with Daniel S Lewis and Miles Harrington as security which bond was approved by the Court and ordered to be recorded and put on file."

State of Missouri
County of Platte } ss

I Wm C Baker Clk of the Probate Court in and for said County of Platte, Certify that the within is a full true and perfect copy of the appointment of John E Sitt Guardian of the Estate of James H Ewel, a minor made by said Court February 11th 1854, as the same now appears of Record in said Court; and further that said Sitt is now Guardian and acting as such of said minor.

Witness Wm C Baker Clk of said Court with the seal thereof affixed at office in Platte City this 25th March AD 1854

Wm C Baker Clk

[redacted]

Deed
Jno E Sitt
Guardian

Elijah Salo
against } In the Circuit Court
Jno & Pitt } Platte County

March Term 1854

The said plaintiff by his attorney comes and moves the Court to strike the answer of said Defendant filed in this cause for the following reasons

1 That the said defendant does not state facts sufficient to constitute a defence to the above action —

Russell Wilson & Clark
for Plff

Elijah Dale
vs
Motion
to Strike out
Rec'd Pltf

Strike out
Answer

STATE OF MISSOURI, } sct.
COUNTY OF PLATTE, }

THE STATE OF MISSOURI,

To John Hayden

You are hereby commanded to be and appear before the Judge of our Platte Circuit Court, at the Court house in Platte City, on the fifth day of September 1854, to give evidence between Elijah Dale Plantiff and John E. Pitt Defendant on the part of the Defts.

Fail not at your peril.

Witness, WILLIAM C. REMINGTON, Clerk of said Circuit Court, with the Seal thereof affixed, at Platte City, the 6th day of September 1854.

W. C. Remington Clerk.

By P. J. Collins D. C.

The within Subpoena executed on the within named John Hargadine by leaving a copy with his wife at his Residence on the 6th day of Sept 1854

Jas McMullen C.C.P.

Sworn and subscribed to before me this seventh day of Sept A.D. 1854

W.C. Remington Clk.
By P.L. Collins D.C.

Eight Dollars
Paid
Attorney's Fee
Summons
Paid
Sheriff's Fee
Lincoln Co Nebraska

