

SHE ACCUSES TULLY OF STEALING HER HAWAIIAN IDEAS FOR PLAY

Mrs. Grace A. Fendler Says He Certainly Took Her Own Material.

When Mrs. Grace A. Fendler accused Richard Walton Tully of stealing from her the material for his Hawaiian play, "The Bird of Paradise," she accompanied the charges with specifications. The New York Times sent a "funny man" to write the story up and here is what he produced:

Richard Walton Tully and some others were obliged to go into the Supreme Court yesterday and answer the accusation of Mrs. Grace A. Fendler that his play, "The Bird of Paradise," now being played at Maxine Elliott's Theater, was cribbed in part from a play called "In Hawaii," which she wrote over so long ago and has been trying to get produced ever since.

She averred that Mr. Tully's getting it played over on Broadway had done her an injury, while it is incalculable, she would like to see it annulled by a verdict of at least \$25,000, and in the meantime would Justice Davis be so good as to tell Mr. Tully and Oliver Morosoff and Jno. Carl and Ben M. Giroux to stop producing "The Bird of Paradise" immediately.

Justice Davis said he would see about it and now has light to that end in the form of most voluminous briefs and affidavits and deadly parallels, the entire bulk of legal papers being saturated with Hawaiian local color.

Mr. Tully is very much irritated at the inconvenience of the suit and yet pleased at what he considers a compliment, for he says that the things Mrs. Fendler recognizes in his play are simply Hawaii and that it means he has succeeded in transplanting Hawaii to the stage, which was what he set out to do.

But Mr. Tully's principal answer to the suit lies in his assertion that, whereas Mrs. Fendler does not pretend to have shown her play anywhere before the early part of 1909, he had completed the rough sketch and the title of his back in 1907, when he was visiting Mrs. Phoebe A. Hearst, William Randolph Hearst's mother, in California. Besides these first notes, he submitted to Justice Davis yesterday an affidavit from Mrs. Hearst in which she recalled Mr. Tully's having talked of a Hawaiian play in 1907, and one from his wife to the same effect. Ah, yes, says Mrs. Fendler, through her attorney of course, but those first outlines did not contain the conspicuous scenes which are mine by right of prior authorship.

"Each author of a literary composition," observes Paul N. Turner, Mrs. Fendler's lawyer in his memorandum, "is required to obey the command, 'Thou shalt not steal.'"

After which ominous statement, this is what he has to say:

"In the case at the bar, two authors might be original and each use a Hawaiian princess as a character. There would be nothing unusual if they each made her the central character. Even though there were many dynasties, it might not seem strange that each should choose as his character a princess of the Kamehameha dynasty. When we find that each princess is called the last of her race, we begin

to feel that we are reaching the limit of natural coincidence.

"If we find both authors going further and making their princesses refuse a crown, (this refusal being a mere fiction, as no Hawaiian Princess is known to have done such a thing,) these authors got his idea from the other. When we follow the matter further and find that each princess is made to attract a foreign doctor, temporarily in Hawaii in search of a cure for leprosy, and that each princess fascinates her doctor with the same native dance and by surr riding, and that at least two of the acts are given in the same stage setting, we would require conclusive evidence to overcome the conviction that one of the authors had used the materials of the other."

Now, although Mr. Tully says that even since the suit started he has not had the pleasure of reading Mrs. Fendler's manuscript, he gathers from her list of coincidences submitted that she has made use of "words, customs, and historical, ethnological and geographical facts, which are matters of common knowledge and which are discussed in any work or encyclopedic article of reasonable scope upon the subject of Hawaii."

Wanting for a Hawaiian romance a native girl, he naturally chose one of blood, and since, according to his account, Queen Lili is the only Princess of the only other dynasty, he naturally turned to the descendant of Kamehameha, no creation of his, but one of the most treasured myths of the island. And, since he wanted an American for the man, and yet one starting out with an exalted purpose, he took a doctor, and all doctors who go to Hawaii with an exalted purpose have their eyes on leprosy, as for the native girl attracting by the hula dance and the surr riding, why that is the way the native girls do their attracting out there.

"However," observes Mr. Tully, in his memorandum, "this is not the only means of alluring him to stay, for she kisses him at the end of the act."

Mrs. Fendler has lived many years in Hawaii, and Mr. Tully simply went there to study the place, but he has always been interested in it and gravely records that at a very early age he acquired a knowledge and was capable of singing the native songs of the Hawaiians, and accompanied the same himself on the native instrument, "ukelele."

Oliver Morosoff, who is producing "The Bird of Paradise," once received her manuscript and considered it, according to Mrs. Fendler, but he says that, if he did he has forgotten the incident, and that certainly he never handed on her material to Mr. Tully. John Cort, who is made a party to the action, denies that he has any interest in "The Bird of Paradise," in which, in naive legal form, the plaintiff responds that it can't make any difference to him, then, whether Justice Davis restrains the production or not.

Petitions are in circulation in Massachusetts for the repeal of the 54-hour law which went into effect January 1.

The sea claimed the lives of 190 persons with 225 American vessels during the fiscal year 1911.

"A SETTA" HITS FROM SHOULDER

Shows How Attacks On Kuhio Are Ruinous to Common Good.

"A Setta," the Portuguese weekly of Hilo, publishes the following in the English section of a recent issue:

Though often tempted to enter the political arena, we have so far refrained from this step because our aim is to create harmony and not dissension in the Republican ranks. But the present rickety and demoralizing condition of the Republican party in this Territory compels us to issue this warning: "That if the Administration doesn't immediately discontinue its present persecution of home-readers, and if the Advertiser and the Hawaiian Star (in their attempt to uphold the unpopular attitude of the administration) don't immediately apologize to the irrawaian-American citizens for their numerous insults, the majority of the delegates to the coming Territorial Convention will be Kulo men and the Legislature of 1913 will be composed of honest, fair-minded, anti-administration men, who by their legislative acts will demonstrate to the supposed Almighty Civic Federation, and a few Haters of the Kanakas, that insults, nicknames and threats never did, and never will, gain the approval of popular sentiment."

The above is not a threat, for we detect even the very word, but it is a warning to some stray Republicans, who have wandered from the true path, and in their endeavors to come back to line are muddling and undermining the once solid Republican foundation by their acts and insults towards our brothers, the Hawaiian-Americans.

The "A Setta" is an atom in this literary world of ours, but the truth often comes from the mouths of infants. We leave it to our fair-minded readers to consider and decide conscientiously whether our warning isn't justified at present.

Kuhio is being branded by some Honolulu editors as a traitor, a hypocrite, a nigger, a prince of dog-eating aborigines, etc., and so ought to be thoroughly trounced and read out of the Republican party. Oh, such insults and tommyrot! The Fear-Kuhio fight is a personal one, but the electorate is being involuntarily drawn into it. Now when this fight becomes a political issue, on whose side will the majority of the electorate be? Fear is a learned jurist and as Governor is trying to do what he thinks is best for this Territory. He is being upheld by an antagonistic, unpopular and insulting press. Kuhio is a plain gentleman and as Delegate to Congress has done and is doing more for Hawaii and its people than we ever expected. He has a grateful and sympathetic population behind him.

Kuhio has been the standard-bearer of the Republican party for many years. He has always performed his duties faithfully, and has made good, but now because he has found cause to differ personally with Fear, he is a dog-eating traitor, and must be read out of the Republican party. How absurd! But the greatest of all absurdities is to call the Hawaiian-Americans "niggers and dog-eating aborigines," and then ask them to rally and sup-

port the personal fight against Kuhio, a prince of Hawaiian royalty. Kuhio requests that "harmony" prevail in the Republican party. We heartily agree with him. Put aside this personal fight, stop bickering and insulting, elect a solid Taft delegation (or one as may be deemed best) at that time to Chicago, help Fear and Kuhio in the give-and-take game and by all means maintain the solid Republican cordiality that prevailed during the past.

Both the Governor and the Delegates have their faults and peculiarities, both have made mistakes, both are fighting for personal supremacy, both are staunch Republicans, both must consider the welfare of the party. Therefore we request that both arbitrate, and then unite in rallying the retreating Republican factions toward a grand political victory in the proximate general elections.

The Land Department would confer a great favor on the residents of South Hilo if it would explain why the very best portion of the Hakalaui tract extending along the Government road, 400 feet deep, and comprising about fifteen acres, has been declared a reservation.

The consumers of the canned pineapples and the stockholders of the Haku Pineapple Company need not worry in the least. Just think, they now have an bona fide homesteader (*) at Haku, Maui, Ed. B. Blanchard, pure-food man in Honolulu, to see that no bad dope is put in the cans and S. T. Starrett, Honolulu market superintendent, to see that a market is obtained for the canned goods.

We have been informed that the piece of land on which the Hilo post-office now stands has been secretly disposed of to the Hilo Railroad Company for the sum of One Dollar. If such is the case, it's up to the administration to kindly explain to the Public why such partiality should be shown to any private corporation. A beautiful piece of land, which, if put up at auction, would bring a realization of about \$30,000.00, has been given away for \$1.00!

WRONG MAN STAYS IN PRISON FOUR MONTHS

There is a bewildered Japanese on the island of Kaula. He has been in jail for the last four months on a charge of being mixed up in the murder of a police spy some time ago and now he is at liberty again before the trial comes off. After his case had been called in the court and nolle prossed, he was hustled outside but wanted to come back and take a "look-see" into the matter.

He was thought to be another man and acting under this delusion the police arrested him and kept him locked up for the last four months. Just at the last moment when the trials were coming on they found they had the wrong man. The Japanese could not understand what was the matter, however, and wanted to come back again. There was nothing doing and he has now to stay out in a cruel, hard world.

DIED.
KEAULOA—Wednesday, March 6, at the Lonahilo Home for Aged Hawaiians, Keauloa, 100 years old, a native of Kohala.
PEACOCK—At Wilder avenue, on March 11, 1912, Margaret Peacock, aged 82 years.

THE OUTLET

PERPETRATED BY WALT McDUGALL



T. J. STOCKS GOT HOMESICK

Declaring that the ravages of the Mediterranean fly are menacing the fruit industry of the Hawaiian Islands and that unless preventive measures are soon discovered the sugar industry will be practically all that is left of the Islands' trade, T. J. Stocks, cashier of the National Bank of Commerce, and E. J. Barzen of this city have returned from a four weeks' trip to Honolulu with interesting tales of conditions in the Pacific Territory, says the Pasadena Daily News. "Without a doubt," said Mr. Stocks this morning, "the problem of combating the Mediterranean fly is the greatest one the Islands have to solve. This fly is much like our house fly, only it punc-

tures the fruit and lays its eggs within which hatch into small worms. These eat the fruit, which at the same time begins to decay, and lest it be imported into America, the importation of practically all Hawaiian fruits, with the exception of pineapples and bananas, has been forbidden. This causes an enormous loss to the Islands' revenue, and the government is making every effort to check the fly. A parasite was discovered not long ago that would kill the fly, but when the government experimented, it was found that the same parasite also killed the honeybees, which threw that method out. They are now spending vast sums to discover a method of extermination. Such radical measures as cutting down all the fruit trees in the Territory have been suggested, which shows the alarm which is felt over the situation. Fortunately, the sugar industry seems to secure the prosperity of the country as a whole."

Mr. Stocks and Mr. Barzen spent two weeks in Honolulu and a week at the

volcano, "Believe me," said Mr. Stocks, "no one wants to stay there over one or two boats. When you have once been around, you have seen it all, and we found the humidity almost unbearable. Like all the rest who go away, we are glad to see Pasadena and are now in a position to appreciate it."

On the way over, the heaviest gale encountered in 25 years was met by the Sierra, and according to newspaper clippings brought by Mr. Stocks from Honolulu telling of the voyage, the recent breeze in Pasadena was a mere zephyr. "The sea was not dotted with white caps," said Mr. Stocks, "but was beaten to a creamy foam. It dashed clear over the ship, smashing ventilators and booms, while a vivid electrical storm added to the excitement. Most of the passengers were so excited over the spectacle that they forgot to be afraid, and most of us considered it the greatest feature of the trip."

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WEATHER REPORT

HONOLULU, T. H., MARCH 11, 1912.
GENERAL SUMMARY.
Unusually low temperatures obtained throughout the week over all the islands, with showery conditions over Oahu, Maui, and Molokai, and in the Kohala, Hamakua, the Hilo's, and Puna districts of Hawaii, and the northern part of Kauai.
The mean temperatures were lower than during the preceding week 3.0° to 5.3° on Hawaii; 1.8° to 6.4° on Maui; 2.9° to 5.3° on Oahu; 4.2° to 4.6° on Kaula, and 3.5° on Molokai.
The rainfall was below the average for the week at all stations having a record of ten or more years on Hawaii, Oahu, and Kauai, and in the Makawao and portions of the Waialuku districts of Maui, on Molokai, and in the Hana, and Lahaina and parts of the Waialuku districts of Maui it was above the average.
The following are the total amounts of rainfall, in inches, in the different districts of the several islands: HAWAII—North Kohala 0.66 to 1.07, Hamakua 1.89 to 2.00, North Hilo 2.00 to 2.81, South Hilo 0.77 to 3.49, Puna 0.77 to 1.80, Kau Ooo, South Kona 0.42, and North Kona 0.15; MAUI—Makawao 2.06 to 3.59, Hana 0.74 to 4.52, Waialuku 0.48 to 0.80, and Lahaina 0.52; OAHU—Koolauloa 0.19, Koolau 0.33 to 0.49, Honolulu 0.21 to 1.71, Ewa 0.06, Waianae 0.02 and Waialua 0.17 to 0.23; KAUAI—Hanalei 0.56, Lihue 0.66, Koloa 0.11, and Waimea 0.02; and MOLOKAI—Molokai 1.04.
The following are the departures from the average, in inches, in the several districts: HAWAII—North Kohala -0.33 to -0.95, Hamakua -0.31 to -0.36, North Hilo -1.79 to -1.88, South Hilo -2.94 to -3.02, Puna -1.73, Kau -1.25 to -1.27, South Kona -0.55, and North Kona -0.79; MAUI—Makawao -0.12, Hana +0.11, Waialuku -0.27 to -0.14, and Lahaina -0.09; OAHU—Koolauloa -0.87, Koolau -0.11 to -1.48, Honolulu -0.47 to -1.47, Ewa -0.53, Waianae 0.48, and Waialua -0.70; KAUAI—Hanalei -1.61, Koloa -1.23, and Waimea -1.13; and MOLOKAI—Molokai +0.05.
The following table gives the weekly averages of temperature and rainfall for the principal islands and for the Group:
TEMPERATURE. RAINFALL.
Hawaii 65.3° 1.28 inches.
Maui 64.9° 1.82 inches.
Oahu 66.7° 0.49 inch.
Kauai 66.6° 0.34 inch.
Molokai 63.8° 1.04 inches.
Entire Group 65.7° 1.08 inches.
At the local office of the United States Weather Bureau in Honolulu unusually long continued cool, cloudy weather obtained, with traces of rainfall on two dates and measurable amounts on five, totaling 0.21 inch, 0.47 less than the normal for the week, and 0.02 more than during the preceding week. The maximum temperature was 73° minimum 61°, and mean 66.9°, 4.1° below the weekly normal, and 2.9° lower than last week's. The mean daily relative humidity varied from 56° to 80°, and the mean for the week was 66.9°—about 3° below normal. Northerly winds prevailed on each day of the week, with an average hourly velocity of 9.7 miles. The mean daily barometer ranged from 30.10 to 30.16 inches, and the mean for the week, 30.13, was 0.13 inch above the normal.
ISLAND OF HAWAII.
Puakea Ranch (7)—Showers occurred on six dates and totaled .73 inch, .49 less than during the preceding week.—A. Mason.

Kohala Mission (8)—Rain fell daily and amounted to .66 inch, .95 below the average, and .27 less than last week's. The mean temperature was 64.4°.—Dr. B. D. Bond.
Kohala Mill (7)—The mean temperature was 66.4°. There were five days with rainfall, which amounted to .79 inch, .19 less than the previous week's, and .81 below the average.—T. H. Little.
Niuli (7)—Showers occurred daily and totaled 1.07 inches, .33 inch less than the average. The mean temperature was 65.2°.—F. C. Paotow.
Honokaa (6)—The mean temperature was 66.6°. Rain fell on six dates and amounted to 2.90 inches, .71 inch more than last week's, and .31 less than the average.—Geo. R. Sims.
Paauhau (6)—Showers occurred daily and totaled 1.89 inches, .36 inch below the average, and .34 less than the previous week's. The mean temperature was 66.1°.—Louis Wilson.
Ookala (7)—The mean temperature was 65.5°, and the rainfall— which occurred daily, 2.90 inches, 1.88 below the average, and .64 inch less than last week's.—W. G. Lawson.
Papalea (7)—The rainfall amounted to 2.38 inches, .40 inch more than during the preceding week.—C. McLennan.
Honohina (6)—Showers occurred daily and totaled 2.51 inches, 1.30 less than the previous week's, and 1.79 below the average.—Jas. A. Parker.
Hakalau (7)—The mean temperature was 65.9°. Rain fell on six dates and amounted to .77 inch, 3.02 inches less than the average.—J. Fraser.
Honoumu (7)—Rain fell daily and amounted to 3.49 inches, 9.15 less than during the preceding week.—J. Oliver.
Papalekou (7)—Showers occurred daily and totaled 1.61 inches, 2.90 below the average, and 5.81 less than the previous week's.—John T. Mofr.
Kapoho (7)—The mean temperature was 66.6°. Rain fell on three dates and amounted to .77 inch, 1.90 less than last week's, and 1.73 inches below the average.—H. J. Lynnau.
Kaualea (6)—Showers occurred daily and totaled 1.60 inches, 3.49 less than during the preceding week. The mean temperature was 61.9°.—L. F. Turner.
Pahala (6)—The mean temperature was 66.4°, and there was no rainfall, 2.15 inches less than last week's, and 1.25 below the average.—Hawaiian Agricultural Co.
Naalehu (6)—There was no rainfall, 3.92 inches less than during the preceding week, and 1.27 below the average.—C. Henry White.
Kealakekua (7)—Showers occurred on two dates and totaled .42 inch, .55 below the average, and .11 less than during the preceding week.—Robert Wallace.
Kealakekua (6)—The mean temperature was 63.2°. Rain fell on two dates and amounted to .15 inch, .79 below the average, and .99 less than last week's.—Rev. Samuel H. Davis.
ISLAND OF MAUI.
Haiku (7)—Strong Northwest winds prevailed, with unusually low day temperatures, and generally cloudy weather, with daily showers totaling 2.06 inches, .12 inch below the average, and .26 less than last week's. The mean temperature was 63.2°.—D. D. Baldwin.
Kailua (7)—The mean temperature was 69.4°. Rain fell daily and amounted to 3.59 inches, 1.37 less than during the preceding week.—W. F. Pogue.
Nahiku (7)—Excessively heavy rains occurred on the 2nd and showers on the remaining dates, totaling 4.52 inches, .11 inch above the average, and .16 less than last week's. The mean temperature was 63.0°.—C. O. Jacob.
Hana (4)—The mean temperature was 69.9°. Rain fell daily and

amounted to .74 inch, .57 less than during the preceding week.—Geo. O. Cooper.
Kahului (7)—Rain fell on six dates and amounted to .48 inch, .14 above the average, and .22 more than the previous week's. The mean temperature was 67.1°.—J. C. Foss, Jr.
Waialuku (7)—Showers occurred daily and totaled .80 inch, .27 below the average, and .42 less than last week's. The mean temperature was 65.2°.—Brother Frank.
Kaanapali (7)—The mean temperature was 65.5°. Measurable rainfall occurred on six dates and amounted to .52 inch, .49 more than the average, and 1.25 inches less than the previous week's.—Capt. C. F. Turne.
ISLAND OF OAHU.
Kahuku (8)—The mean temperature was 67.9°. Rain fell on the last five dates and amounted to .19 inch, .87 below the average, and .17 less than the previous week's.—W. T. Vortfeld.
Maunawili Ranch (8)—Showers occurred daily and totaled .49 inch, .93 less than last week's, and 1.48 inches below the average. The mean temperature was 65.5°.—John Herd.
Waimanalo (8)—The mean temperature was 67.6°. Rain fell on four dates and amounted to .33 inch, .17 more than the previous week's, and 1.11 inches less than the average.—A. Irvine.
Luakaha (8)—Showers occurred daily—at the upper station amounting to 1.50 inches, .02 inch less than last week's; and at the lower station totaling 1.71 inches, 1.47 less than the average, and .50 inch more than during the preceding week.—L. A. Moore.
Ewa (9)—The mean temperature was 67.2°. There was a trace of rainfall on the 2nd and measurable amounts on the last two dates amounting to .06 inch, .53 below the average, and .02 less than last week's.—R. Muller.
Waianae (8)—There was .02 inch of rainfall—on the 5th, .48 below the average, and .13 less than the previous week's. The mean temperature was 69.9°.—F. Meyer.
Schofield Barracks (8)—The mean temperature was 61.8°. Rain fell daily and amounted to .17 inch, .29 less than during the preceding week.—R. M. Culler, Capt. Med Corps.
Waialua (7)—The mean temperature was 66.0°. Rain fell on four dates and amounted to .23 inch, .70 below the average, and 1.10 inches less than last week's.—Jos. Teixeira.
ISLAND OF KAUAI.
Kilauea (8)—Showers occurred on four dates and totaled .56 inch, .50 more than last week's, and 1.61 inches less than the average. The mean temperature was 65.6°.—L. B. Boreko.
Lihue (8)—The mean temperature was 66.0°. Rain fell on six dates and amounted to .66 inch.—Lihue Plantation Co.
Eleele (8)—Showers occurred on three dates and totaled .11 inch, .78 less than during the preceding week, and 1.23 inches below the average.—McBryde Sugar Co.
Makaweli (8)—The mean temperature was 68.2°. There was .02 inch of rainfall—on the 7th, .04 less than last week's, and 1.13 inches below the average.—Hawaiian Agricultural Co.
ISLAND OF MOLOKAI.
Molokai Ranch (8)—The mean temperature was 63.8°. Showers occurred daily and totaled 1.94 inches, 1.12 less than last week's, and .05 inch more than the average.—J. S. B. Pratt, Jr.
WM. B. STOCKMAN,
Section Director.

DIDN'T LIKE LINK'S METHOD

Political campaigns always furnish a lot of joy—for the outsider who doesn't care much which way they go. The present scrap in Democratic ranks between Col. C. J. McCarthy and L. L. McCandless has started off with bitterness from the outset, but it has some ludicrous phases, and one of them bobbed up last night when some of McCarthy's friends met in his offices over in the Waverley building to boom his nomination for Delegate. The council of war was being held when an indignant Bourbon brought in the news that Link was downstairs at the entrance to the building, buttonholing various Democrats as they arrived to attend the coclave. Naturally Link wasn't invited to the meeting. One man came in late and reported that he had been "stood up" by McCandless against the wall below and while Link talked into one ear, "Soapbox" Barron was whispering mellifluously into the other. That added some more fuel to the flames and the McCarthyites today expressed righteous indignation that the man who is opposing the Colonel for Delegate to Congress should try to break up the little party by buttonholing the invited few.

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