

# RICH MEN IN COURT OVER SHAKESPEARE

Film Magnate Enjoins Fabyan  
from Calling Avon's  
Bard a Faker.

LATTER DEFENDS BACON

Supreme Tribunal Will Get the  
Long-Mooted Question, Both  
Chicagoans Agree.

Special to The New York Times.

CHICAGO, March 9.—One of the most extraordinary legal actions in the history of literature was begun in this city today. Upon the application of William N. Selig, moving picture manufacturer, Judge Richard S. Tuthill of the Circuit Court issued a temporary injunction against Colonel George Fabyan, Katie Wells, Elizabeth Wells, Gallup, and the River Bank Company—the Fabyan country seat—restricting them from “defaming” the name of William Shakespeare.

The real—although empirical—defendant to the suit is Francis Bacon, Baron of Verulam, Viscount St. Alban, and Lord High Chancellor of England 300 years ago.

Upon the outcome of the suit depends whether in the law's opinion Shakespeare is to be branded as a “literary faker” and driven from the memories of the world and Lord Bacon lifted to the lofty pedestal of fame in his stead and hailed as the true author of Shakespearean works.

The wealth of both Colonel Fabyan and Mr. Selig have been pledged to fight the case to a finish. Each says the United States Supreme Court will be asked to pass finally upon the mooted question. Charles J. O'Connor, attorney for Colonel Fabyan, and John A. Verhoeven, representing Mr. Selig, appeared before Judge Tuthill when the preliminary injunction was issued. After hearing arguments on both sides Judge Tuthill said:

### Wants Question Settled.

“For a long time I have wondered whether Bacon really was the author of the works credited to Shakespeare. It should be legally settled, for our school children are taught to revere him and his works, his birthday is celebrated the world over, and we pay homage to him. It is time that the question is legally settled. I will issue a temporary restraining order.”

“If such charges as Colonel Fabyan makes were allowed to go unrefuted and were published it would not only defame an ideal of the literary world, but of the masses,” Mr. Selig later said. “It is time the matter was decided by our highest court authority. I'm in the fight to a finish.”

Selig has prepared films for the tercentenary of the death of Shakespeare which is to be celebrated internationally on April 23. He says the defendants are contemplating the publication of a series of works which will attribute Shakespeare's plays to Lord Bacon. He asks that the publication be restrained “or the fame of Shakespeare will be shattered” and the public will not attend the performances of the films to be shown by him.

Colonel Fabyan is a member of the firm of Bliss, Fabyan & Co., dry goods brokers of New York, Boston, and Chicago. He is a man of wealth and a passion for doing things a little different from other mortals. He owns a magnificent estate at Geneva, Ill., about forty miles from Chicago, where he makes his residence, or to be more accurate, residences, for on this estate Colonel Fabyan possesses no less than three houses, the smallest of which contains twenty-five rooms.

In addition he maintains a complete menagerie, lions, tigers, hyenas, &c., and a wonderful collection of live snakes of all descriptions, rendering a saunter through the Fabyan estate more or less thrilling.

### Bugs and Coyotes There, Too.

He, moreover, has a strange and curious liking for bugs of various descriptions, and maintains professors with elaborately equipped laboratories to carry on research in the insect world.

The laws of sound waves also appeal to Colonel Fabyan, and he has an elaborate system of wires on his estate capable of producing sounds in most startling fashion and capable of being heard a mile or more away. Music is another fad, and, go where you will throughout the estate, music follows the visitor. It is produced, according to Colonel Fabyan, by vibration on wood and is controlled from the main villa on the estate.

The Colonel was explaining all this to a visitor to his estate the other day while walking through an elaborate Japanese garden. The Colonel's dissertation was broken off by a wild yell, which caused the visitor's hair to stand on end.

“Only a coyote, nothing to be afraid of,” smilingly said Colonel Fabyan. “He's locked up behind you in the animal house. That coyote doesn't make much noise. You ought to hear that tiger cat in the cage next to him scream once in a while.”

The visitor looked toward the tiger and took in not only the “cat” but a couple of black bears, several wolves, a bunch of chattering monkeys, and a score of other denizens of the wilds.

“Just got in a case of ten-foot snakes this morning,” added Colonel Fabyan. “One of our scientists is experimenting with them.”

Colonel Fabyan, discussing tonight the Selig injunction proceedings, made this statement:

“I have conclusive evidence making it manifest and obvious to a mind of average intelligence that Shakespeare was a faker and Lord Bacon hid behind his name. I have been making this research secretly. I wanted to satisfy myself if it were right.

### Like Religion to Delvers.

“I'm convinced now I am 100 per cent. right. We have discovered things in Shakespeare's works that will stagger the world. It has been the religion of the two men who have spent much of their lives in the mountain of work that has gone along with the deciphering.

“Our investigation hasn't ended by any means. When Bacon wrote these works he probably labored harder than any known human being ever worked before. In writing his famous plays—attributed to Shakespeare—he interwove into them the remarkable stories we have deciphered. In some instances the stories are interwoven into four and five different works. All of this he did without causing either of the stories he

was writing to lose its force or its continuity. But the cipher unfailingly brings them to light.

“Colonel Selig's suit for an injunction is welcomed. I'll fight it to the highest court along with him. I invite any Shakespearean scholar or society to submit any proof it has against our claim. I want to see every bit of data obtainable brought into court, and a final showdown made. It's a fight for the masses.”

The suit for injunction is based on the charge of Colonel Fabyan and his two co-defendants that Shakespeare was an “illiterate faker.” They charge—and were preparing to issue the accusation in book form—that the man who has been regarded as the world's greatest writer did not pen a single line of the works credited to him.

## ART MUSEUM BUYS BLAKESLEE PICTURE

“Portrait of a Gentleman,” by  
Adam van Noordt, to Hang  
in Armor Gallery.

Curator of Arms and Armor, Bashford Dean, of the Metropolitan Art Museum, made another purchase for his department of the Museum last evening at the Blakeslee sale at the American Art Galleries. The subject was another man in armor, “Portrait of a Gentleman,” by Adam van Noordt, a Flemish painter of the last half of the sixteenth and first part of the seventeenth centuries. It was a three-quarter length portrait, standing, the man wearing a dark suit edged with gold, and a large white ruff. He had brown hair and a short beard, and his left hand held the hilt of his sword. A helmet with feathers was on a table at one side. It went for \$50.

The returns for the evening were \$7,704, bringing the returns to date up to \$63,226.

George Grey Barnard, the sculptor, was again a purchaser, paying \$260 for an Italian picture: “The Annunciation,” of the Fra Angelico School. The “Portrait of Lady Olive,” by Francis Cotes went to A. L. Kramer for \$280, and the same buyer paid \$330 for the “Portrait of a Gentleman,” English School. The “Portrait of a Child,” a little one, in a white dress, standing in a wood with a cone in its hand, went to A. M. Henry for \$220. A portrait of “Sir John Ross, the Explorer,” by Thomas Phillips, a seated figure in uniform went to A. L. Kramer for \$280.

“Madonna and Child,” of the Flemish school, was sold to A. M. Henry for \$310; “Portrait of Joseph Wright of Derby, the Artist,” by Thomas Barker of Bath, went to the Ehrich Galleries for \$430, the highest price of the evening; “The Miniature,” a picture of a young man and woman, the latter holding a miniature, by Carie van Loo, went to A. M. MacDonald for \$300, and “The Shipwreck,” by Ludolf Backhuysen, to the same buyer for \$230; “Woman with Mask,” a picture of the eighteenth century French school, went to Henry Blaub for \$375, and Clapp & Graham paid \$200 for “Portrait of a General,” by Sir Godfrey Kneller.

The sale will be concluded this evening at the American Art Galleries.

## A SECOND “GALA CONCERT.”

Messrs. Kreisler and Casals Play  
Brahms's Double Concerto.

The second of the “gala concerts” in Carnegie Hall with which the New York Symphony Orchestra is ending its season was as notable as the first. It took place yesterday afternoon in Carnegie Hall, and is to be repeated on Sunday. Messrs. Fritz Kreisler and Pablo Casals were the solo artists, and they joined in a performance of Brahms's double concerto for violin and violoncello. The orchestral numbers were the Bacchanale from the first act of “Tannhäuser,” in the “Paris version,” and Strauss's symphonic poem “Death and Transfiguration.”

It is not often that two great artists are united in one performance with results of such supreme artistic value as was the case yesterday, although New York in the last season or two has had several times a similar good fortune. The concerto is not often heard. The performance of such a work implies a certain abnegation on the part of the two artists concerned in it; a division of the central position which a solo performer naturally expects in these days to maintain in the playing of concerto. But Messrs. Kreisler and Casals—par nobile fratrum—are so much more artists than they are virtuosos; so much more interesting in music than they are in the presentation of themselves before the public, that the opportunity to share in the performance of a composition so nobly beautiful, so profound, so exacting not only upon the technical ability of its interpreters but still more upon the deeper qualities of their musicianship, was one to be welcomed.

That it was welcomed seemed evident from their playing of the concerto. It is the business of an artist to reproduce music in the style and spirit in which it is conceived and which make it what it is. But rarely do two such masters, each foremost in his art and hence strongly individual in his manifestations of it, approach a composition so nearly at one in point of view and in feeling as did these two. And herein lay one of the most notable qualities of the performance. The two artists were animated by the same spirit and kindled by the same enthusiasm. How many phrases of the music, recurring for one instrument and the other, were delivered with the same significance, the same understanding of their beauty; and with what a subtle balance and unity were so many of the concerted passages interpreted!

The concerto has this characteristic in common with Brahms's other concertos, that it is not meant chiefly for virtuosos display, but for the exposition of musical ideas. The orchestral part has much more than the function of an accompaniment, and the two solo parts are closely welded with it. It may be said that the beauty and richness of the orchestration is characteristic of Brahms's orchestral writing at its best, deeply and glowingly colored, exactly fitted for the expression of the musical ideas. The music is full of vigor and vitality; the slow movement is of much poetical beauty, and the last movement suggests the Hungarian rhythms that had so much attraction for the composer. The orchestral part had been carefully prepared and the performance had the true effect of a great ensemble piece. Needless to say it stirred the listeners greatly, and there was much applause.

Strauss's tone poem was admirably performed by Mr. Damrosch and his men, with a clear exposition of the musical value that underlies the attempt at delineation. It was a more effective performance than that of the Bacchanale; and at its close Mr. Damrosch made the orchestra rise to receive the applause which it got and deserved.