

WAS HIS OWN FAULT

MUNICIPAL COURT JURY DECIDES AGAINST MOSES COOK.

He Cashed a Worthless Check For
\$30.55 at Another's Request
But Falls to Recover.

A rather novel case was decided in municipal court yesterday, wherein Moses Cook, of 400 West Superior street, endeavored to recover \$30.55 from Lieberman & Caplow, 505 West Superior street, the amount of a raised check he had cashed at the solicitation of the latter firm. On Oct. 15 a man named Frank Thorn bought a few small articles in Lieberman & Caplow's store, and tendered a check from A. Buthrie, the St. Paul contractors, for \$20.55 in payment. The firm did not happen to have the balance in cash on hand, and Mr. Caplow, who waited upon Thorn, called an assistant and giving him the check told him to take it to Cook's place and obtain the money. Mr. Cook duly cashed it and Thorn received his change and left. The next day it developed that the check had been raised from \$1.05 to \$30.55, but the work was so cleverly done that it would require very close inspection to detect the fraud.

Cook at once made an effort to secure the sum he had advanced on the check from Lieberman & Caplow, claiming that he had cashed it for them and on their tacit endorsement. The firm, however, refused to make good the difference and suit resulted. In court yesterday the defense made its main point on the testimony of Lieberman & Caplow's clerk who took the check to Cook. The clerk asserted that he did not ask Cook to cash the check for Lieberman or for himself, but said "There's a man at our store who wants you to cash this check." According to this the point was whether the clerk obtained the money on the check as an agent of Lieberman & Caplow's or an agent of Thorn, the man who tendered it to Caplow. The jury took the latter view, holding that Cook cashed the check for Thorn and not for the clothing firm, and a verdict was rendered for the defendants.
