

No. 13534

# Supreme Court of Illinois

Bloom

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vs.

Crane et al.

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STATE OF ILLINOIS,  
SUPREME COURT,  
Third Grand Division.

No. 263. 1914

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1914

Jameson & Morse, Printers, 14 La Salle Street, Chicago.

# SUPREME COURT OF ILLINOIS.

APRIL TERM, A. D. 1860.

GARSON BLOOM

VS.

JAMES L. CRANE ET AL.

## ABSTRACT OF RECORD.

Upon the 25th day of June, 1858, the plaintiff filed in the Cook County Court of Common Pleas, his declaration in trespass, in two counts.

First—"quare clausum fregit," with "gravamen," the carrying away and conversion of 200 overcoats, 200 frock coats, 200 business coats, 300 vests, 500 pairs of pants, 50 India rubber coats, 500 hats, 500 caps, 20 trunks, 1000 shirts, 100 over-shirts, 100 pairs of over-alls, 50 guernsey frocks, 100 cravats, 100 pairs of suspenders, 100 pocket handkerchiefs, 1000 pairs of stockings, 100 pairs of gloves, 100 pairs of mittens, and 200 pairs of drawers.

Second—trespass for taking and carrying away the same number and value and description of goods in first count.

And on the 6th day of July, 1858, the defendants file pleas—

First—General issue.

Second—Plead property in the goods in the declaration in one Israel Bennett, and justify the taking complained of under a writ of attachment issued out of Cook County Court of Common Pleas, in favor of said Cranes and against said Bennett, and that said Dart was at the time of the taking a deputy sheriff and empowered to serve said writ.



And upon the 17th day of December, 1858, the plaintiff joined in the general issue aforesaid of the said defendants, and filed replication to their general plea, denying property in said Bennett and reaffirming property in plaintiff, and concluding to the country, &c., in which the said defendants the same day joined.

And the case being thus at issue, was upon a day in the September Term of said Court called for trial, and the plaintiff to maintain the issue upon his side offered the following testimony:

First. The deposition of Nathan Alexander, in the words and figures to wit:

*Int. 1st.* What is your name, age, residence and business?

*Ans.* My name is Nathan Alexander; my age is twenty-eight years; I reside in the village of Elmira, Chemung county, and State of New York; am engaged as a clerk in the business of ready made clothing.

*Int. 2d.* Where did you reside upon the 19th day of November, 1856, and what was your business at that time?

*Ans.* I resided upon the 19th day of November, 1856, in the city of Chicago. My business was then a clerk for Garson Bloom, the plaintiff in this action.

*Int. 3d.* Do you know the parties to this suit, or any of them? if yea, which of them, and how long have you known them?

*Ans.* I know the parties to this suit, James L. Crane, Garson Bloom, Isaac A. Crane and John H. Dart; have known the plaintiff about one year and a half; have known the defendants about three years.

*Int. 4th.* What was the business of the plaintiff on the 19th day of November, 1856?

*Ans.* On the 19th day of November, 1856, the plaintiff was engaged in the business of selling ready made clothing.

*Int. 5th.* Where was the store of the plaintiff situated?

*Ans.* The store was situated on North Clark street, No. 20, in the city of Chicago.

*Int. 6th.* If you answer to the 2d Interrogatory that you were clerk for the plaintiff, state whether you were familiar with the stock of goods of the plaintiff, and state fully your means of being acquainted with the same.

*Ans.* I was familiar with the stock of goods of the plaintiff. I had the whole charge of the stock while I was the clerk for plaintiff, and closely examined the stock while I was such clerk, at different times.



*Int. 13th.* Do you know any other matter or thing which would be of use to the plaintiff touching the matters in controversy, and if so, state the same fully and particularly, in answer to this interrogatory.

*Ans.* I don't know of anything more.

CROSS-INTERROGATORIES AND ANSWERS THERETO BY THE WITNESS ON THE  
PART OF DEFENDANT.

*Cross Int. 1st.* State whether or not you are a Jew, and whether you are an Israelite by descent or not.

*Ans.* I am a Jew and an Israelite by descent.

*Cross Int. 2d.* If in answer to the above interrogatory you say you are a Jew or Israelite, state whether or not you were sworn at the time your deposition was being taken herein with your hat on or with your head uncovered, and state whether you consider an oath binding upon a Jew if sworn with the head uncovered.

*Ans.* I was sworn with my hat off and head uncovered, and I consider an oath binding upon a Jew if sworn with the head uncovered.

*Cross Int. 3d.* State whose sign was upon the store mentioned in your answer to the 5th direct interrogatory, on the 19th day of November, A. D. 1856, and whether or not the name of Israel Bennett was on such sign at that time.

*Ans.* There was no sign upon the store, at the time mentioned, of any person.

*Cross Int. 4th.* State whether Israel Bennett was present or about said store on said 19th day of November, 1856, or not.

*Ans.* He was not present or about the store at the time mentioned.

(Signed,) NATHAN ALEXANDER.

And also introduced the testimony of a certain witness named Joseph N. Barker, who testified as follows, to wit:

"I know the parties to this action. Sometime in November, 1856, I went to the store of Crane Brothers on Water street in the city of Chicago, with a writ of replevin in favor of the plaintiff for goods mentioned therein. I saw the defendant James L. Crane, and demanded the goods of him. He said they [Crane Brothers] had the goods which were taken from Bloom upon their attachment writ against Bennett, but would not give them up nor tell where they were.

I heard the defendants Morse and Butler testify upon a former trial of this matter. They testified that they helped take the inventory of the goods attached.

CROSS EXAMINED.

I used to be a law partner of Mr. Hyatt, and as such was counsel in this case. Bloom was Hyatt's client, and Hyatt had charge of the case. I have withdrawn my appearance in the case and am no longer counsel. I cannot tell whether Morse and Butler testified that they took the inventory referred to in Bloom's store or not. I was present at the trial of the former suit for this same matter, which suit was dismissed after trial. Mr. Hyatt said he dismissed in order to hold defendants to bail, the Cranes having failed since the suit was commenced. He did not say that he dismissed to make Morse and Butler parties to a new suit. I did hear him say before he commenced this suit that he should join Morse and Butler. I did not hear him say that he dismissed the suit because one of the plaintiff's witnesses appeared so bad. I don't think Mr. Hyatt called that witness a liar, but he called him something and told him to go down from the stand. He then went on with the trial. He did not dismiss the suit until the testimony was all in on both sides."

The plaintiff also introduced the return to the writ of attachment referred to by the witness Barker, which return was in the words and figures following, to wit:

"By virtue of the within writ of attachment, I have levied upon the goods and chattels mentioned and described in schedule annexed and marked C, the 17th day of November, 1856.

<i>Fees.</i> —1 Levy.....	.50
1 Mile.....	.05
1 Return.....	.10—65

JAMES S. BEACH,

Coroner and Acting Sheriff.

By JOHN H. DART, Deputy.

Served by reading to the within named Israel Bennett, the 26th day of Nov., 1856.

<i>Fees.</i> —Service.....	.50
1 Mile.....	.05—55

JOHN L. WILSON, Sheriff.

By JOHN H. DART, Deputy.



Schedule C referred to in the foregoing returns.

76 over coats, 162 assorted coats, 201 assorted vests, 212 pr pants, 12 I. R. lustre coats, 14 pr do pants, 5 rubber coats, 11 rubber hats and caps, 5 oil coats, 2 oil bags, 3 carpet do, 3 trunks, 1 doz. overalls,  $4\frac{1}{2}$  doz. flannel shirts,  $\frac{1}{2}$  doz. hickory do,  $7\frac{1}{2}$  doz striped do,  $1\frac{1}{2}$  gurnsey frocks,  $1\frac{1}{2}$  doz. canvas pants,  $1\frac{1}{2}$  doz. denim frocks,  $16\frac{1}{2}$  doz. shirts,  $4\frac{5}{8}$  doz. cravats, tabs and knots,  $\frac{3}{4}$  doz. suspenders,  $2\frac{1}{2}$  doz. hdkfs,  $3\frac{5}{8}$  half hose,  $3\frac{1}{4}$  doz. gloves, 1 doz. wristlets,  $3\frac{1}{2}$  doz. mits, 13 tippets, and tabs, 1 umbrella,  $2\frac{1}{4}$  doz. hats and caps,  $7\frac{1}{2}$  doz. pairs of drawers.

And the plaintiff then rested, and the defendants to maintain the issue upon their part, introduced the testimony of a certain witness named Hamilton B. Bogue, who testified as follows:

"I am a clerk of the American Express Company. Know J. L. Crane, Bros. & Co. Knew them on the 19th day of November, 1856; did not know Bloom; knew Bennett had stores on North Clark street and Lake street.

Was clerk of Crane, Bros. & Co. in Feb'y, 1856, and continued there one year as book keeper.

Israel Bennett was buying goods during that time frequently; has bought goods to North Clark street. I recollect two bills to go there, about \$300 each; this was in Oct., 1856, one bill the 28th of October, \$288.66, delivered to North Clark street. He paid often. Israel Bennett and son said they wanted the goods mainly for their North Clark street store; goods went there. Bought a great many goods there of the defendants; some years as high as \$3000. Never saw Bloom there. Attachment issued November 27th, 1856; was never in No. 20 North Clark street; knew where it was.

*Cross-Examined.*

It was not my business to deliver goods. I never did deliver any to any body. I never went with draymen to deliver goods; never saw any goods delivered except such as were delivered to purchasers at the store. I have said I was never at No. 20 North Clark street, never saw any goods delivered there, don't know as any of the goods bought by Bennett ever went there. Knew nothing of Bennett's affairs except what he told me. Bennett had several stores in the city. I don't know how many. I have said Bennett bought a great quantity of goods of defendants; said as high as \$3,000 per annum. Goods were sent just where Bennett directed them; sometimes to one place and sometimes to another.

And the defendants here rested.



The plaintiff to further maintain the issue upon his part, introduced the testimony of another witness named Charles Myer, who testified as follows:

I lived on Kinzie street, on the north side, in 1856, owned No. 20 Clark street, and leased it to Bloom about the middle of April, 1856; he took possession on the first of May; he brought in goods and commenced a clothing store; he lived up stairs; he occupied the store until the middle of November, 1856.

*Cross-Examined.*

I gave him a lease; never got rent from Bennett. He came along with Bloom when he rented the store; cannot tell whether it was the first time that Bloom came that they came together. Bennett was along when the bargain was made.

Which was all the evidence submitted to the jury, who after hearing the same found a verdict for the defendants, whereupon the plaintiff moved the Court for a new trial of said cause upon the ground that the verdict was against evidence, which motion the Court overruled and entered judgment upon verdict, from which judgment the plaintiff prayed an appeal, which was allowed.

The error assigned is the refusal of the Court to grant a new trial upon the motion.

L. H. HYATT,  
*Plaintiff's Attorney.*

<sup>265</sup>  
Supreme Court

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Garson Bloorri

— vs —

J. L. Crane. et als

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Abstract of Record

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Filed May 16. 1840  
L. Heland  
Clerk

L. H. Hyatt  
Pltff's Atty



# SUPREME COURT OF ILLINOIS.

APRIL TERM, A. D. 1860.

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First—General issue.

Second—Plead property in the goods in the declaration in one Israel Bennett, and justify the taking complained of under a writ of attachment issued out of Cook County Court of Common Pleas, in favor of said Cranes and against said Bennett, and that said Dart was at the time of the taking a deputy sheriff and empowered to serve said writ.



And upon the 17th day of December, 1858, the plaintiff joined in the general issue aforesaid of the said defendants, and filed replication to their general plea, denying property in said Bennett and reaffirming property in plaintiff, and concluding to the country, &c., in which the said defendants the same day joined.

And the case being thus at issue, was upon a day in the September Term of said Court called for trial, and the plaintiff to maintain the issue upon his side offered the following testimony:

First. The deposition of Nathan Alexander, in the words and figures to wit:

*Int. 1st.* What is your name, age, residence and business?

*Ans.* My name is Nathan Alexander; my age is twenty-eight years; I reside in the village of Elmira, Chemung county, and State of New York; am engaged as a clerk in the business of ready made clothing.

*Int. 2d.* Where did you reside upon the 19th day of November, 1856, and what was your business at that time?

*Ans.* I resided upon the 19th day of November, 1856, in the city of Chicago. My business was then a clerk for Garson Bloom, the plaintiff in this action.

*Int. 3d.* Do you know the parties to this suit, or any of them? if yea, which of them, and how long have you known them?

*Ans.* I know the parties to this suit, James L. Crane, Garson Bloom, Isaac A. Crane and John H. Dart; have known the plaintiff about one year and a half; have known the defendants about three years.

*Int. 4th.* What was the business of the plaintiff on the 19th day of November, 1856?

*Ans.* On the 19th day of November, 1856, the plaintiff was engaged in the business of selling ready made clothing.

*Int. 5th.* Where was the store of the plaintiff situated?

*Ans.* The store was situated on North Clark street, No. 20, in the city of Chicago.

*Int. 6th.* If you answer to the 2d Interrogatory that you were clerk for the plaintiff, state whether you were familiar with the stock of goods of the plaintiff, and state fully your means of being acquainted with the same.

*Ans.* I was familiar with the stock of goods of the plaintiff. I had the whole charge of the stock while I was the clerk for plaintiff, and closely examined the stock while I was such clerk, at different times.

*Int. 7th.* Did you ever see any of the defendants at the aforesaid store of the plaintiff, and if yea, state which of the defendants, when you saw them, and what they did at the plaintiff's store, what they said, and what you said to them.

*Ans.* I have seen the defendants at the plaintiff's store aforesaid. I saw James L. Crane and John H. Dart there on the 19th day of November, 1856. They closed up the plaintiff's store by taking the possession thereof and the goods therein, and locking up the store. They said they had a writ of attachment against one Israel Bennett, and must shut up the store. I told them that the store belonged to the plaintiff. James L. Crane then said that it did not make any difference who owned the store, we are going to close it up.. They then shut up the store and took possession of the goods.

*Int. 8th.* What was the value of said stock of goods of the plaintiff upon the 19th day of November, 1856, and what was your means of knowing the value of said goods?

*Ans.* The stock of goods of the plaintiff on the 19th day of November, 1856, was three thousand dollars. My means of knowing the value was my familiar acquaintance with the stock of goods, and by making an inventory thereof a short time previous to the 19th day of November, 1856, of each article in the store.

*Int. 9th.* Did you ever purchase any goods of any persons for Mr. Bloom, the plaintiff? if yea, of whom, and when, and how much?

*Ans.* I have purchased goods for the plaintiff of Leopold & Goodheart, and some at auction in Chicago; bought of Leopold & Goodheart and at auction about the 10th day of November, 1856, goods to the amount of \$450, including what I bought at auction.

*Int. 10th.* Where was the plaintiff upon the 19th day of November, 1856?

*Ans.* The plaintiff was away from home at the time—don't know where he was?

*Int. 11th.* Did you help to take an inventory of said stock of goods at any time? and if yea, when, and what was the amount of such inventory?

*Ans.* I helped to take an inventory of the stock about the 5th day of November, 1856; it amounted to from \$2800 to \$2900.

*Int. 12th.* Was the said stock more or less valuable on the 19th day of November, 1856, than when you took such inventory? and how much more or how much less?

*Ans.* The stock was worth about the same on the 19th day of November, 1856, as when the inventory was taken.



*Int. 13th.* Do you know any other matter or thing which would be of use to the plaintiff touching the matters in controversy, and if so, state the same fully and particularly, in answer to this interrogatory.

*Ans.* I don't know of anything more.

CROSS-INTERROGATORIES AND ANSWERS THERETO BY THE WITNESS ON THE  
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Filed May 16. 1860

L. Leland  
Clerk

L. H. Hoyatt  
Atty Atty

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*Ans.* I have purchased goods for the plaintiff of Leopold & Goodheart, and some at auction in Chicago; bought of Leopold & Goodheart and at auction about the 10th day of November, 1856, goods to the amount of \$450, including what I bought at auction.

*Int. 10th.* Where was the plaintiff upon the 19th day of November, 1856?

*Ans.* The plaintiff was away from home at the time—don't know where he was?

*Int. 11th.* Did you help to take an inventory of said stock of goods at any time? and if yea, when, and what was the amount of such inventory?

*Ans.* I helped to take an inventory of the stock about the 5th day of November, 1856; it amounted to from \$2800 to \$2900.

*Int. 12th.* Was the said stock more or less valuable on the 19th day of November, 1856, than when you took such inventory? and how much more or how much less?

*Ans.* The stock was worth about the same on the 19th day of November, 1856, as when the inventory was taken.



*Int. 13th.* Do you know any other matter or thing which would be of use to the plaintiff touching the matters in controversy, and if so, state the same fully and particularly, in answer to this interrogatory.

*Ans.* I don't know of anything more.

CROSS-INTERROGATORIES AND ANSWERS THERETO BY THE WITNESS ON THE  
PART OF DEFENDANT.

*Cross Int. 1st.* State whether or not you are a Jew, and whether you are an Israelite by descent or not.

*Ans.* I am a Jew and an Israelite by descent.

*Cross Int. 2d.* If in answer to the above interrogatory you say you are a Jew or Israelite, state whether or not you were sworn at the time your deposition was being taken herein with your hat on or with your head uncovered, and state whether you consider an oath binding upon a Jew if sworn with the head uncovered.

*Ans.* I was sworn with my hat off and head uncovered, and I consider an oath binding upon a Jew if sworn with the head uncovered,

*Cross Int. 3d.* State whose sign was upon the store mentioned in your answer to the 5th direct interrogatory, on the 19th day of November, A. D. 1856, and whether or not the name of Israel Bennett was on such sign at that time.

*Ans.* There was no sign upon the store, at the time mentioned, of any person.

*Cross Int. 4th.* State whether Israel Bennett was present or about said store on said 19th day of November, 1856, or not.

*Ans.* He was not present or about the store at the time mentioned.

(Signed,) NATHAN ALEXANDER.

And also introduced the testimony of a certain witness named Joseph N. Barker, who testified as follows, to wit:

"I know the parties to this action. Sometime in November, 1856, I went to the store of Crane Brothers on Water street in the city of Chicago, with a writ of replevin in favor of the plaintiff for goods mentioned therein. I saw the defendant James L. Crane, and demanded the goods of him. He said they [Crane Brothers] had the goods which were taken from Bloom upon their attachment writ against Bennett, but would not give them up nor tell where they were.

J

I heard the defendants Morse and Butler testify upon a former trial of this matter. They testified that they helped take the inventory of the goods attached.

CROSS EXAMINED.

I used to be a law partner of Mr. Hyatt, and as such was counsel in this case. Bloom was Hyatt's client, and Hyatt had charge of the case. I have withdrawn my appearance in the case and am no longer counsel. I cannot tell whether Morse and Butler testified that they took the inventory referred to in Bloom's store or not. I was present at the trial of the former suit for this same matter, which suit was dismissed after trial. Mr. Hyatt said he dismissed in order to hold defendants to bail, the Cranes having failed since the suit was commenced. He did not say that he dismissed to make Morse and Butler parties to a new suit. I did hear him say before he commenced this suit that he should join Morse and Butler. I did not hear him say that he dismissed the suit because one of the plaintiff's witnesses appeared so bad. I don't think Mr. Hyatt called that witness a liar, but he called him something and told him to go down from the stand. He then went on with the trial. He did not dismiss the suit until the testimony was all in on both sides."

The plaintiff also introduced the return to the writ of attachment referred to by the witness Barker, which return was in the words and figures following, to wit:

"By virtue of the within writ of attachment, I have levied upon the goods and chattels mentioned and described in schedule annexed and marked C, the 17th day of November, 1856.

<i>Fees.</i> —1 Levy.....	.50
1 Mile.....	.05
1 Return.....	.10—65

JAMES S. BEACH,  
Coroner and Acting Sheriff.  
By JOHN H. DART, Deputy.

Served by reading to the within named Israel Bennett, the 26th day of Nov., 1856.

<i>Fees.</i> —Service.....	.50
1 Mile.....	.05—55

JOHN L. WILSON, Sheriff.  
By JOHN H. DART, Deputy.



Schedule C referred to in the foregoing returns.

76 over coats, 162 assorted coats, 201 assorted vests, 212 pr pants, 12 I. R. lustre coats, 14 pr do pants, 5 rubber coats, 11 rubber hats and caps, 5 oil coats, 2 oil bags, 3 carpet do, 3 trunks, 1 doz. overalls,  $4\frac{1}{2}$  doz. flannel shirts,  $\frac{1}{2}$  doz. hickory do,  $\frac{1}{2}$  doz striped do,  $1\frac{1}{2}$  gurnsey frocks,  $1\frac{1}{2}$  doz. canvas pants,  $1\frac{1}{2}$  doz. denim frocks,  $16\frac{1}{2}$  doz. shirts,  $4\frac{1}{2}$  doz. cravats, tabs and knots,  $\frac{3}{4}$  doz. suspenders,  $2\frac{1}{2}$  doz. hdkfs,  $3\frac{1}{2}$  half hose,  $3\frac{1}{4}$  doz. gloves, 1 doz. wristlets,  $3\frac{1}{2}$  doz. mits, 13 tippets, and tabs, 1 umbrella,  $2\frac{1}{4}$  doz. hats and caps,  $7\frac{1}{2}$  doz. pairs of drawers.

And the plaintiff then rested, and the defendants to maintain the issue upon their part, introduced the testimony of a certain witness named Hamilton B. Bogue, who testified as follows :

"I am a clerk of the American Express Company. Know J. L. Crane, Bros. & Co. Knew them on the 19th day of November, 1856; did not know Bloom; knew Bennett had stores on North Clark street and Lake street.

Was clerk of Crane, Bros. & Co. in Feb'y, 1856, and continued there one year as book keeper.

Israel Bennett was buying goods during that time frequently; has bought goods to North Clark street. I recollect two bills to go there, about \$300 each; this was in Oct., 1856, one bill the 28th of October, \$288.66, delivered to North Clark street. He paid often. Israel Bennett and son said they wanted the goods mainly for their North Clark street store; goods went there. Bought a great many goods there of the defendants; some years as high as \$3000. Never saw Bloom there. Attachment issued November 27th, 1856; was never in No. 20 North Clark street; knew where it was.

*Cross-Examined.*

It was not my business to deliver goods. I never did deliver any to any body. I never went with draymen to deliver goods; never saw any goods delivered except such as were delivered to purchasers at the store. I have said I was never at No. 20 North Clark street, never saw any goods delivered there, don't know as any of the goods bought by Bennett ever went there. Knew nothing of Bennett's affairs except what he told me. Bennett had several stores in the city. I don't know how many. I have said Bennett bought a great quantity of goods of defendants; said as high as \$3,000 per annum. Goods were sent just where Bennett directed them; sometimes to one place and sometimes to another.

And the defendants here rested.

The plaintiff to further maintain the issue upon his part, introduced the testimony of another witness named Charles Myer, who testified as follows:

I lived on Kinzie street, on the north side, in 1856, owned No. 20 Clark street, and leased it to Bloom about the middle of April, 1856; he took possession on the first of May; he brought in goods and commenced a clothing store; he lived up stairs; he occupied the store until the middle of November, 1856.

*Cross-Examined.*

I gave him a lease; never got rent from Bennett. He came along with Bloom when he rented the store; cannot tell whether it was the first time that Bloom came that they came together. Bennett was along when the bargain was made.

Which was all the evidence submitted to the jury, who after hearing the same found a verdict for the defendants, whereupon the plaintiff moved the Court for a new trial of said cause upon the ground that the verdict was against evidence, which motion the Court overruled and entered judgment upon verdict, from which judgment the plaintiff prayed an appeal, which was allowed.

The error assigned is the refusal of the Court to grant a new trial upon the motion.

L. H. HYATT,  
*Plaintiff's Attorney.*



<sup>263</sup>  
Supreme Court

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Garson Bloom  
— vs —

J. L. Crane et al

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Abstract of Record

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Filed May 16, 1860  
L. Keland  
clerk

L. H. Hyatt  
Pltf. Atty.

United States of America  
State of Illinois County of Cook ss.

Came before the Honorable  
the Judges of Superior Court of Chicago, within and  
for the County of Cook and State of Illinois  
at a regular Term of said Superior Court  
of Chicago, begun and holden at the Court  
House in the City of Chicago in said County  
and State, on the first Monday being the first  
day of October in the year of our Lord, eighteen  
hundred and one fifty nine, and of the Independence  
of the United States of America the eighty fourth.

Present the Honorable John M. Wilson Chief  
Justice of Superior Court of Chicago  
Jas H. Higgins & Grant Goodrich Judges  
Charles Haven Prosecuting Attorney  
John Gray Sheriff of Cook County.

Attest  
Walter Kimball Clerk



It is remembered that Leutoford, to wit. on the 25<sup>th</sup> day of June in the year of our Lord eighteen hundred & fifty eight, Gerson Bloom by his attorneys filed in the office of the Clerk of the Cook Co. Court of Common Pleas, his certain declaration, in the words & figures following, to wit:

Cook County Court  
of Common Pleas  
July Term 1858.

Gerson Bloom plaintiff in this suit by Parker and Hyatt his attorneys complains of James L. Crow, Isaac A. Crow, John W. Bent James F. Potter and Francis C. Morse, who are in custody &c in a plea of trespass.

For that whereas the said defendants on the 19<sup>th</sup> day of November A. D. 1856. and on divers other days between that day and the commencement of this suit with force and arms broke and entered at certain store of the plaintiff situate and being in the city of Chicago in the County aforesaid and there and then make a great noise and disturbed therein and stayed and continued therein making such noise and disturbed for a long space of time to wit for the space of two days then next following—



And during the time aforesaid, to wit on said  
19<sup>th</sup> day of November 1836. with force and arms  
seized, took and Carried away divers goods to wit:  
200 overcoats - 200 frock Coats 200 business Coats  
300 vests - 500 pair of pants - 50 Indian Rubber Coats  
300 hats - 500 Caps - 25 Trunks - 1000 Shirts - 100  
over Shirts - 100 pair Overalls - 50 gunnysacks  
100 cravats - 100 pair Suspenders. 100 pocket hand-  
kerchiefs 1000 pair Stockings - 100 pair Gloves  
100 pair mittlets - 100 pair mittens - 200 pair of  
Drawers - of the said plaintiff then being found  
and being in said Store and being of great value  
to wit of the value of 4000 Dollars. And Carried  
away the same and converted and disposed of the  
same to their own use. By means of which the said  
plaintiff was hindered and prevented from Car-  
rying on his necessary business in said Store  
to wit at the County aforesaid.

And for that whereas also for that the  
said defendants on the day and year aforesaid  
with force and arms to wit at Chicago in  
the County aforesaid seized - took and Carried  
away divers goods and Chattels of the said plaintiff  
of the like number, quantity, quality, description  
and Value in the said first count of said decla-  
ration mentioned then and there being found and  
converted and disposed of the same to their  
own use, and other wrongs to the said plaintiff



if then and then did to the great damage of  
the plaintiff and against the peace of the State.

Wherefore the said plaintiff saith that he  
is injured and hath sustained damage to the  
amount of Four thousand dollars and  
therefore brings his suit &c.

Parker & Mayall  
Plaintiff's Attorneys

And afterwards, to wit on the 6<sup>th</sup> day of July  
in the year aforesaid the said <sup>James S. Plouffe as, Crane, James J. Butler and Francis E. Morse</sup> defendants, by  
their attorney filed in the office of the Clerk of said  
Court their certain pleas in the words & figures  
following to wit:

Cook County Court  
of Common Pleas

James S. Crane  
Joane A. Crane  
John W. Hart  
James J. Butler &c  
Francis E. Morse  
vs  
Garson Plouffe

July Term 1858

Respect.



And the said James L and Isaac A. Crow, James S. Butler, and Francis E. Moore by N. Clay Conde their attorney come and defend the force and injury when &c. and say that they are not guilty of the said supposed trespass above laid to their charge or any or either of them, or any part thereof in manner and form as the said plaintiff hath thereof above complained against them.

And of this they put themselves upon the Country &c.  
and the said Plaintiff doth  
the like. Butler & Moore  
N. Clay Conde  
Plffs atty  
Defts atty

And for a further plea in this behalf, the said Defendants James L and Isaac A. Crow, James S. Butler and Francis E. Moore by leave of the Court shew for this purpose first had and obtained according to the Statute in such case made and provided. say that the said plaintiff ought not to have or maintain his afore said action thereof against them, the said Defendants because they say that at and before the said supposed trespass in the plaintiffs Declaration mentioned was committed the said James L and Isaac



Craws. did upon the 17<sup>th</sup> day of November 1836.  
Caused by John A. Jamison their attorney  
a legal writ of attachment to be issued out  
of the Cook County Court of Common Pleas  
in favor of the said James L. and Isaac A.  
Craws against the goods and chattels and estate  
of Israel Bennett and by their said  
attorneys directed to the Sheriff of Cook  
County to levy by himself or his deputies said  
writ of attachment upon the said goods and  
merchandise in the plaintiffs declaration men-  
tioned, as they had good right to do.

And the said Sheriff by his legally author-  
ized Deputy did before the return day of said  
writ make levy thereof upon the property men-  
tioned and described in the plaintiffs decla-  
ration as the property of Israel Bennett according  
to law as by said writ and the return thereon  
describing said property still in Cook County  
Court of Common Pleas. will appear.

And that the property so levied upon  
by the said Sheriff, and his Deputy was  
the same property in the plaintiffs decla-  
ration described and that the taking of the said  
property upon the said writ of attachment  
by the said Sheriff and his Deputy is the same  
taking in the plaintiffs declaration complained



of and that the taking of it as aforesaid is the same cause of action for which this writ is brought.

And that the property in the plaintiffs declaration described was at the time when the said supposed trespass was committed the proper estate of the said Israel Bennett and liable to be taken upon said writ of attachment.

And this they are ready to verify wherefore they pray judgment if the plaintiff ought further to have or maintain his aforesaid action thereof against them.

By N. Clay Conde  
his atty

And afterwards to wit: on the day & year last aforesaid. John H. Dart filed in the office of the clerk of said Court his certain Plea, in the words & figures following to wit:

Cook County Court  
of Common Pleas  
John H. Dart  
vs  
Gerson Blosser

July Term A. D. 1837

Trespass



And the said John B. Cart by H. Clay Bond  
his attorney comes and defends the force and  
injury then &c. and says that he is not guilty  
of the said supposed trespass above said to his charge  
or any or either, or any part thereof, in manner  
and form as the said plaintiff hath above  
complained against him and of this he puts  
himself upon the Country.

and the plaintiff doth      Say H. Clay Bond  
the Libel, Parker & Hyatt      his Attorney  
Plff attys

And for a further Plea in his behalf the said  
defendant John B. Cart by leave of the Court  
here for this purpose first had and obtained  
according to the Statute in such case made and  
provided says that the said plaintiff ought not to  
have or maintain his aforesaid action thereof  
against him the said defendant because he  
says that at and before the said supposed  
trespass in the plaintiffs declaration mentioned  
was committed John L. Wilson was Sheriff  
in the County of Cook & State of Illinois and  
that the said John B. Cart was at the time when  
the said supposed trespass in the said plaintiffs  
declaration mentioned was committed Deputy  
Sheriff of the said John L. Wilson, and duly  
authorized and appointed to serve process in the said



County of Cook -

And that upon the day when the said supposed trespass was committed one John A. Samson who was then and then an attorney of this Court duly qualified, put into the hands of the said John L. Wilson a lawful writ of attachment returnable to the Cook County Court of Common Pleas, at a term thereof to be holden upon the 14<sup>th</sup> Monday of January 1837 in favor of James L. Crow and Isaac A. Crow, against Israel Bennett which was signed by Walter Kimball who was then Clerk of said Cook County Court of Common Pleas, and which was dated the 1<sup>st</sup> day of November 1836. and which bore the seal of the said Court demanding the sum of Twenty five hundred dollars damages and was directed to the Sheriff of Cook County, and that the said John L. Wilson was directed by the said John A. Samson who was the attorney of the said James L. and Isaac A. Crow. to levy said writ upon certain property of the said Israel Bennett then situate in the County of Cook aforesaid, and that the said John W. Hart did as the Deputy as aforesaid of the said John L. Wilson before the return day of said writ levy said writ of attachment upon the property of the said Israel Bennett, and make return thereof on said writ according to law as by



And afterwards to wit: on the 17<sup>th</sup> day of December  
in the year aforesaid, the said Garson Bloom by his  
attorney filed in the office of the Clerk of said Court.  
his certain Declaration in the words & figures as follows, to wit:

Cook County Court  
of Common Pleas.

Garson Bloom

vs

James L. Crane

Isaac A. Crane

John N. Dart

James F. Butler

Francis E. Morse

And the said Plaintiff by Parker & Hyatt  
his attorney comes & says the said Plaintiff ought  
not by reason of any thing alleged in the said  
2<sup>d</sup> plea of said James L. Crane Isaac A. Crane,  
James F. Butler & Francis E. Morse, to be barred  
from having or maintaining his aforesaid ac-  
tion thereof against them because he says the  
said Property in said Declaration mentioned  
is not the property of Isaac Bernuth, but the  
same is the property of said Plaintiff as in said  
Declaration alleged - & of this the Plaintiff swears  
himself on the County &c.

In testis etc

W. S. Cameron  
att. for att.

Parker & Hyatt  
att. for att.



Carroll County Court  
of Common Pleas

Samuel Bloom

vs

Samuel L. Grant

David A. Grant

John H. Hart

James F. Butler

Francis E. Morse

And now comes the said Plaintiff by Peter  
Wright his attorney & says the said Plaintiff  
ought not by reason of any thing alleged in the  
said 2<sup>d</sup> plea of said Defendant John H.  
Hart to be barred from having or maintain-  
ing his aforesaid action thereof against said  
Defendant because he says that said property in the said de-  
claration mentioned was not the property of said  
Israel Bennett as in said 2<sup>d</sup> plea of John H.  
Hart alleged but was the property of the said  
Plaintiff as in said declaration alleged & of this  
Plaintiff puts himself on the Country &c.  
He swears as the like

C. S. Cameron

Deputy Clerk

Peter Wright

Atty



And afterwards to wit, on the 7<sup>th</sup> day of September  
in the year of our Lord one thousand eight  
hundred and one fifty nine. said day being  
one of the days of the September Term of the  
Superior Court of Chicago, the following among  
other proceedings were had and entered of Re-  
cord in this Court to wit:

Inson Bloom

Trepass.

James L. Crane Isaac W. Crane

John H. Cart, James F. Butler & Co

Francis E. Morse

This day comes said Plaintiff by Parker Hyatt his attorneys and said Defendants by McElay & Co. their attorney also come and issues being joined herein it is ordered that a jury come. Whereupon comes the jury of good and lawful men, to wit: Adam Amburgey, Alfred Frothington, Henry Murrie, Seth Luster, John S. Keat, John McChare, Wm. P. Henson, Mr. Heafner Thos. H. Am. a. h. w., Geo. W. Paige, Geo. King and Augustus Frazier, who being duly elected, tried and sworn to try the issues joined aforesaid after hearing evidence and arguments of Counsel and instructions of the Court retire to consider of their verdict, and



The hour of adjournment having arrived upon  
agreement of the parties it is ordered that when the  
jury shall have agreed upon a verdict they  
shall render the same by writing sign and seal  
the same and afterwards separate and retire  
until tomorrow morning.

And afterwards to wit, on the 8th day of the  
month of June after said, said day being one  
of the days of the September Term of said Court  
the following among other proceedings were  
had and entered of Record in this Court to wit:

George Bloom

vs

Thompson

James L. Crane, Isaac W. Crane

John H. Cant, Lemuel F. Pattis (C)

Francis O. Moore.

And now again come  
the parties to this cause by their attorneys  
and the jury impaneled herein on yesterday  
for the trial of this cause all come and  
submit their verdict and say we the jury  
find defendants not guilty. And thereupon



said plaintiff submits his motion for a new trial  
in this cause.

And afterwards to wit on the 15<sup>th</sup> day of  
October in the year aforesaid, said day  
being one of the days of the October Term of  
said Court, the following among other pro-  
ceedings were had & entered of Record in this  
Court, to wit

Gerson Bloom

vs

Trespass.

James L. Crane Isaac W. Crane

John W. Hart James F. Butler

and Francis E. Morse

And now at this day again comes  
the parties to this cause by their respective  
attorneys as aforesaid and counsel being  
heard on plaintiff's motion heretofore sub-  
mitted herein for a new trial in this cause  
and the Court being fully advised in the  
premises it is considered by the Court that  
plaintiff's said motion for a new trial be  
overruled whereupon said plaintiff enters  
his exceptions herein.



Therefore it is considered said defendants  
to have and recover of said plaintiff  
their costs and charges about this defense  
in this behalf expended, and have execu-  
tion therefor. And thereupon said plaintiff  
having entered his exceptions prays  
an appeal herein to the Supreme Court  
of the State of Illinois which is allowed  
him upon filing herein his appeal bond  
in the penalty of One thousand Dollars to  
be approved by a Judge of this Court  
to be filed within thirty days with bill  
of exceptions.

And afterwards, to wit: on the 18th day  
of October in the year aforesaid, Garson  
Ploom filed in the office of the Clerk of  
said Court, his certain Bill of exceptions, in  
the words & figures following to wit:

Garson Ploom  
vs  
James L. Coon  
Isaac A. Coon  
John H. Hart  
James T. Foster &  
Francis C. Morse

Superior Court of Chicago



State of Illinois  
Cook County ss

Be it remembered that on the trial of the above entitled cause, the plaintiff to maintain the issue on his part introduced the deposition of one Nathan Alexander which said deposition is in the words and figures following, to wit,

Interrogatory First - What is your name age residence and business?

Answer to First Interrogatory.

My name is Nathan Alexander, my age is Twenty eight years. I reside in the Village of Elmira Chemung County and State of New York, and am engaged as a Clerk in the business of ready made clothing.

Interrogatory Second - Where did you reside upon the 19<sup>th</sup> day of November 1836. and what was your business at that time?

Answer to Second Interrogatory -

I resided on the 19<sup>th</sup> day of November 1836. in the City of Chicago, my business was then a Clerk for Aaron Bloom the plaintiff in this action.



Interrogatory Third - Do you know the parties to this suit, or any of them, if yes, which of them, and how long have you known them -

Answer to Third Interrogatory -

I know the parties to this suit, Garson Plowmiff, James L. Crane, Isaac A. Crane, John W. Tark, have known the Plaintiff about one year and a half, have known all the Defendants about three years.

Interrogatory 4<sup>th</sup> What was the business of the Plaintiff on the 19<sup>th</sup> day of November 1886.

Answer to 4<sup>th</sup> Interrogatory -

On the 19<sup>th</sup> day of November 1886, the Plaintiff was engaged in the business of selling ready made clothing.

Interrogatory 5<sup>th</sup> Where was the Store of the Plaintiff situated?

Answer to 5<sup>th</sup> Interrogatory.

The Store was situated on North Clark Street No 20 in the City of Chicago.

Interrogatory 6<sup>th</sup> If you answer to the 2<sup>nd</sup> interrogatory



atory that you were Clerk for the Plaintiff, state whether you were familiar with the stock of goods of the Plaintiff and state fully your means of being acquainted with the same.

Answer to 6<sup>th</sup> Interrogatory—

I was familiar with the stock of goods of the Plaintiff. I had the whole charge of the Stock while I was the Clerk for Plaintiff, and closely examined the stock while I was such Clerk at different times.

Interrogatory 7<sup>th</sup>

Did you ever see any of the Defendants at the aforesaid store of the Plaintiff, and if you, state which of the Defendants, when you saw them, and what they did at the Plaintiff Store—what they said, and what you said to them—

Answer to 7<sup>th</sup> Interrogatory—

I have seen the Defendants at the Plaintiff's store aforesaid. I saw James L. Crane & John H. Tarbell, on the 19<sup>th</sup> day of November 1836. They closed up the Plaintiff's Store, by taking the possession thereof, and the goods therein and locking up the Store, they said they had a writ of attachment against one David



James L. Smith, and met shut up the store. Told them that the store belongs to the plaintiff. Joseph L. Cram then said that it did not make any difference who owned the store, we are going to close it up, they then shut up the store and took possession of the goods.

Interrogatory 8<sup>th</sup> What was the value of said stock of goods of the plaintiff upon the 19<sup>th</sup> day of November 1836. and what was your means of knowing the value of said goods.

Answer to 8<sup>th</sup> Interrogatory - The stock of goods of the plaintiff on the 19<sup>th</sup> day of November 1836. was three thousand dollars. My means of knowing the value was my familiar acquaintance with the stock of goods, and by making an inventory thereof a short time previous to the 19<sup>th</sup> day of November 1836. of each article in the store.

Interrogatory 9<sup>th</sup> Did you ever purchase any goods of any persons for Mrs. Cram the plaintiff if yes, of whom and when and how much.

Answer to 9<sup>th</sup> Interrogatory - I have purchased



goods for the Plaintiff. of Leopold & Goodhart  
and some at Auction in Chicago bought of  
Leopold & Goodhart and at auction about  
the 10<sup>th</sup> day of November 1836. goods to the  
amount of \$450, including what I bought  
at auction -

Interrogatory 10<sup>th</sup> - When was the Plaintiff upon  
the 19<sup>th</sup> day of November 1836.

Answer to 10<sup>th</sup> Interrogatory - The Plaintiff was  
away from home at the time, don't know  
where he was.

Interrogatory 11<sup>th</sup> - Did you help to take  
an inventory of said stock of goods at any  
time, and if yes. when and what was  
the amount of such inventory -

Answer to 11<sup>th</sup> Interrogatory - I helped to take  
an inventory of the stock about the 5<sup>th</sup>  
day of November 1836. it amounted to  
from \$2800 to \$3900.

Interrogatory 12<sup>th</sup> - Was the said stock



Interrogatory third - Do you know the parties to this suit, or any of them, if yes, which of them, and how long have you known them -

Answer to third Interrogatory -

I know the parties to this suit. Garrison Plover Riff. James L. Crane. Isaac A. Crane. John W. Tark, have known the Plaintiff about one year and a half. Have known all the Defendants about three years.

Interrogatory 4<sup>th</sup> What was the business of the Plaintiff on the 19<sup>th</sup> day of November 1836.

Answer to 4<sup>th</sup> Interrogatory -

On the 19<sup>th</sup> day of November 1836. the Plaintiff was engaged in the business of selling ready made clothing.

Interrogatory 5<sup>th</sup> Where was the Store of the Plaintiff situated?

Answer to 5<sup>th</sup> Interrogatory.

The Store was situated on North Creek Street No 20 in the City of Chicago.

Interrogatory 6<sup>th</sup> If you answer to the 2<sup>nd</sup> interrogatory



atory that you were Clerk for the Plaintiff, state whether you were familiar with the stock of goods of the Plaintiff and state fully your means of being acquainted with the same.

Answer to 6<sup>th</sup> Interrogatory—

I was familiar with the stock of goods of the Plaintiff. I had the whole charge of the Stock while I was the Clerk for Plaintiff, and closely examined the stock while I was such Clerk at different times—

Interrogatory 7<sup>th</sup>

Did you ever see any of the Defendants at the aforesaid store of the Plaintiff, and if you, state which of the Defendants, when you saw them, and what they said at the Plaintiff's Store— what they said, and what you said to them—

Answer to 7<sup>th</sup> Interrogatory—

I have seen the Defendants at the Plaintiff's store aforesaid. I saw James L. Cram & John C. Tarkenton, on the 19<sup>th</sup> day of November 1836. They closed up the Plaintiff's Store, by taking the possession thereof, and the goods therein and locking up the store, they said they had a writ of attachment against one strand



now or less valuable on the 19<sup>th</sup> day of November 1836. than when you took such inventory and how much more or how much less—

Answer to 12<sup>th</sup> Interrogatory—

The stock was worth about the same on the 19<sup>th</sup> day of November 1836, as when the inventory was taken.

Interrogatory 13<sup>th</sup> Do you know of any other matter or thing which would be of use to the plaintiff touching the matter in controversy, and if so, state the same fully and particularly in answer to this interrogatory—

Answer to the 13<sup>th</sup> Interrogatory—

I don't know of anything more—

Cross Interrogatories and answers thereto by the witness on the part of the defendant.

Cross Interrogatory 1<sup>st</sup>—

State whether or not you are a Jew, and whether you are an Israelite by descent or not.

Answer to 1<sup>st</sup> Cross Interrogatory—



Saw a few. and an Israelite by descent.

Cross Interrogatory 2<sup>d</sup>. In answer to the above interrogatory you say you are a Jew or Israelite, state whether or not you were sworn at the time your deposition was taken herein, with your hat on, or with your head uncovered and state whether you consider an oath binding upon a Jew if sworn with the head uncovered.

Answer to 2<sup>d</sup> Cross Interrogatory.

I was sworn with my hat off and head uncovered, and I consider an oath binding upon a Jew if sworn with the head uncovered.

Cross Interrogatory 3<sup>d</sup>.

State whose sign was upon the store mentioned in your answer to the 3<sup>d</sup> direct interrogatory on the 19<sup>th</sup> day of November A. D. 1836. And whether or not the name of Israel Bennett was on such sign at that time.

Answer to 3<sup>d</sup> Cross Interrogatory.

There was no sign upon the store at the time mentioned of any person.



Cross Interrogatory 4<sup>th</sup> State whether Isaac Bennett was present or about said store on said 19<sup>th</sup> day of November A. D. 1836 or not.

Answer to 4<sup>th</sup> Cross Interrogatory -  
He was not present or about the store at the time mentioned.

Nathan Alexander

And also introduced the testimony of a certain witness named Joseph S. Parker, who testified as follows. "I know the parties to this action, sometime in November 1836. I went to the store of Cram Brothers on Water Street in the city of Chicago, with a writ of Replevin in favor of the plaintiff for goods mentioned therein - I saw defendants James L. Cram and demanded the goods of him; he said they (Cram Brothers) had the goods which were taken from Bloom upon their attachment with against Bennett but would not give them up, nor tell where they were. I heard the defendants Moore and Butler testify upon a former trial of this matter, they testified that they helped take the inventory of the goods attached.



(Cross Examined) I used to be a law partner of Mr Hyatt and as such was counsel in this case. Bloom was Hyatt's client and Hyatt had charge of the case. I have withdrawn my appearance in the case and am no longer counsel. I cannot tell whether Morse and Butler testified that they took the inventory referred to in Bloom's story or not. I was present at the trial of the former suit for this same matter which suit was dismissed after trial. Mr Hyatt said he dismissed it in order to hold defendants to bail, the Cranes having failed since the suit was commenced - He did not say that he dismissed to make Morse and Butler parties to a new suit - I did hear him say before he commenced this suit that he should join Morse and Butler - I did not hear him say that he dismissed the suit because one of the plaintiff's witnesses appeared so bad. I don't think Mr Hyatt called that witness a liar, but he called him something and told him to go down from the stand, he then went on with the trial. He did not dismiss the suit until the testimony was all in on both sides."

And also introduced the return to the writ of attachment referred to by the witness Parker which was a writ of attachment issued out

The Schedule above referred to, is in the mass of figures following. to wit:

79. Overcoats. 162 assorted Coats. 201 Out. Vests. 312 <sup>1/2</sup> Pants  
121 R. Lento Gats 14 <sup>1/2</sup> Do Pants & Rubber Coats. 11 Rubber Hats.  
5 Caps. 5 oil Coats 2 oil Baps. 3 Carpet Do. 3 Trunks 1 Day Over  
alls 4 <sup>1/2</sup> doz Flannel Shirts. 1 <sup>1/2</sup> doz Overalls. 1 doz Union  
Shirts <sup>1/2</sup> doz Hickory Do. <sup>1/2</sup> doz Striped Do. 1 <sup>1/2</sup> doz Green say Frocks  
1 <sup>1/2</sup> doz Canvas Pants <sup>1/2</sup> doz Canvas Frocks 16 <sup>1/2</sup> " Shirts 4 <sup>1/2</sup> doz  
Overalls Fabr & Knobs. <sup>1/4</sup> doz Suspender. 2 <sup>1/2</sup> " Halks 3 <sup>1/2</sup> "  
Kelt Hous. <sup>3/4</sup> doz Gloves. 1 doz Mistletoe 3 <sup>1/2</sup> " Mitts 13 Ties &  
Fabr. 1 Umbrella. 21 <sup>1/4</sup> doz Hats & Caps. 7 <sup>1/2</sup> doz P. Drawers.

Schedule C. referred to



of the Cook County Court of Common Pleas, at  
the suit of one John P. Crane and the defendants  
James L. Crane and Joane A. Crane and  
directed to the Sheriff of said County, com-  
manding him to attach the property of one Daniel  
Bennett, which said return is in the words and  
figures following to wit:

By virtue of the within writ of attachment  
I have levied upon the goods & chattels mentioned  
and described in Schedule annexed and marked  
to the 19<sup>th</sup> day of Nov 1836.

James S. Beach Coroner &

Acting Sheriff

By John H. East Deputy

Served by reading to the within named Daniel  
Bennett the 26<sup>th</sup> day of Nov 1836.

John L. Wilson Sheriff

By John H. East Deputy.

And the Plaintiff then stated—

And the Defendants to maintain the issue on  
their part introduced the testimony of a certain  
witness named Hamilton S. Coyne who testi-  
fied as follows—

I am a Clerk of the American



Express Company. Know J. L. Cream Bros. & Co. knew  
them on the 19<sup>th</sup> of November 1856. Did not know Bloom.  
Knew Bennett, had stores on North Clark Street and  
Lafayette Street - Was Clerk of Cream Bros & Co. in February  
1856, and continued there one year as Book Keeper  
Israel Bennett was buying goods during that time  
frequently - Has bought goods to go to North Clark  
Street - I recollect two bills to go there about \$300  
each, this was in October 1856. On the 28<sup>th</sup> October  
1856 \$288<sup>00</sup> delivered to North Clark Street - He paid  
after - Israel Bennett and son said they wanted  
the goods, mainly for their North Clark Street store.  
Goods went there - bought a great many goods then  
of defendants. Some goods he ran as high as \$3000.  
Never saw Bloom there. Attachment issued November  
20<sup>th</sup> 1856. Was served in No. 28, Clark Street. Know  
where it was.

(Cross Examined)

It was not my business to deliver goods.  
Never did deliver any to any body. Never went with  
dray men to deliver goods - never saw any goods de-  
livered except such as were delivered to purchasers at  
the store - I have said that I was served at No. 28,  
North Clark Street - never saw any goods delivered  
there. Don't know as any of the goods bought by  
Bennett ever went there - Know nothing about  
Bennett's affairs except what he told me. Bennett  
had several stores in the City, I don't know how



many - I have said that Bennett bought a great quantity of goods of defendant, said as high as \$3000. per annum - Goods were sent just where Bennett directed them, sometimes to one place and sometimes to another.

And the Defendant here testifies -

The Plaintiff to maintain the issue on his part. Further introduced the testimony of a witness named Charles Meyer who testified as follows.

I lived on King's Street on the North side in 1856. Owned No. 28 South Street and rented it to Bloom about the middle of April 1856. to May 1857. He took possession on the first of May. He brought in goods and commenced a clothing store. He lived up stairs - He occupies store until the middle of November 1856.

I gave him a lease - never got rent from Bennett - He came along with Bloom when he rented the store - he came only once, cannot tell whether it was the first time that Bloom came they came together - Bennett was along when the bargain was made.

Which was all the evidence in the case, and forasmuch as the matter aforesaid do not appear of record in said Cause, said Plaintiff prays that this his bill of exceptions be signed and entered which is accordingly done this thirteenth day of October A.D. 1859.

Wm H. Higgins (Plaintiff)



And afterwards, to wit, on the 12<sup>th</sup> day of November in the year aforesaid, the said Green Room files in the office of the Clerk of said Court, his certain Appeal Bond, in the Pross & figures following to wit:

Know all men by these presents that we Garrison Bloom and Amos Good Hunt & Isaac Marks our legal and firmly bound unto James L. Crane Isaac A. Crane, John H. Cant, James T. Potter and Francis E. Morse in the penal sum of One hundred dollars, to the payment of which sum of money well and truly to be made unto the said James L. Isaac A. John H. James T. and Francis E. their heirs, executors and administrators we bind ourselves our heirs, executors and administrators firmly by these presents.

In witness whereof we have hereunto set our hands and seals this 1<sup>st</sup> day of November 1839.

The Condition of this obligation is such that whereas the above named James L. Isaac A. John H. James T. and Francis E. did at the October Term 1839 of the Superior Court of Chicago recover a judgment against the above bound Garrison Bloom, for the sum of

Costs of suit, in a suit wherein said Bloom was plaintiff, and said others were defendants, and whereas said Bloom prayed an appeal from said



judgment to the Supreme Court of the State Illinois  
which said appeal was allowed by said Superior  
Court.

Now therefore if said Bloom shall prosecute  
his said appeal to effect and pay the said judgment  
and all costs interest and damages thereon in  
case said judgment shall be affirmed then the  
foregoing bond shall be null and void.

Approved

Grant Goodrich

Judge &c

G. Bloom (seal)

W. Goodhue (seal)

Isaac Marks

County of Illinois }  
County of Cook J.S.S.

I. Walter Kimball Clerk of the Superior  
Court of Chicago. in and for said County (formerly  
the Cook County Court of Common Pleas) do hereby  
certify that the foregoing is a full, true, and complete  
transcript of all the pleadings on file in my office and  
of the proceedings entered of Record in said Court. in  
the case wherein Garson Moom is plaintiff and  
James L. Crane, Isaac A. Crane John H. Dart  
James F. Butler & Francis E. Morse are defendants.

In testimony whereof I hereunto subscribe  
my name, and affix the Seal of said  
Court. at Chicago. this 13<sup>th</sup> day of April  
1860 Walter Kimball Clerk



Gannaw Bloom

<sup>vs</sup>  
James L. Gaur Aub }

And now the said Gannaw Bloom  
comes and says that there is manifest error in  
the record and proceedings aforesaid in that  
the court below overruled the said Bloom's motion  
for a new trial and rendered judgment on  
the verdict which was contrary to the  
law and the evidence in this case  
and for other errors apparent on the face  
of the record

By his Atty  
L H Hyatt



