



TUTT & MR. TUTT

TWO GLIMPSES OF THEIR ORIGINS

Arthur Train

A couple of years ago we published one of Arthur Train's stories about his formerly famous – famous between the World Wars but mostly forgotten now, that is – fictional creations: super-lawyer Ephraim Tutt (commonly referred to as Mr. Tutt) and his colleague, whose name is also Tutt (commonly referred to as Tutt).¹ That exercise was well-received, and several readers have called for more. So, we will probably do something like it again someday. And we are going to start down that path now by doing some cueing up. What follows on pages 56-69 below are two of our favorite pieces of the Tutts' origin story: the opening scenes in the first two Tutt stories. *Case Number One: "The People vs. Angelo Seraphino"* appeared in the June 7, 1919 issue of the *Saturday Evening Post* and again in 1922, revised and retitled (*The Human Element*), in the first anthology of Tutt stories, *Tutt and Mr. Tutt*. The July 5, 1919 issue of the *Post* featured *Case Number Two: Wile vs. Guile*, which also appeared in revised form (but with nearly the same title) in *Tutt and Mr. Tutt* in 1922. The text used here is from the 1922 volume.

– The Editors

Arthur Train (1875-1945) enjoyed a respectable career as a prosecutor and private practitioner in New York City, but it was his storytelling that set him apart, especially his tales of the Tutts. See Francis M. Nevins, Mr. Tutt's Jurisprudential Journey, 19 Legal Studies Forum 57 (1995).

¹ Arthur Train, *The Dog Andrew, Parts I & II*, 20 Green Bag 2d 197 & 277 (2017). And a couple of years before that we published one of Train's true-crime stories. *The Lost Stradivarius*, 18 Green Bag 2d 313 (2015).

THE HUMAN ELEMENT

originally published as

CASE NUMBER ONE: "THE PEOPLE VS. ANGELO SERAPHINO"

in the *Saturday Evening Post*, June 7, 1919

Although men flatter themselves with their great actions, they are not so often the result of great design as of chance.

— La Rochefoucauld.

He says he killed him, and that's all there is about it!" said Tutt to Mr. Tutt. "What are you going to do with a fellow like that?" The junior partner of the celebrated firm of Tutt & Tutt, attorneys and counselors at law, thrust his hands deep into the pockets of his yellow checked breeches and, balancing himself upon the heels of his patent-leather boots, gazed in a distressed, respectfully inquiring manner at his distinguished associate.

"Yes," he repeated plaintively. "He don't make any bones about it at all. 'Sure, I killed him!' says he. 'And I'd kill him again, the ——!' I prefer not to quote his exact language. I've just come from the Tombs and had quite a talk with Serafino in the counsel room, with a gum-chewing keeper sitting in the corner watching me for fear I'd slip his prisoner a saw file or a shotgun or a barrel of poison. I'm all in! These murder cases drive me to drink, Mr. Tutt. I don't mind grand larceny, forgery, assault or even manslaughter — but murder gets my goat! And when you have a crazy Italian for a client who says he's glad he did it and would like to do it again — please excuse me! It isn't law; it's suicide!"

He drew out a silk handkerchief ornamented with the colors of the Allies, and wiped his forehead despairingly.

"Oh," remarked Mr. Tutt with entire good nature. "He's glad he did it and he's quite willing to be hanged!"

"That's it in a nutshell!" replied Tutt.

The senior partner of Tutt & Tutt ran his bony fingers through the lank gray locks over his left eye and tilted ceilingward the stogy between his thin lips. Then he leaned back in his antique swivel chair, locked his hands behind his head, elevated his long legs luxuriously, and crossed his feet upon the fourth volume of the American and English Encyclopedia of Law, which lay open upon the desk at Champerty and Maintenance. Even in this

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inelegant and relaxed posture he somehow managed to maintain the air of picturesque dignity which always made his tall, ungainly figure noticeable in any courtroom. Indubitably Mr. Ephraim Tutt suggested a past generation, the suggestion being accentuated by a slight pedantry of diction a trifle out of character with the rushing age in which he saw fit to practise his time-honored profession. "Cheer up, Tutt," said he, pushing a box of stogies toward his partner with the toe of his congress boot. "Have a weed?"

Since in the office of Tutt & Tutt such an invitation, like those of royalty, was equivalent to a command, Tutt acquiesced.

"Thank you, Mr. Tutt," said Tutt, looking about vaguely for a match.

"That conscienceless brat of a Willie steals 'em all," growled Mr. Tutt. "Ring the bell."

Tutt obeyed. He was a short, brisk little man with a pronounced abdominal convexity, and he maintained toward his superior, though but a few years his junior, a mingled attitude of awe, admiration and affection such as a dickey bird might adopt toward a distinguished owl.

This attitude was shared by the entire office force. Inside the ground glass of the outer door Ephraim Tutt was king. To Tutt the opinion of Mr. Tutt upon any subject whatsoever was law, even if the courts might have held to the contrary. To Tutt he was the eternal fount of wisdom, culture and morality. Yet until Mr. Tutt finally elucidated his views Tutt did not hesitate to hold conditional if temporary opinions of his own. Briefly their relations were symbolized by the circumstance that while Tutt always addressed his senior partner as "Mr. Tutt," the latter accosted him simply as "Tutt." In a word there was only one Mr. Tutt in the firm of Tutt & Tutt.

But so far as that went there was only one Tutt. On the theory that a lily cannot be painted, the estate of one seemingly was as dignified as that of the other. At any rate there never was and never had been any confusion or ambiguity arising out of the matter since the day, twenty years before, when Tutt had visited Mr. Tutt's law office in search of employment. Mr. Tutt was just rising into fame as a police-court lawyer. Tutt had only recently been admitted to the bar, having abandoned his native city of Bangor, Maine, for the metropolis.

"And may I ask why you should come to me?" Mr. Tutt had demanded severely from behind the stogy, which even at that early date had been as much a part of his facial anatomy as his long ruminative nose. "Why the

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devil should you come to me? I am nobody, sir – nobody! In this great city certainly there are thousands far more qualified than I to further your professional and financial advancement.”

“Because,” answered the inspired Tutt with modesty, “I feel that with you I should be associated with a good name.”

That had settled the matter. They bore no relationship to one another, but they were the only Tutts in the city and there seemed to be a certain propriety in their hanging together. Neither had regretted it for a moment, and as the years passed they became indispensable to each other. They were the necessary component parts of a harmonious legal whole. Mr. Tutt was the brains and the voice, while Tutt was the eyes and legs of a combination that at intervals – rare ones, it must be confessed – made the law tremble, sometimes in fear and more often with joy.

At first, speaking figuratively, Tutt merely carried Mr. Tutt’s bag – rode on his coat tails, as it were; but as time went on his activity, ingenuity and industry made him indispensable and led to a junior partnership. Tutt prepared the cases for Mr. Tutt to try. Both were well versed in the law if they were not profound lawyers, but as the origin of the firm was humble, their practise was of a miscellaneous character.

“Never turn down a case,” was Tutt’s motto.

“Our duty as sworn officers of the judicial branch of the Government renders it incumbent upon us to perform whatever services our clients’ exigencies demand,” was Mr. Tutt’s way of putting it.

In the end it amounted to exactly the same thing. As a result, in addition to their own clientele, other members of the bar who found themselves encumbered with matters which for one reason or another they preferred not to handle formed the habit of turning them over to Tutt & Tutt. A never-ending stream of peculiar cases flowed through the office, each leaving behind it some residuum of golden dust, however small. The stately or, as an unkind observer might have put it, the ramshackly form of the senior partner was a constant figure in all the courts, from that of the coroner on the one hand to the appellate tribunals upon the other. It was immaterial to him what the case was about – whether it dealt with the “next eventual estate” or the damages for a dog bite – so long as he was paid and Tutt prepared it. Hence Tutt & Tutt prospered. And as the law, like any other profession, requires jacks-of-all-trades, the firm acquired a

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certain peculiar professional standing of its own, and enjoyed the good will of the bar as a whole.

They had the reputation of being sound lawyers if not overafflicted with a sense of professional dignity, whose word was better than their bond, yet who, faithful to their clients' interests knew no mercy and gave no quarter. They took and pressed cases which other lawyers dared not touch lest they should be defiled – and nobody seemed to think any the less of them for so doing. They raised points that made the refinements of the ancient schoolmen seem blunt in comparison. No respecters of persons, they harried the rich and taunted the powerful, and would have as soon jailed a bishop or a judge as a pickpocket if he deserved it. Between them they knew more kinds of law than most of their professional brethren, and as Mr. Tutt was a bookworm and a seeker after legal and other lore their dusty old library was full of hidden treasures, which on frequent occasions were unearthed to entertain the jury or delight the bench. They were loyal friends, fearsome enemies, high chargers, and maintained their unique position in spite of the fact that at one time or another they had run close to the shadowy line which divides the ethical from that which is not. Yet Mr. Tutt had brought disbarment proceedings against many lawyers in his time and – what is more – had them disbarred.

“Leave old Tutt alone,” was held sage advice, and when other lawyers desired to entertain the judiciary they were apt to invite Mr. Tutt to be of the party. And Tutt gloried in the glories of Mr. Tutt.

“That’s it!” repeated Tutt as he lit his stogy, which flared up like a burning bush, the cub of a Willie having foraged successfully in the outer office for a match. “He’s willing to be hanged or damned or anything else just for the sake of putting a bullet through the other fellow!”

“What was the name of the unfortunate deceased?”

“Tomasso Crocedoro – a barber.”

“That is almost a defense in itself,” mused Mr. Tutt. “Anyhow, if I’ve got to defend Angelo for shooting Tomasso you might as well give me a short scenario of the melodrama. By the way, are we retained or assigned by the court?”

“Assigned,” chirped Tutt.

“So that all we’ll get out of it is about enough to keep me in stogies for a couple of months!”

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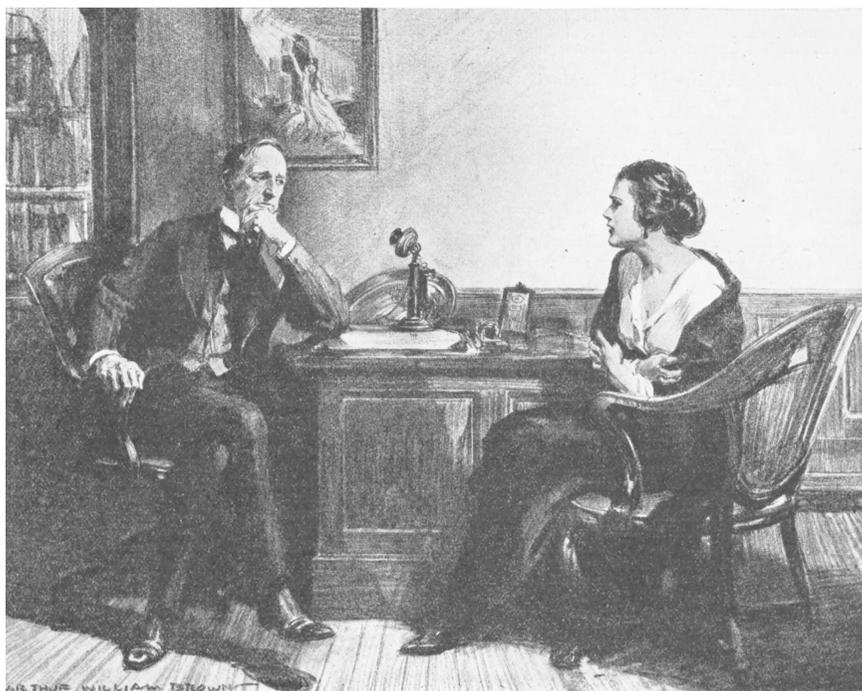
“And – if he’s convicted, as of course he will be – a good chance of losing our reputation as successful trial counsel. Why not beg off?”

“Let me hear the story first,” answered Mr. Tutt. “Angelo sounds like a good sport. I have a mild affection for him already.”

He reached into the lower compartment of his desk and lifted out a tumbler and a bottle of malt extract, which he placed carefully at his elbow. Then he leaned back again expectantly.

“It is a simple and naive story,” began Tutt, seating himself in the chair reserved for paying clients – that is to say, one which did not have the two front legs sawed off an inch or so in order to make lingering uncomfortable. . . .

Editors’ note: To learn about the Tutts’ defense – and, of course, eventual liberation – of Angelo Serafino, pick up a copy of *Tutt and Mr. Tutt*, or find it online. It is in the public domain.



“Believe That I am Your Friend, My Dear! You and I Must Work Together to Set Angelo Free”

WILE VERSUS GUILF

originally published as

CASE NUMBER TWO: "WILE VS. GUILF"
in the *Saturday Evening Post*, July 5, 1919

For 'tis the sport to have the engineer Hoist with his own petar[d].

– Hamlet.

It was a mouse by virtue of which Ephraim Tutt had leaped into fame. It is true that other characters famous in song and story – particularly in “Mother Goose” – have similarly owed their celebrity in whole or part to rodents, but there is, it is submitted, no other case of a mouse, as mouse *per se*, reported in the annals of the law, except Tutt’s mouse, from Doomsday Book down to the present time.

Yet it is doubtful whether without his mouse Ephraim Tutt would ever have been heard of at all, and same would equally have been true if when pursued by the chef’s gray cat the mouse aforesaid had jumped in another direction. But as luck would have it, said mouse leaped foolishly into an open casserole upon a stove in the kitchen of the Comers Hotel, and Mr. Tutt became in his way a leader of the bar.

It is quite true that the tragic end of the mouse in question has nothing to do with our present narrative except as a side light upon the vagaries of the legal career, but it illustrates how an attorney, if he expects to succeed in his profession, must be ready for anything that comes along – even if it be a mouse.

The two Tutts composing the firm of Tutt & Tutt were both, at the time of the mouse case, comparatively young men. Tutt was a native of Bangor, Maine, and numbered among his childhood friends one Newbegin, a commercial wayfarer in the shingle and clapboard line; and as he hoped at some future time to draw Newbegin’s will or to incorporate for him some business venture Tutt made a practise of entertaining his prospective client at dinner upon his various visits to the metropolis, first at one New York hostelry and then at another.

Chance led them one night to the Comers, and there amid the imitation palms and imitation French waiters of the imitation French restaurant Tutt invited his friend Newbegin to select what dish he chose from those upon

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the bill of fare; and Newbegin chose kidney stew. It was at about that moment that the adventure which has been referred to occurred in the hotel kitchen. The gray cat was cheated of its prey, and in due course the casserole containing the stew was borne into the dining room and the dish was served.

Suddenly Mr. Newbegin contorted his mouth and exclaimed:

“Heck! A mouse!”

It was. The head waiter was summoned, the manager, the owner. Guests and garçons crowded about Tutt and Mr. Newbegin to inspect what had so unexpectedly been found. No one could deny that it was mouse – cooked mouse; and Newbegin had ordered kidney stew. Then Tutt had had his inspiration.

“You shall pay well for this!” he cried, frowning at the distressed proprietor, while Newbegin leaned piteously against a *pâpier-maché* pillar. “This is an outrage! You shall be held liable in heavy damages for my client’s indigestion!”

And thus Tutt & Tutt got their first case out of Newbegin, for under the influence of the eloquence of Mr. Tutt a jury was induced to give him a verdict of one thousand dollars against the Comers Hotel, which the Court of Appeals sustained in the following words, quoting verbatim from the learned brief furnished by Tutt & Tutt, Ephraim Tutt of counsel:

“The only legal question in the case, or so it appears to us, is whether there is such a sale of food to a guest on the part of the proprietor as will sustain a warranty. If we are not in error, however, the law is settled and has been since the reign of Henry the Sixth. In the Ninth Year Book of that Monarch’s reign there is a case in which it was held that ‘if I go to a tavern to eat, and the taverner gives and sells me meat and it corrupted, whereby I am made very sick, action lies against him without any express warranty, for there is a warranty in law’; and in the time of Henry the Seventh the learned Justice Keilway said, ‘No man can justify selling corrupt victual, but an action on the case lies against the seller, whether the victual was warranted to be good or not.’ Now, certainly, whether mouse meat be or be not deleterious to health a guest at a hotel who orders a portion of kidney stew has the right to expect, and the hotel keeper impliedly warrants, that such dish will contain no ingredients beyond those ordinarily placed therein.”

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“A thousand dollars!” exulted Tutt when the verdict was rendered. “Why, anyone would eat mouse for a thousand dollars!”

The Comers Hotel became in due course a client of Tutt & Tutt, and the mouse which made Mr. Tutt famous did not die in vain, for the case became celebrated throughout the length and breadth of the land, to the glory of the firm and a vast improvement in the culinary conditions existing in hotels.



“Come in, Mr. Barrows! Come right in! I haven’t seen you for – well, how long is it?” exclaimed Mr. Tutt, extending a long welcoming arm toward a human scarecrow upon the threshold.

“Five years,” answered the visitor. “I only got out day before yesterday. Fourteen months off for good behavior.”

He coughed and put down carefully beside him a large dress-suit case marked E.V.B., Pottsville, N.Y.

“Well, well!” sighed Mr. Tutt. “So it is. How time flies!”

“Not in Sing Sing!” replied Mr. Barrows ruefully.

“I suppose not. Still, it must feel good to be out!”

Mr. Barrows made no reply but dusted off his felt hat. He was but the shadow of a man, an old man at that, as was attested by his long gray beard, his faded blue eyes, and the thin white hair about his fine domelike forehead.

“I forget what your trouble was about,” said Mr. Tutt gently. “Won’t you have a stogy?”

Mr. Barrows shook his head.

“I ain’t used to it,” he answered. “Makes me cough.” He gazed about him vaguely.

“Something about bonds, wasn’t it?” asked Mr. Tutt.

“Yes,” replied Mr. Barrows; “Great Lakes and Canadian Southern.”

“Of course! Of course!”

“A wonderful property,” murmured Mr. Barrows regretfully. “The bonds were perfectly good. There was a defect in the foreclosure proceedings which made them a permanent underlying security of the reorganized company – under The Northern Pacific R.R. Co. vs. Boyd; you know – but the court refused to hold that way. They never will hold the way you want, will they?” He looked innocently at Mr. Tutt.

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“No,” agreed the latter with conviction, “they never will!”

“Now those bonds were as good as gold,” went on the old man; “and yet they said I had to go to prison. You know all about it. You were my lawyer.”

“Yes,” assented Mr. Tutt, “I remember all about it now.”

Indeed it had all come back to him with the vividness of a landscape seen during a lightning flash – the crowded court, old Doc Barrows upon the witness stand, charged with getting money on the strength of defaulted and outlawed bonds – picked up heaven knows where – pathetically trying to persuade an unsympathetic court that for some reason they were still worth their face value, though the mortgage securing the debt which they represented had long since been foreclosed and the money distributed.

“I’d paid for ’em – actual cash,” he rambled on. “Not much, to be sure – but real money. If I got ’em cheap that was my good luck, wasn’t it? It was because my brain was sharper than other folks’! I said they had value and I say so now – only nobody will believe it or take the trouble to find out. I learned a lot up there in Sing Sing too,” he continued, warming to his subject. “Do you know, sir, there are fortunes lying all about us? Take gold, for instance! There’s a fraction of a grain in every ton of sea water. But the big people don’t want it taken out because it would depress the standard of exchange. I say it’s a conspiracy – and yet they jailed a man for it! There’s great mineral deposits all about just waiting for the right man to come along and develop ’em.”

His lifted eye rested upon the engraving of Abraham Lincoln over Mr. Tutt’s desk. “There was a man!” he exclaimed inconsequently; then stopped and ran his transparent, heavily veined old hand over his forehead. “Where was I? Let me see. Oh, yes – gold. All those great properties could be bought at one time or another for a song. It needed a pioneer! That’s what I was – a pioneer to find the gold where other people couldn’t find it. That’s not any crime; it’s a service to humanity! If only they’d have a little faith – instead of locking you up. The judge never looked up the law about those Great Lakes bonds! If he had he’d have found out I was right! I’d looked it up. I studied law once myself.”

“I know,” said Mr. Tutt, almost moved to tears by the sight of the wreck before him. “You practised up state, didn’t you?”

“Yes,” responded Doc Barrows eagerly. “And in Chicago too. I’m a

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member of the Cook County bar. I'll tell you something! If the Supreme Court of Illinois hadn't been wrong in its law I'd be the richest man in the world – in the whole world!" He grabbed Mr. Tutt by the arm and stared hard into his eyes. "Didn't I show you my papers? I own seven feet of water front clean round Lake Michigan all through the city of Chicago. I got it for a song from the man who found out the flaw in the original title deed of 1817; he was dying. 'I'll sell my secret to you,' he says, 'because I'm passing on. May it bring you luck!' I looked it all up and it was just as he said. So I got up a corporation – The Chicago Water Front and Terminal Company – and sold bonds to fight my claim in the courts. But all the people who had deeds to my land conspired against me and had me arrested! They sent me to the penitentiary. There's justice for you!"

"That was too bad!" said Mr. Tutt in a soothing voice. "But after all what good would all that money have done you?"

"I don't want money!" affirmed Doc plaintively. "I've never needed money. I know enough secrets to make me rich a dozen times over. Not money but justice is what I want – my legal rights. But I'm tired of fighting against 'em. They've beaten me! Yes, they've beaten me! I'm going to retire. That's why I came in to see you, Mr. Tutt. I never paid you for your services as my attorney. I'm going away. You see my married daughter lost her husband the other day and she wants me to come up and live with her on the farm to keep her from being lonely. Of course it won't be much like life in Wall Street – but I owe her some duty and I'm getting on – I am, Mr. Tutt, I really am!"

He smiled.

"And I haven't seen Louisa for three years – my only daughter. I shall enjoy being with her. She was such a dear little girl! I'll tell you another secret" – his voice dropped to a whisper – "I've found out there's a gold mine on her farm, only she doesn't know it. A rich vein runs right through her cow pasture. We'll be rich! Wouldn't it be fine, Mr. Tutt, to be rich? Then I'm going to pay you in real money for all you've done for me – thousands! But until then I'm going to let you have these – all my securities; my own, you know, every one of them."

He placed the suitcase in front of Mr. Tutt and opened the clasps with his shaking old fingers. It bulged with bonds, and he dumped them forth until they covered the top of the desk.

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“These are my jewels!” he said. “There’s millions represented here!” He lifted one tenderly and held it to the light, fresh as it came from the engraver’s press – a thousand dollar first-mortgage bond of The Chicago Water Front and Terminal Company. “Look at that! Good as gold – if the courts only knew the law.”

He took up a yellow package of valueless obligations, upon the top of which an old-fashioned locomotive, from whose bell-shaped funnel the smoke poured in picturesque black clouds, dragging behind it a chain of funny little passenger coaches, drove furiously along beside a rushing river through fields rich with corn and wheat amid a border of dollar signs.

“The Great Lakes and Canadian Southern,” he crooned lovingly. “The child of my heart! The district attorney kept all the rest – as evidence, he claimed, but some day you’ll see he’ll bring an action against the Lake Shore or the New York Central based on these bonds. Yes, sir! They’re all right!”

He pawed them over, picking out favorites here and there and excitedly extolling the merits of the imaginary properties they represented. There were the repudiated bonds of Southern states and municipalities; of railroads upon whose tracks no wheel had ever turned; of factories never built except in Doc Barrows’ addled brain; of companies which had defaulted and given stock for their worthless obligations; certificates of oil, mining and land companies; deeds to tracts now covered with sky scrapers in Pittsburgh, St. Louis and New York – each and every one of them not worth the paper they were printed on except to some crook who dealt in high finance. But they were exquisitely engraved, quite lovely to look at, and Doc Barrows gloated upon them with scintillating eyes.

“Ain’t they beauties?” he sighed. “Some day – yes, sir! – some day they’ll be worth real money. I paid it for some of ’em. But they’re yours – all yours.”

He gathered them up with care and returned them to the suitcase, then fastened the clasps and patted the leather cover with his hand.

“They are yours, sir!” he exclaimed dramatically.

“As you say,” agreed Mr. Tutt, “there’s gold lying round everywhere if we only had sense enough to look for it. But I think you’re wise to retire. After all, you have the satisfaction of knowing that your enterprises were sound even if other people disagreed with you.”

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“If this was 1819 instead of 1919 I’d own Chicago,” began Doc, a gleam appearing in his eye. “But they don’t want to upset the status quo – that’s why I haven’t got a fair chance. But they needn’t worry! I’d be generous with ’em – give ’em easy terms – long leases and nominal rents.”

“But you’ll like living with your daughter, I’m sure,” said Mr. Tutt. “It will make a new man of you in no time.”

“Healthiest spot in northern New York,” exclaimed Doc. “Within two miles of a lake – fishing, shooting, outdoor recreation of all kinds, an ideal site for a mammoth summer hotel.”

Mr. Tutt rose and laid his arms round old Doc Barrows’ shoulders.

“Thank you a thousand times,” he said gratefully, “for the securities. I’ll be glad to keep them for you in my vault.” His lips puckered in a stealthy smile which he tried hard to conceal.

“Louisa may want to repaper the farmhouse some time,” he added to himself.

“Oh, they’re all yours to keep!” insisted Doc, “I want you to have them!” His voice trembled.

“Well, well!” answered Mr. Tutt. “Leave it that way; but if you ever should want them they’ll be here waiting for you.” . . .

[Doc] laughed rather childishly. He was evidently embarrassed.

“Could – could you let me have the loan of seventy-five cents?” he asked shyly.



Down below, inside a doorway upon the other side of the street, Sergeant Murtha of the Detective Bureau waited for Doc Barrows to come out and be arrested again. Murtha had known Doc for fifteen years as a harmless old nut who had rarely succeeded in cheating anybody, but who was regarded as generally undesirable by the authorities and sent away every few years in order to keep him out of mischief. There was no danger that the public would accept Doc’s version of the nature or value of his securities, but there was always the chance that some of his worthless bonds – those bastard offsprings of his cracked old brain – would find their way into less honest but saner hands. So Doc rattled about from penitentiary to prison and from prison to madhouse and out again, constantly taking appeals and securing writs of habeas corpus, and feeling mildly resentful, but not particularly so, that people should be so interfering with his

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business. Now as from force of long habit he peered out of the doorway before making his exit; he looked like one of . . . John Sargent's prophets gone a little madder than usual – a Jeremiah or a Habakkuk.

"Hello, Doc!" called Murtha in hearty, friendly tones. "Hie spy! Come on out!"

"Oh, how d'ye do, captain!" responded Doc. "How are you? I was just interviewing my solicitor."

"Sorry," said Murtha. "The inspector wants to see you."

Doc flinched. "But they've just let me go!" he protested faintly.

"It's one of those old indictments – Chicago Water Front or something. Anyhow ——— Here! Hold on to yourself!"

He threw his arms around the old man, who seemed on the point of falling.

"Oh, captain! That's all over! I served time for that out in Illinois!" For some strange reason all the insanity had gone out of his bearing.

"Not in this state," answered Murtha. New pity for this poor old wastrel took hold upon him. "What were you going to do?"

"I was going to retire, captain," said Doc faintly. "My daughter's husband – he owned a farm up in Cayuga County – well, he died and I was planning to go up there and live with her."

"And sting all the boobs?" grinned Murtha not unsympathetically. "How much money have you got?"

"Seventy-five cents."

"How much is the ticket?"

"About nine dollars," quavered Doc. "But I know a man down on Chatham Square who might buy a block of stock in the Last Chance Gold Mining Company; I could get the money that way."

"What's the Last Chance Gold Mining Company?" asked Murtha sharply.

"It's a company I'm going to organize. I'll tell you a secret, Murtha. There's a vein of gold runs right through my daughter Louisa's cow pasture – she doesn't know anything about it ———"

"Oh, hell!" exclaimed Murtha. "Come along to the station. I'll let you have the nine bones. And you can put me down for half a million of the underwriting."



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That same evening Mr. Tutt was toasting his carpet slippers before the sea-coal fire in his library, sipping a hot toddy and rereading for the eleventh time the “Lives of the Chancellors” . . .

Editors’ note: To learn more about the case that interrupts Mr. Tutt’s cozy reading and relaxation, open once again your copy of *Tutt and Mr. Tutt*.



*“Of Course I Didn’t Have Any Ready Money, But the Bonds Only Paid Two Percent
and the Oil Stock Was Going to Pay Twenty”*

GB