From: B Nichols (Gmail)
Subject: Nichols Summary 1853 Stanton v. Pitt Circuit Court Case
Date: July 21, 2024 at 2:21 PM
To:

NB

Below is a summary of a Bully Pitt court cases that Angela requested from the Missouri State Archives.

The file didn't contain any notation of the judgment, verdict, or resolution of the case.

Willis Warriner's, attorney in Ray County, involvement is very interesting. Why would Warriner agree to be the straw man in the hiring transaction with Bully Pitt so that Elijah Dale could "hire" his wife Philis and youngest child Ginny?

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Platte County Circuit Court September Term 1853

(Plaintiff) Bluford Stanton (Admin. of the Estate of Layton Ewell, deceased) vs. (Defendant) John E. Pitt

Lawsuit filed July 29, 1853

"Wrongful Detainer" re: possession of slaves Philis, Priscilla, Ann & Ginny. Refers to Elijah Dale, a Free Person of Color. Pitt accused of unlawfully taking slaves from Ray County.

March 4, 1853
Willis Warriner's promissory note to John E. Pitt (likely related to Elijah Dale's "hiring" of his wife Philis).

> "One day after date I promise to pay John E. Pitt, Administrator of Platte County the guardian of Ewell ?$?$ dollars for (unreadable) of him in hiring for the services of a slave woman named Philis until the 25th day of December next (1854) which said woman I am to keep and clothe comfortably during said period and returning her at the expiration to the said Pitt at his place. Also for the hire of a slave girl Ann about 11 year old; also to be kept and clothed comfortably and delivered to said Pitt on May 1, 1853. Signed by Willis Warriner, Camden, Ray County, MO.
>
> It is understood and agreed that if any slave or either of them are delivered to said Pitt at Platte City before the time then the (unreadable) is not bound for the delivery (unreadable)." Signed by Willis Warriner, Camden, Ray County, MO.

July 29, 1853
Summons to John E. Pitt. Served July 29, 1853, on Pitt's wife at his "usual place of abode."

July 29, 1853
Plaintiff's Petition filed by Bluford Stanton

- Stanton is the Administrator of the Estate of Layton Ewell, deceased.
- Layton Ewell was "*seized and possessed of four slaves named Philis and her three children Priscilla Ann, and Ginny"* worth $1700.
- That after Ewell's death the slaves were permitted to remain in Ray County without any particular agent to control them.
- That some time around December 25, 1853, Defendant Pitt went down to Ray County

and *"without the shadow of right or claim to said property"* gathered up Ann and Priscilla, leaving behind Philis and Ginny.
- He brought Ann and Priscilla back to Platte County *"where he has held and used them as his own."*
- From that time, Plaintiff has possessed Philis and Priscilla but Defendant Pitt still has Ann and Ginny.
- Plaintiff alleges Ann and Ginny are worth $1175.
- Plaintiff also alleges that Pitt received from a Free slave Elijah Dale, **the husband of said Philis,** $120 in cash by representing himself as the guardian of the minor heirs of Layton Ewell and hiring out Philis to Dale.
- Defendant also received $60.85 for the hire of (unreadable) to Christoper T. Games(sp?), again representing himself as the guardian of the minor Ewell Heirs.
- Defendant Pitt has in his possession two slave girls named Ann and Ginny belonging to Plaintiff as Administrator of the Estate of Layton Ewell, deceased.
- Plaintiff demands the return of the sales and money for the time the Defendant refused to return them until judgment, the return of the money Pitt received for hiring out the slaves, $7.00 per month for Priscilla, $6.00 per month for Ann, and $3.00 per month for Ginny.
- Plaintiff is legally and of right entitled to "said property."

July 29, 1853
Plaintiff files a $2,400 security bond to file the Petition.

Sept. 24, 1853
Defendant Pitt's Answer

- Pitt admits that Bluford Stanton was appointed by the Platte County Probate Court for the Estate of Layton Ewell;
- Denies that Layton Ewell died "seized and possessed of the slavees mentioned in Plaintiff's Petition;
- Pitt alleges Ewell, at the time of his death, was not entitled to the possession of the slavees nor had any right to them;
- Pitt admits "that four slaves of the names and descriptions were permitted to remain in Ray County without any agent to attend to and control them for a considerable length of time" and alleges that such was the case as he was advised and believes was the status before and after the Ewell's death;
- Pitt denies that he went to Ray County charged by Plaintiff and "without shadow of title or right and gathered up said slavees" except Philis and her youngest child.
- Pitt admits that around Jan. 1, 1853, the slavees Ann and Priscilla were sent to him by stage from Ray County and that Ann and Priscilla were not the property of the Estate of Layton Ewell but was the property of Ewell's heirs (Ewell Heirs: Eliza June, Martha, James R., Pleasant, and America Ann Ewell).
- That Pitt received, held & disposed of Ann and Priscilla for the benefit of the Ewell Heirs.
- That Pitt, after several efforts, hired out Priscilla for $75 dollars for the year 1853.
- After about 6 months, Plaintiff (Stanton for Ewell Estate), "wrongfully took" Priscilla into his possession.
- Plaintiff also attempted several time to hire Ann but failed. Pitt kept Ann until Plaintiff took possession of Ann at the commencement of this lawsuit.
- Pitt said that during the time he had possession of Ann, she was "sick and unfit for hire or to do service."
- Pitt denies that around Dec. 25, 1853, he hired Philis and her youngest child in Ray County as alleged by Plaintiff.
- Pitt admits that around Feb. or March 1853 he hired Philis to Willis Warriner in Ray County

County.
- Pitt admits he left Ginny (the "youngest child" mentioned above?) with Philis until June 1st when Ginny was brought to Pitt in Platte County *"where she remained at the residence of Defendant" "during which time she was of no value to Defendant but much trouble and expense to him"* (Pitt) until Plaintiff took possession of her at the commencement of the lawsuit.
- Pitt wants consideration for his expenses and *"reasonable compensation for his trouble about said slavees"* including
    - $6.00: Pitt paid George Casson *"keeper of the stage office in Richmond"* $6 to bring Priscilla and Ann back from Ray County. (Casson was also the Ray County Sheriff).
    - $4.00: Pitt paid Elijah Dale* $4 for Ginny.
- At the time of the transactions Pitt alleges he was acting in good faith & legally authorized as the guardian of the minor Ewell Heirs.
- At the time he'd been appointed a Public Administrator for the Platte County Probate Court.
- Denies that Ann and Ginny are worth $1175 dollars.
- Denies that received $120 from Elijah Dale but admits he received $80 dollars from Willis Warriner of Ray County for the hire of Philis in 1851 and 1852 ~~and for the year 1853~~ during which time ***"he had her (Philis) in the service and employ of said Elijah Dale, a Free slave."***
- Admits that in 1853 Pitt hired Philis to Willis Warriner for $40.
- The $120 that Warriner paid was in the presence of and with the consent of Elijah Dale and *"paid for his benefit"* though the business was transacted between Warriner and Defendant Pitt.
- The money collected by Pitt ($120) plus $60.85 charged by Plaintiff has been held in a bond for the benefit of the minor Ewell Heirs. He acknowledges being liable to hold the $120 for the minor Ewell Heirs.
- Admits that *(Plaintiff)* Bluford Stanton (Admin. of the Estate of Layton Ewell, deceased) demanded the slaves and Pitt refused to give them.
- Pitt denies that Plaintiff owned the slaves or has a right of possession of Ann, Ginny, Philis and Priscilla.
- Pitt denies that since she came into his possession, the hire of Priscilla was was worth $7.00 per month or that Ann was worth $6.00 per month or that Ginny was worth $3.00 per month.
- Pitt denies that Plaintiff is entitled to the possession of the slaves.

XXX. X, XX53?
Plaintiff's Motion to Strike Pitt's Answer. Answer is not responsive to the Petition and the Answer does not set forth any matter constituting a defense to Plaintiff's Petition.

Feb. 8, 1854
Subpoenas issued to James Bryant, William Thompson and G.W. Hudspeth to appear on March 10, 1854, to give evidence for Plaintiff. Served March 6, 1854.

Feb. 8, 1854
Subpoenas issued to David Matheny, and Wilis Warriner to appear on March 10, 1854, to give evidence for Plaintiff. Served Feb. 21 and 28, 1854.

February 8, 1854
Summons issued to Nathaniel B. Stephens to appear on March 10, 1854, on behalf of Defendant. Served Feb. 25, 1854

February 10, 1854

Summons issued to John S. Wilkinson* to appear on March 10, 1854, on behalf of Defendant. Served Feb. 15, 1854

March 10, 1854:
Summons issued to John Mason and David Matheney to appear on March 25, 1854, on behalf of Plaintiff. Served March 20, 1854

March 24, 1854
Defendant Pitt's Amended Answer to Petition

- Pitt admits that Bluford Stanton was appointed by the Platte County Probate Court for the Estate of Layton Ewell;
- Denies that Layton Ewell died "seized and possessed of the slaves mentioned in Plaintiff's Petition;
- Pitt alleges Ewell, at the time of his death, was not entitled to the possession of the slaves nor had any right to them;
- Pitt admits "that four slaves of the names and descriptions were permitted to remain in Ray County without any agent to attend to and control them for a considerable length of time" and alleges that such was the case as he was advised and believes was the status before and after the Ewell's death;
- Pitt denies that he went to Ray County charged by Plaintiff and "without shadow of title or right and gathered up said slavees."
- Pitt admits that around Jan. 1, 1853, the slaves Ann and Priscilla were sent to him by stage from Ray County and that Ann and Priscilla were not the property of the Estate of Layton Ewell but was the property of Ewell's heirs (Ewell Heirs: Eliza June, Martha, James R., Pleasant, and America Ann Ewell).
- That Pitt received, held & disposed of Ann and Priscilla for the benefit of the Ewell Heirs.
- That Pitt, after several efforts, hired out Priscilla for (unreadable) dollars for the year 1853.
- After about 6 months, Plaintiff (Stanton for Ewell Estate), "wrongfully took" Priscilla into his possession.
- Plaintiff also attempted several time to hire Ann but failed. Pitt kept Ann until Plaintiff took possession of Ann at the commencement of this lawsuit.
- Pitt said that during the time he had possession of Ann, she was "sick and unfit for hire or to do service."
- Pitt denies that he hired Philis and her youngest child in Ray County as alleged by Plaintiff.
- Pitt admits that around Feb. or March 1853 he hired Philis to Willis Warriner in Ray County.
- Pitt admits he left Ginny (the "youngest child" mentioned above?) with Philis until June 1st when Ginny was brought to Pitt in Platte County *"where she remained at the residence of Defendant" "during which time she was of no value to Defendant but much trouble and expense to him"* (Pitt) until Plaintiff took possession of her at the commencement of the lawsuit.
- Pitt wants consideration for his expenses and *"reasonable compensation for his trouble about said slavees"* including
    - $6.00: Pitt paid George Casson *"keeper of the stage office in Richmond"* $6 to bring Priscilla and Ann back from Ray County. (Casson was also the Ray County Sheriff).
    - $4.00: Pitt paid Elijah Dale* $4 for Ginny.
- At the time of the transactions Pitt alleges he was acting in good faith & legally authorized as the guardian of the minor Ewell Heirs.
- At the time he'd been appointed a Public Administrator for the Platte County Probate Court

Court.

- Denies that Ann and Ginny are worth $1175 dollars.
- Denies that received $120 from Elijah Dale but admits he received $80 dollars from Willis Warriner of Ray County for the hire of Philis in 1851 and 1852 ~~and for the year 1853~~ during which time ***"he had her (Philis) in the service and employ of said Elijah Dale, a Free Negro."***
- Admits that in 1853 Pitt hired Philis to Willis Warriner for $40.
- The $120 that Warriner paid was in the presence of and with the consent of Elijah Dale and *"paid for his benefit"* though the business was transacted between Warriner and Defendant Pitt.
- The money collected by Pitt ($120) plus $60.85 charged by Plaintiff has been held in a bond for the benefit of the minor Ewell Heirs. He acknowledges being liable to hold the $120 for the minor Ewell Heirs.
- A lawsuit is pending against Pitt by Elijah Dale for the $120 paid by Warriner. Pitt says he's holding the money for the minor Ewell Heirs.
- Admits that *(Plaintiff)* Bluford Stanton (Admin. of the Estate of Layton Ewell, deceased) demanded the slaves and Pitt refused to give them.
- Pitt denies that Plaintiff owned the slaves or has a right of possession of Ann, Ginny, Philis and Priscilla.
- Pitt denies that Priscilla was was worth $7.00 per month or that Ann was worth $6.00 per month or that Ginny was worth $3.00 per month.
- In his defense, Pitt states the Platte County Probate Court on Feb. 11, 1854, appointed him guardian of the Estate of minor James R. Ewell and as such is entitled to the possession of the slaves and the money he received on behalf of the Ewell Heirs.

Aug. 18, 1854:
Plaintiff's Witness List
Ray County: **John S. Wilkinson* (Richmond)**
John Mason
David Matheny
Willis Warriner
Platte County: Nathaniel B. Stephens
Buchanan County: James Bryant
William Thompson
G.W. Hudspeth (Rushville)

August 22, 1854
Subpoena issued to **John S. Wilkinson*** to appear on Sept. 5, 1854, on behalf of Defendant Pitt. Served on August 26, 1854.

August 22, 1854
Subpoena issued to Nathaniel B. Stephens to appear on Sept. 5, 1854, on behalf of Plaintiff. Served Sept. 1, 1854.

August 22, 1854
Subpoenas issued to **John S. Wilkinson***, John Mason, David Matheny, and Wilis Warriner to appear on Sept. 5, 1854, to give evidence for Plaintiff. John Mason and Willis Warriner served by Ray County Sheriff George Casson on 8/25/1854 and John S. Wilkinson on Aug. 26, 1854, and David Matheny "not be found in county."

Sept. 5, 1854
Plaintiff's Motion to Strike Out Amended Answer

Plaintiff moves to strike from the record that part of Defendant Pitt's amended answer that asserts as a defense that he has been appointed as a public administrator and that part of his answer that sets up his appointment as guardian for James R. Ewell, a minor heir to the Estate of Layton Ewell.

Plaintiff also moves the court to strike Pitt's entries amended answer because there is nothing set up by Pitt constituting a defense to the petition; the amended answer is not responsive to the petition containing irrelevant and immaterial content; the amended answer is insufficient and irrelevant.

Sept. 5, 1854
Subpoena issued to John Baueaues(sp?) to appear on Oct. 10, 1854

End of file.

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* Willis Warriner of Ray County, Missouri. Warriner was an attorney. ("History of Ray County, Missouri" https://archive.org/details/historyofraycoun00miss/page/304/mode/2up?q=Warriner)

> In April, 1862, a beautiful union flag was presented company A, 3d M. S. M. cavalry volunteers, commanded by Captain Andrew Elliott, by the ladies of Camden, near the residence of Willis Warriner, Esq., on the lofty eminence overlooking the Missouri river.

> CHRISTIAN CHURCH, AT SOUTH POINT.
> This church was organized at a school house, then situated two miles east of South Point, in Camden township, in April, 1840, with the following original members, viz: Jacob Warinner, Thomas Blair, John Rifle, Willis Warriner, George Blair, William Brockman, Joseph E. Brockman, Polly Warriner, Eliza J. New, and Mary Brockman.

In 1850 Willis Warriner registered one 14 year old male Black slave.

*** In 1862, John S. Wilkinson was the slave catcher that "arrested" runaway slave Isaac and brought him back from Kansas to John E. Pitt. See *1863 John E. Pitt vs. William M. Paxton.***

Best,
Bill Nichols