

COOK'S ATTORNEY ATTACKS CHARTER

Says Provision Barring Auction
Sales by Pawnbrokers
Is Invalid.

In the trial of Moses Cook yesterday afternoon in municipal court, a technicality arose which caused a decision in the matter to be deferred until next Monday. The defendant is the proprietor of a combination clothing store and pawn shop at 400 West Superior street, and for the past week has been conducting an auction sale on jewelry, to which the jewelers of the city have taken a strong exception. They claimed that in auctioning jewelry Mr. Cook violated his pawnbroker's license and asked that he be punished.

The fact that he was auctioning jewelry was admitted by the defense, which raised the point that the power given to a pawnbroker under the city charter was wrong in some of its limitations. The charter says that pawnbroker must not auction jewelry and it was under this clause that the city hoped to convict Cook. Attorney Baldwin, who appeared for the defendant, argued that that portion of the charter which prescribed that a man could not conduct an auction of jewelry was long ago found to be invalid and had been stricken out of the charter.

The result that will be reached in the case next Monday when Judge Cutting hands down his decision, will have a great bearing on a matter which comes before the city council that evening when Mr. Cook will appear and show cause why his license should not be revoked.