

THE CURTAIN IS UP.

Charley's Aunt and College Chums Meet in Open Court.

INJUNCTION PROCEEDINGS TODAY.

Manager O'Malley Cannot Tell Much About "Mr. Baker," the Father of the Chums.

When the injunction suit of Charles Frohman vs. Manager O'Malley of the Lyceum theatre, was continued on Wednesday last, at the request of the plaintiff's counsel, in order to enable them to produce the affidavit of Brandon Thomas, the author of Charley's Aunt, then on its way from England, Judge Merrill limited that he should have the same today "at all hazards," and he kept his word. As soon as the court had finished up the usual daily formalities, the injunction matter was called up, and all the parties to the suit responded with the word "Ready."

Counsel for the plaintiff were Attorney Barlow Ferguson and E. H. Critchlow; Mr. O'Malley was represented by Judge Day, with whom Attorney Fred E. Metcalf was associated.

Mr. O'Malley, the defendant, first went upon the witness stand and was questioned briefly by Attorney Critchlow. He testified as to the production of Charley's Aunt at the Lyceum on September 20 and thereafter, and said there were about ten persons in the play, the performance of which occupied about fifty minutes. Witness furnished the manuscript to the plaintiff. The original printed play from which he wrote it had been sold and he could not tell where it was, but he had never seen the play called Charley's Aunt. He furnished the printed matter last August, and said he had never seen the play called Charley's Aunt. He furnished the printed matter last August, and said he had never seen the play called Charley's Aunt.

"There were lots of people who came there expecting some fun," answered Mr. O'Malley, "and I gave them. (Laughter.) I didn't want Mr. Ferguson to steal my play, and I wanted to get a laugh in the end, (Laughter.) I was told nothing but that he was stealing, and you find the plagiarist out, didn't you?" asked Mr. Critchlow.

"I did not," answered Mr. O'Malley's smiling answer. "Why didn't you want him to take it?" "Because I thought he was stealing my play." "Which you gave him last fall?" "Which you gave him last fall?" "Which you gave him last fall?"

Mr. O'Malley answered with a smile: "I do not say that they don't get up till dinner time, (Laughter.) You remember Mr. Frohman as a theatrical manager?" "I might be, I have worked for the Frohmans."

"Did you not tell Mr. Barlow Ferguson that if he would show you the manuscript of Charley's Aunt, he would show you the manuscript of Charley's Aunt?" "Yes, sir," answered Mr. O'Malley.

"You don't know whether he's a thief, a plagiarist or anything else?" "No, sir," answered Mr. O'Malley.

At this point the court adjourned. "All right," answered Mr. O'Malley. "You remember Mr. Frohman as a theatrical manager?" "I might be, I have worked for the Frohmans."

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A SERIOUS CHARGE.

Made Against Attorney Carey By a Penitentiary Writ.

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Frank Johnson Avers That His Lawyer Sought to Bribe Him.

In Judge Barlow's division of the Third district court this morning there was a slight and unexpected departure from the usual flow of the docket. A writ of Habeas Corpus was granted for a new trial made yesterday by Attorney Carey on behalf of the defendant, Emil Jarmuth.

Readers of the News will remember that one Frank Johnson and Emil Jarmuth were indicted by the grand jury on a charge of stealing a horse, buggy and harness belonging to Mrs. Elizabeth Davis of Marcy. Johnson on Tuesday last pleaded guilty and was sentenced to three years in the penitentiary, he being an old offender. Jarmuth stood trial and the jury acquitted him.

On making his motion for a new trial, Attorney Carey put in an affidavit of the defendant, which appeared in last evening's News. This morning the prosecuting attorney, a complete surprise when Assistant District Attorney Barlow examined the affidavit, the statement furnished in writing to the court, tend to place Attorney Carey in a seriously unpleasant position for the time being.

The first of these was by Detective George A. Hines, who was on duty during the month of June, 1911—the date he could not remember—he was telephoned to at the city hall and informed that the prisoner Frank Johnson wanted to see him in his court jail. He went there, and Johnson then asked to be put in the penitentiary. Johnson then asked to be put in the penitentiary.

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UTAH TERRITORIAL FAIR.

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Salt Lake City, Utah, October 2, 3, 4, 5 and 6, 1894.

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Grand Military Pageant and Drill by the Utah National Guard.

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JOHN R. WINDER, President,
GEORGE D. PETER, Secretary.



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