## Some New Evidence

The Testimony for the Crown Closed.

A Dundas Street Barber Describes a Dramatic Scene.

Says Tuttle Had a Knife With Which He Threatened to Attack Emerson.

THURSDAY AFTERNOON,

When the court resumed after lunch the room was filled to overflowing, every available inch of standing room being taken up, and women, unable to secure seats, occupied the steps leading to the judge's room and crowded into the aisles. Then the doors were closed and no more admitted. This had the effect of filling the corridors outside, and young men and boys climbed up on the window-sills and stood on chairs, eagerly endeavoring to get a look at the prisoner. During the afternoon the prisoner's baby daughter was brought into the court by lady friends. She was clad in snowy white garments, and wore a pretty little bonnet which enhanced the beauty of the little face, and she smiled knowingly the instant she set eyes on her father. The child was carried to the back of the prisoner's dock, where she leaned over, patted her father on the head, and with a winning smile called "Papa! papa!" The eyes of all in court, not even excepting those of the judge and jury, were turned towards the little one, who seemed to be endeavoring to cheer her father's drooping spirits. Mrs. Emerson has the sympathy of all who know anything about her heartbreaking trouble. Those who know her best say that as a faithful and loving wife she has no superior. Mrs. Emer-son, in her professional career, has times repeated the lines: "A woman's place is by her husband's side, no matter where that may be," and her life is a practical illustration of the sentiment

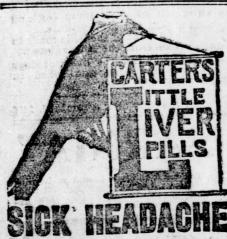
BECHER FURNESS.

Examined by Mr. Hyde, witness said ne was on the stage of the Music Hall on the night of the shooting. He had seen Tuttle come on the stage by the east door. Emerson was walking up and down the stage, with his hands on his hips; Tuttle approached, and Emerson said he wanted his money. Tuttle said the coming Sunday was pay day, according to me arrangements, and he could be seen any time. Emerson then refused to go on with the play unless his salary were paid Tuttle then advanced and dealt Emerson a blow on the mouth. The prisoner went back about three feet and the next instant there was a shot and a flash from Emerson's direction. Emerson said he did it in self-defense, and asked that an officer be sent for, as he wanted to give himself up. Witness, in the meantime, went to Tuttle, who lay bleeding on the floor. Emerson at the time was, he thought a little excited.

Cross-examined by Mr. Johnston, vitness said he was certain as to the ength of time that lapsed from the was struck until the blow shot was fired. He admitted the blow was a heavy one, as Tuttle was a big man, and dealt the blow while very angry. Behind Tuttle, to the best of recollection, stood Mrs. Emerson and Mrs. Booth. The shot might, so far as he knew, hit Mrs. Emerson or Mrs. Booth had it not struck Tuttle. He would not swear just how far away Emerson was from Tuttle when the shot was fired. Mr. Johnston cornered the witness as to the lapse of time between the blow and the flash, witness said about three Referring again to the disseconds. tance between Emerson and Tuttle, because he could not remember. witness said Tuttle was quite close enough to have struck another blow, if he had wanted to. After the shooting witness looked at the table, but could not say whether anything was missing therefrom or not. He would swear positively that the words used by Emerson after he shot Tuttle were: "Gentlemen, you see I did this in self-defense." These words were spoken directly afterwards. When asked as to Emerson's dress on the night in question, the witness was somewhat befogged, and said, if he remembered correctly, Emerson wore a black hat, black coat, top boots, with a belt around his waist. He would not be sure of the top boots, and was informed by prisoner's coun-sel that there seemed to be a great deal he knew very little about.

CHARLES G. DREW

was a member of the Wesley Stock Company, joining the troupe at Brantford, where he put up at the American Hotel, kept by James Tuttle's father. He played at Tilsonburg, returned to Brantford, and then came to Lon-Gon. On Friday, April 1, he was on the stage at the Music Hall when Tuttle came up to see Emerson. Witness knew there was a table set for a breakfast scene, but could not say what was on it beyond knives and forks. He had seen Tuttle come on the stage, when he said to Emerson, "Do you want to see me?" Prisoner "Yes," and then told Mr. Tuttle that he would not go on if he did not get his money. Then Tuttle said, "Then you will not get it." Tuttle said,



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Introduced in the Emerson

"You wont?" in a determined tone, to which Emerson replied, "No." Tuttle then struck him. Emerson staggered back a few feet, at the same time putting his hand towards his dip pocket. He had about recovered when the flash came, and he said, "You see, I did it in self-defense." The flash appeared to come from Emerson's right hand, which was at his hip. The table we's slightly disarranged, as though it ad been

pulled. Cross-examined by prisoner's counsel, Mr. Drew said he knew of ne reason for the blow which Tuttle gav. Emerson, and which was dealt without warning. He would say that it was a knock-out blow; he afterwards saw blood running from prisoner's lips. After dealing the blow, Tuttle took a step backward toward the table. He appeared to be in the act of approaching Mr. Emerson a second time when the shot was fired, and Tuttle fropped to the floor. Witness acknowledged that the lapse of time generally could not be judged with accuracy, as everybody was more or less excited. When the shot was fired, Mrs. Emerson and Mrs. Booth were a little behind Tut-

tle, and were in a dangerous position. Re-examined by Mr. Heyd, witness still adhered to his statement that Tuttle appeared to be in the act of going towards Emerson when the latter fired.

JOHN LEE.

stage carpenter of the Brantford Opera House, said he was property man of the Wesley Company. He was present on the occasion when Emerson, in conversation, spoke of how revolvers were used in the United States navy. Emerson said the eye war riveted on the object mark, and the re-volver held in the hand. While thus held, the barrel of the pictol pointed to the same mark as that upon which the eye rested. Witness had seen Wesley pay the two nights' salary to Mr. Emerson and Mr. Booth, but this did not satisfy Emerson. Wesley did not satisfy Emerson. then sent witness down to the box office to tell Tuttle. Witness stayed down stairs and Tuttle went up stairs to see Emerson. Mr. Johnston then asked the witness,

who was talking about the shooting in the navy on the occasion referred to, whether it was Emerson, or a general talk.

Witness-A general talk. All the boys were talking about it. A moment after the witness corrected the statement, and said only Emer-son was talking of shooting. When

asked regarding it, witness said: "I let it slip out." Mr. Johnston-Are you in the habit of doing that?
"Sometimes," replied the witness, "especially when one gets up here."
"And sometimes the truth slips out?"

queried the prisoner's counsel. "Sometimes it does," answered the Q .- Were not all the boys talking

about the shooting? Which is the truth? A .- Now, I can't tell which is the truth. (Laughter.) When asked about the audience,

Lee said they were very noisy, and hissed the piano player. There was a revolver used in "The Octoroon," but Mrs. Emerson, he said, carried it. The revolver was produced, but witness said it was not the property of

JOHN WEAVER.

John Weaver, a stage hand, was on the stage when Wesley sent Lee for Tuttle. He saw Emerson walking up and down. When Tuttle came up witness heard Emerson ask Tuttle for his salary to date. Witness described the shooting, and said when Tuttle fell he did not strike nor did he touch the table. When Tuttle struck Emerson, witness got scared, he said, and ran out. The table was disarranged by the

In the cross-examination by Mr. Johnston, witness admitted that his recollection of the occurrences on the night of April 1 was a little befogged, and when asked to state positively whether or not Tuttle touched the table he admitted that he could not say,

Witness swore positively that he did not see the flash. Mr. Johnston then read from the evidence which Weaver had given at the coroner's inquest, which witness had signed as correct, where he had said he saw the flash and heard the report.

Q-And this was given the day after the occurrence? A .- Yes. Q .- If it was true then, it is true now? A .- Yes, sir.

Q.-Then you would not like to swear that your memory regarding these things is correct, because you may be mistaken in many of the things you have said? Witness admitted that it would not

be well to rely on his memory. GEORGE GRISMAN.

George Grisman, Adelaide street. & helper on the stage, went over practically the same ground as the other witnesses. He saw Emerson and Tuttle talking over money matters, when the latter struck Emerson. Immediately after the blow, witness saw Tuttle's left hand on the table, and his right hand raised up. He turned to go out when the men came to blows, and did not look at either again until the shot was fired.

Mr. Johnston, in his cross-examination, failed to alter materially Grisman's testimony. Witness said he remembered the occurrences as well now as he did the day after, at the coroner's inquest.

P. C. EGELTON was on duty in front of the Music Hall on the night of the murder, and went up when he was informed of the affair He passed along to the dressing-rooms and was met by Emerson, who said: "I had to do this. I had to do something to protect myself." Witness took him back to the dressing-room. When in the act of searching the prisoner, he pointed to the revolver and said: 'There it is." The revolver was produced, and witness recognized it as the one taken from Emerson's room, with four chambers full and one empty. It had been in his possession since April 1. When he got to the station witness noticed the Emerson's lips were cut and bleeding. He thought Emerson was about 5 feet 10 inches, and would

weight 175 pounds. The deceased was a powerful man of about 210 pounds. Mr. Johnston first asked the constable whether or not he had ever made the statement that Tuttle was a powerful man. The constable's answer was a positive "No." Prisoner's counsel read from Egelton's testimony before the coroner, in which he said that he had seen Tuttle before, and that he was a powerful man and weighed about 215 pounds. Witness said he had had considerable experience in handling men, but could say nothing about their strength until he got hold of them. Witness then described the place, and how he took the prisoner to the police station,

distance, the policeman's calculation was somewhat out. He was asked if Emerson's lips were swollen when they arrived at the police station. Of this he was not sure. His statement made at the coroner's jury was read, in which Mr. Egelton said they were swollen and bleeding. Before leaving the Music Hall prisoner asked that he be allowed to take his wife and child to the police station.

DETECTIVE RIDER.

Detective Rider gave evidence regarding the searching of Tuttle's body. He took from deceased's clothes \$182 61 in money, and some jewelry. Witness believed that Tuttle weighed between 200 and 300 pounds. Tuttle was to all appearances a powerful man.

DR. DRAKE.

Dr. Drake said he was called immediately after the shooting, and arrived there about ten minutes later. found Tuttle lying on the floor with a bullet hole in his right eye and his face covered with blood. He had made the post-mortem examination.

To Mr. Johnston the doctor said the course of the bullet had been upward and backward through the bony orbit of the skull, which had severed the chief of the arteries at the base of the brain. To all appearances Tuttle was an athletic young man, heavy, and with muscles well developed

DR. CAMPBELL. Dr. J. B. Campbell corroborated the evidence of Dr. Drake regarding the post-mortem. This concluded the case for the crown.

> The Defense. PAUL COX.

Paul Cox, painter and sign writer of West London, was the first witness called on behalf of the prisoner. On Friday night, April 1, witness had gone to the Music Hall for the purpose of collecting an account from Mr. Tuttle. found Mr. Tuttle in the box office about

Prisoner's counsel-While you were there did you see anybody come down. A .- Yes, sir, one of the company. Q.-What did Mr. Tuttle do? A.-He turned down the lights and went up-

Q.-What was his condition at that time? A .- He seemed to be very much excited. Mr. Heyd did not cross-examine the witness to any extent.

T. SHUNK. Mr. T. Shunk, who took the part of the "first old man" in the plays, said that a night or two preceeding the tragedy, while the members of the company were talking together, Mr. Tuttle came over to where they were and told Wesley to go and get a policeman to keep order, as there was too much noise in the house. Wesley walked away without saying anything. Tuttle turned round and said "now he's sore"-meaning that Wesley was offended. Nearby was a knife used in the plays, about 15 or 16 inches long, an inch wide, and a quarter of an inch thick. Tuttle picked this up and said split his head with this knife. Witness

had every reason to believe that he meant what he said. Cross-examined by Mr. Heyd, witness said he would not like to swear that Tuttle was any too good-natured, nor that he would be the first to assist one if he got into trouble. He had only known Tuttle a short time. The

he threatened to break in the office WM. McLAUGHLIN.

Wm. McLaughlin, barber, of Dundas street, made a statement that surprised a good many. He said that he and his wife were in the habit of taking a glass of beer at night before retiring. On April 1 he went to Tomlinson's sathrough the back way. After getting the beer his attention was attracted by the shouts up in the Music Hall, and thinking it was a funny passage in the show, he climbed up on the shed in the rear to see. When he got up to the window, which looks out from the stage, he saw men close together. The man most distant from the window said something; he could not hear what it was. The other man said, "You won't, won't you?" and then drew back and struck somebody. The blow knocked the one who had received it back a little, so that he could not be seen, and the one who dealt it came back a step or two. As he did so, he extended his left hand towards the table and grasped a knife. He made an effort to advance in the direction of the man whom he struck, with the knife in the left hand, and his right slightly raised, at the same time say--, I'll kill you.' A shot followed this remark, and Tuttle fell to the floor. Witness did not wait any longer, but got down, took his beer, and went into his home, near the Music Hall.

Mr. Heyd, for the crown, put the witness through a most rigid cross-examination. When asked how much beer he had drunk that night, witness said. "Two glasses," and in response to the question as to whether or not he enjoyed it, said he did not remember whether he did or not, but thought he

Q.-How much beer did you buy? A. -A nickel's worth. Witness was asked why he had not made these facts known before. His reason was that he did not like to, as people might have "guyed" him about doing things on the cheap, and climbing up on the roof to see the show. In answer to questions, he said he was telling the truth upon his oath. He would never have told anyone about it had he not been summoned as a witness at the trial. He supposed that some of his friends had said something to Mr. Flock, and told him that he (witness) knew something about the shooting. The court adjourned until o o'clock in the morning.

TRUE BILLS.

The grand jury have returned true bills against Wm. Griffiths for breaking into a barn and stealing, and John B.C. Franks, for theft.

TUESDAY MORNING.

at 9:05. Every seat in the court room was occupied long before the judge arrived, many women being among the spectators

Wm. Laughlin, who was on stand when the court adjourned last night, was put in the box again this morning, and Mr. Heyd, crown proscontinued his cross-examination. Laughlin, whose voice is weak explained that during his life he had had over 100 hemorrhages. Mr. Heyd went over the details of witness' trip from the saloon to the top of the barn at the rear of the Music Hall, which witness said took him about a minthrough the back way. When asked ute. There was snow on the roof at

how long it was from the time of Emerson's arrest until he got to the police station, Mr. Egelton said ten minutes. When asked regarding the and that he had never heard a greater noise, even when the audience ap-planded. He had not been on the roof for a long time previous to that night, and only once since, when he went with Mr. Flock, prisoner's solicitor.

Re-examined by Mr. Johnston, Laughlin said the ascent to the top of the barn was easily accomplished. Mr. Flock had made it easily enough also, and he had seen many people there at different times, some this morning. When coming down from the roof, Mr. Tomlinson's, bartender (Jimmy something, could not remember his name) spoke to him. When asked how Mr. Flock came in possession of the Flock came in possession of the knowledge that he knew anything about it, witness said prisoner's soli-citor had sent for him. Mr. Flock had asked him what he knew about the matter. Witness had told him only

a portion of what he knew.

To the judge witness described his position at the window, and how the stage appeared. He had seen the people on the stage, and distinctly heard Tuttle call Emerson the vile name. When the judge asked: "Can you account for half a dozen people on the inside not hearing the vile language?" witness said he could not account

JAMES McCAUSLAND. James McCausland, bar-tender at Tomlinson's hotel, was the next witness. He described the bar in the rear of the hotel. He had been out in the rear yard between 8 and 9 o'clock on the night of April 1, when he saw Wm. Laughlin, the previous witness, getting off the roof of the barn. Laughlin spoke to him and told him about the shooting. There was no one else in the yard at the time. After speaking to Laughlin, he went into the bar to his work. Witness had seen people on the barn at different times. They could get up easily, and this morning he saw Mr. Flock, Architect McBride and others up there. They were looking through the window on to the stage of the music hall.

Mr. Heyd re-examined the witness. When witness went out in the yard it was for wood; when there he saw Laughlin; witness at first could not say at what time he went, but afterwards said it was before 8 o'clock. A few questions were put regarding this, and witness became very positive about

Mr. Heyd-It was before 8 o'clock? A .- Yes. eir. Q .- You are sure about the time? A.

-Yes. sir. Q. Positive of that as you would be if you had the watch in your hand? A.

In reply to other questions, witness said he knew Laughlin was a delicate man, but did not think it a strange thing for a man who had had about 100 hemorrhages to go out and sit on the roof in the snow. Laughlin had spoken to him about the shooting in the yard and in the bar. In answer to questions by the judge,

matter over with Laughlin, and did not know he was going to be a witness until last night. Mrs. Laughlin was called and said her husband had spoken to her about the shooting after he came in with the

McCausland said he did not talk this

beer. Ordinarily it only took four or five minutes, but that night it was about fifteen minutes. Other questions as to what Laughlin said and what he did on that evening

the judge considered irrelevant, and witness was permitted to leave the stand.

Mr. Johnston, addressing the judge, said he did not wish to ask anything the court did not think material. Counsel could not see the end of the only other violent exhibition of temper he had seen Tuttle display was when could be possibly brought out should

His lordship said he did not wish to shut out anything which would help either side.

MISS ROBINSON.

Miss Robinson, a member of the company, described to the prisoner's counsel what took place on the stage on the night of the tragedy. She had heard Emerson ask Wesley for the money, and Wesley replied that he had better go and see Tuttle himself. Witneso said she, as well as Emerson, was owed money by Tuttle; had seen Tuttle as he came on the stage: he passed witness as he went along towards Emerson; the latter was cool, but seemed determined not to play unless he got his money up to date. Witness was sitting near the table when Tuttle and Emerson started to talk about the money; Emerson said he would not go on until paid; Tuttle said "You won't?" Emerson said "No." Tuttle then thrust his arm towards Emerson's face, and said, in a very objectionable way, "Well, you won't for the purpose of committing the get it." The blow fell short of Emerson's face. Witness knew trouble was coming, and got down behind the table; while in that position she heard the shot and the shuffling of feet; witness got out and saw Tuttle lying on the floor. She had not disturbed the table to the best of her recollec-

Mr. Heyd's short cross-examination failed to change any of the witness'

PERCY FITZGERALD.

Percy Fitzgerald, a crown witness, told prisoner's counsel that he standing only three or four feet away when Emerson and Tuttle had the altercation about the money. Witness saw Tuttle strike the blow and heard him call Emerson a vile name. His evidence regarding the stage fittings and other circumstances was the same as that given by other witnesses.

MAY DOWLING. May Dowling, nurse girl in the em-

Of Kingsville, Essex Co.

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M. T. Wigle, better known to every one in the vicinity as "Uncle Mike," was troubled for over 23 years with itching piles. At times he was so bad he would have to quit work. The irritation became so intense with constant rubbing that they became ulcerated and would bleed. He had been treated by many physicians, but found nothing that gave him relief. Reading in the paper the cure of a friend who The trial of W. D. Emerson for the had suffered in a like manner, and been cured by murder of James Tuttle was resumed Dr. Chase's Ointment, he procured a box. After the third application he got such relief that he had the first comfortable night's sleep he had enjoyed in years. The one box made a complete cure, and he says he would not be without it for \$50 a box if it could not be replaced. Mr. Wigle is a wealthy farmer, well known in the community in which he resides. It is over two years since he was afflicted, and he has never been troubled since.

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ploy of Mrs. Emerson gave evidence that materially strengthened the defense. She had seen a revolver in Emerson's pocket on Monday night, and again on Thursday; on Friday night witness had carried the baby, which was about a year old last December, to Mr. Emerson's dressing-room. there the little one's clothes brushed against the revolver, which was lying ing on the shelf, and she told Mrs Emerson; Mrs. Emerson had told Mr. Emerson about this, and he took the revolver and put it in his pocket.

Mr. Heyd objected to the witness statement about the revolver. Mr. Johnston claimed that as the crown had charged that the revolver had been placed in Emerson's pocket crime, he was entitled to show just

how the revolver came there. The judge ruled that the evidence was admissible. Witness said she knew nothing about

the shooting, not having seen it. Both the judge and Mr. Heyd asked a few questions as to how she fixed the dates, and her reply was: "From memory.

EMERSON IN THE BOX.

A murmur ran through the countroom when W. D. Emerson, the prisoner, was called to give evidence in his own behalf. As he took the stand nis counsel asked: "You are the accused?" A .- Yes.

Q .- You gave yourself up, as we have Q.-And you have been in jail ever

since, awaiting trial? A .- Yes

Witness then went into details. He had been a professional actor for 11 years, and was 43 years of age. For five years he had been an ensign on U. S. ship Galena. He described the U. S. regulation pistol as a 16-inch barrel. These were carried and used by the men on the ship. He had resigned after five years' service, having graduated at the naval academy, and took up stage life, traveling as an actor with many companies. He joined the Wesley Stock Company at Brantford on Feb. 27, and took the part of leading man, and his wife played leading woman They played ten nights at Brantford, two at Tilsonburg, and four at London. During all this time he had never had any arguments with Tuttle. On one occasion, after coming to London, he complained to Tuttle about the hotel accommodation, and Mr. Tuttle changed hotels. Regarding his money, prisoner said that while at Tilsonburg, Wesley had posted a notice that he would pay on the following Monday morning. On Wednesday morning he wanted some money to pay a laundry bill, and Tuttle promised to bring it on the stage that night, but did not do so. On Friday morning, Mrs. Emerson had lost her purse, containing ninety some odd dollars, and this left them about stranded. She came to him on Friday

night and spoke to him about the re-

volver. While there she spoke about

put on a vaudeville performance on the

Saturday night, so that if Mr. Tuttle

chose, he could dispense with their ser-

vices after the Friday evening. He

spoke to Mr. and Mrs. Booth about the

the lost purse, and told him (Emerson) that arrangements had been made to

the front of the curtain and told the pianist to play until ordered to stop. He wanted his money, and thought if he did not get it then, he never would. He got paid that night for two nights' play at Tilsonburg. Referring to his dress, he said he did not have topboots or a belt on. When questioned as to the revolver, he said he had always carried one throughout his theatrical experiences. The reason was that he was often on the streets in different places at a late hour, from necessity, and as a rule, the rear entrances of theaters were only gained after passing through dark alleys. His wife also carried a revolver-a goldmounted one-which she had received from her mother. Since Mrs. Emerson was married, three years ago, she had always carried the revolver. He did not deny that it was a shot from his revolver that killed Tuttle.

Emerson went over the conversation that he had with Wesley. He asked

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