

# FINDS SHAKESPEARE WAS AN IMPOSTOR

## Chicago Judge Rules That Bacon Was the Author of the Bard's Plays.

### GIVES DAMAGES IN SUIT

#### Awards \$5,000 to Col. Fabyan in Controversy with a Moving- Picture Manufacturer.

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CHICAGO, April 21.—That William Shakespeare was an impostor and a cheap actor to whom had been intrusted by Sir Francis Bacon, as author, the manuscripts of the plays that for three centuries have borne Shakespeare's name; that these manuscripts had been intrusted to Shakespeare solely for the purposes of presentation on the stage, and that the authorship of these plays rested in Bacon alone and not in Shakespeare, is the obiter dictum of Judge Richard Stanley Tuthill of the Circuit Court of Chicago. Judge Tuthill, himself a Shakespearean scholar, rendered this decision today. He expresses his belief that Bacon and not Shakespeare wrote the plays which for nearly 300 years have been generally accepted by the world at large as the work of the Bard of Avon.

Judge Tuthill awards to Colonel George Fabyan of Chicago, who is a member of the firm of Bliss, Fabyan & Co. of New York, Chicago, and Boston, dry goods commission merchants, the sum of \$5,000 damages. Colonel Fabyan recently revived the theory that Bacon was the real author of the Shakespearean plays and that Shakespeare was merely employed by Bacon to interpret these dramatic works. Judge Tuthill awards the damages because William N. Selig, a moving-picture manufacturer, had sought to enjoin Colonel Fabyan from publishing the facts which he alleged to be in his possession showing that Bacon and not Shakespeare wrote the plays. Colonel Fabyan has spent hundreds of thousands of dollars and has employed for several years an expert staff of literary workers, versed in Shakespearean literature, with the aid of a cryptic code, to prove his theories.

It is understood that the Selig interests are much dissatisfied with Judge Tuthill's decision and that they will carry the matter to the highest courts. Colonel Fabyan, on the other hand, says that he is so convinced of the truth of his theories that he is prepared to take the case to the United States Supreme Court if necessary.

In his decision Judge Tuthill says in part:

"That William Shakespeare was born April 23, 1564; that he went to London about 1586 or 1587, that for a time thereafter he made his living working for Burbage, that he later became an actor in Burbage's Theatre and in traveling theatrical companies, that he retired about 1609 or 1610 to live in Stratford-on-Avon, where he engaged in business to the time of his death on April 23, 1616, and that Shakespeare was not an educated man, are allegations which the court finds true.

"The Court further finds that Francis Bacon was born Jan. 26, 1560; that he was educated not only in English but in French, Latin, Italian, German, and had a general education equal to or superior to any one of his age; that he was the compiler of a book of 1,500 axioms and phrases selected from the greatest authors and books of all time; that in his youth literary people were frowned upon in England, but in Paris literary people were in the favor of the reigning powers, and literature was having a renaissance. Bacon went to Paris in his early youth and spent several years in this atmosphere.

"The Court takes judicial notice of historical facts and facts well known, and finds that there has been for sixty years a controversy over the authorship of certain works which were published shortly after the death of Shakespeare and attributed to Shakespeare; that the question always has been an open question among scholars of equal authority and standing in the world of letters, literature, and knowledge as to the authorship of the above mentioned works, and that a vast bibliography, estimated by those who are in a position to know, at 20,000 volumes, has been written in discussion of the vexed question.

"The court further finds that by the published and acknowledged works of Francis Bacon there is given a cipher which Bacon devised in his early youth when in Paris, called the biliteral cipher; that the witness, Elizabeth Wells Gallup, has applied that cipher according to the directions left by Francis Bacon, and has found that the name and character of Shakespeare were used as a mask by Francis Bacon to publish philosophical facts, stories, and statements, contributing to the literary renaissance in England which has been the glory of the world.

"The court further finds that the claim of the friends of Francis Bacon that he is the author of said works of Shakespeare, and the facts and circumstances in the real bibliography of the controversy over the question of authorship and the proofs submitted herein convinced the court that Francis Bacon is the author."

Mr. Selig alleged that the publication of the book tending to prove that Bacon wrote the Shakespeare plays would injure him in his project of making moving pictures of plays commonly attributed to Shakespeare.

There was much discussion this afternoon of Judge Tuthill's decision. James Weber Lind, an associate professor of English, said:

"I know nothing of the Shakespearean knowledge of Judge Tuthill, but I am glad that the Bacon-Shakespeare controversy has finally been settled. It is a triumphant vindication of Ignatius Donnelly and gives Chicago two great literary judgments. The other was that of the luminary who decided that some Chicago real estate agent wrote 'Cyrano de Bergerac.' I am sorry I can't remember the name of either the real estate agent or the luminary, but I am sure we shall all remember Judge Tuthill's."

"The decision must have absolutely no influence on the controversy," said Professor Albert H. Tolman. "Judge Tuthill may not have known anything of the matter, and being forced to make a decision, did the best he could. If Bacon wrote Shakespeare's works some one will have to show who wrote Bacon's, because it is certain that the two works are not by the same mind. They are too radically different."

C. H. Grabo, an instructor of English, said that the entire matter was very amusing, and another authority, who asked that his name be withheld, said that "biliteral" cipher could be used to prove that Bacon or any one else wrote the Twenty-third Psalm.

Judge Tuthill is one of the best known jurists in Illinois. He has long been known for his literary attainments and his close study of Shakespeare. His ancestors came from Vermont. He was born in Jackson County, Ill., in 1841, and was admitted to the bar in 1863 at Nashville, Tenn. He came to Chicago in 1873, was elected City Attorney of Chicago in 1875 and a Judge of the Circuit Court in 1887. He is a leading Mason and a member of the Union League Club, the Hamilton, the Illinois, and other well-known Chicago clubs. He was for many years a close friend of the late General Logan, in whose division of the army he served during the civil war. He was also on terms of friendship with President Chester A. Arthur.