NIGHT EDITION—*All the News for All Day*—RACING and SPORTS

WEATHER—FAIR; COLD.

10 PAGES

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JUDGE'S CHARGE AGAINST KENNEDY

MRS. KENNEDY.
Her devotion to her accused husband has won the sympathy of all.

Mrs. Kennedy, Wife of the Accused Man, Breaks Down—Case Is in the Hands of the Jury and Court Adjourns Until 7 o'Clock.

Justice Fursman's charge to the jury in the trial of Dr. Kennedy for the murder of Dolly Reynolds was strongly against the accused. He stood as he addressed the twelve men and began speaking at 2.19 o'clock. He finished at 3.30.

Mrs. Kennedy, the wife, who had listened with pale, drawn features, broke down and sobbed as the Justice concluded.

At 4 o'clock the jury was deep in discussion of the case, and the Justice adjourned court until 7 o'clock, when it is expected that a verdict will be handed in.

The presentment of the Judge was most impressive. He showed where the alibi of Kennedy was weak and where the evidence of the most important witness, while not perjured, should be charitably considered as mistaken.

"Guilt," said he, "must be established beyond a reasonable, not beyond a possible doubt."

In touching on the domestic aspect of the case he said: "We have here to deal with the cold facts of evidence. Neither tears, nor wails, nor devotion, nor sentiment must enter upon your considerations."

At the conclusion of the charge Mrs. Kennedy, wife of the accused, broke down and wept.

(For full details of the trial see Page 2.)

DR. SAMUEL J. KENNEDY.

FRAUD IS CHARGED BY THE D. A. R.

Non-Voters Smuggled on the Floor for To-Day's Election.

(Special to The Evening World.)

WASHINGTON, Feb. 21.—The D. A. R. Congress wasted half of their election day in a wrangle to provide means to insure a legal ballot, various suggestions of contemplated fraud being rife. A motion to appoint seven tellers and three inspectors on behalf of each candidate for the Presidency did not find favor with the National Board. The chaotic fight continued for two hours and the motion was finally passed.

The tellers and inspectors were selected by the candidates themselves. One of the frauds alleged was that members had cut their badges in half, thereby enabling two persons to have access to the floor on one credential.

The National Board having been worsted in its efforts to kill the resolutions to appoint non-partisan tellers, brought forward several amendments and substitutes for pending motions, which would return to the Board the complete control of the ballot-box.

When the Board plans were finally brought to a vote the house overwhelmingly decided against the National Board. It is said, however, that those successive defeats of the National Board do not mean that Mrs. McLean or Mrs. Roebling are using their influence in that direction.

Mrs. Fairbanks is regarded as a winner in the election. The boxes and galleries of the Opera-House are to-day filled with her society friends, and even Mrs. McLean's adherents admit that Mrs. Fairbanks will most likely be elected on the first ballot by a good majority.

SUPPORTS LEWIS NIXON.

Harlem Democratic Club Passes a Resolution to That Effect.

The Harlem Democratic Club, of which Isaac A. Hopper, the Tammany district leader, is president, claims the laurel as the first of the district organizations to declare its support of Lewis Nixon and his purifiers.

The club has unanimously passed a resolution of this kind offered by Joseph Savage, one of Ike Hopper's favorite lieutenants.

WENT TO LAW TO SAVE HENS' TAILS.

Owner of Poultry-Plucking Dog Fined $4.50.

Residents of the "Down Neck" section of Newark have often puzzled their heads over Mrs. Mary Kleinnecht's chickens. Mrs. Kleinnecht lives at No. 41 Mary street, and the strange thing about her chickens was they were minus tails.

Proud cocks and plump hens alike flaunted a luxuriance of plumage from other portions of their anatomy, but alas, the jaunty feathers that follow the ordinary barnyard fowl over a fence were strangely missing.

The mystery was explained to-day when Mrs. Kleinnecht appeared in Justice Rapp's Court as complainant against Gottlieb Schneider, who lives on Taylor street, directly in the rear of her house. A co-defendant with Schneider was his fox terrier whose the complainant averred, has a fad for extracting the tails from her chickens.

Forty of her fines, fowl, Mrs. Kleinnecht said, had been thus curtailed. She didn't mean this as a joke.

She was also certain, she told the Justice, that the fox terrier had killed as many as a hundred chickens.

Senator M. T. Barrett made such a strong plea for the dog and his owner that the latter was let off for $4.50 and the promise that he would properly restrain the fox terrier in the future.

TURFMAN O'REILLY DEAD.

Millionaire Horse-Owner and Contractor Expired at Orange.

Frank O'Reilly, a prominent contractor and well-known horse-owner, died last night at his home, 37 North Jefferson street, Orange. Heart disease was the cause of death.

Mr. O'Reilly was fifty-six years old. He leaves an estate estimated at a million dollars, to be shared by his family. He was a noted figure on all racetracks in this country and a very popular turfman.

Among the horses owned by Mr. O'Reilly were the mare Conemarra and the horse Whistling Coon.

REIGN OF TERROR IN COLLEGE TOWN.

(Special to The Evening World.)

ITHACA, N. Y., Feb. 21, 4 P. M.—The excitement here over the abduction of the Toastmaster Vandulyn, President Cooper and Coffee of the freshman class, which is to hold a class banquet this evening, is now at high-water mark. Many arrests have been made.

A small riot is now in full bloom. A special policeman named Edwards, it is reported, has been roughly handled and may die.

4.20 P. M.—The street cars are now ordered to the shops.

Town rowdies are embracing the opportunity. Robbery and drunkenness seem to be the order of the day. The police force is powerless to enforce order.

4.40 P. M.—President Cooper is reported as having passed through Lansingville, a village fifteen miles north of here and in charge of four Sophs.

4.45 P. M.—Freshmen are lassoed right and left. Frank Murphy, a Soph, has been captured and hurried off in the direction of Binghamton. All business is suspended here.

NEGRO LYNCHED; DEFENDER SHOT.

LAKE CHARLES, La., Feb. 21.—Thomas Vital, colored, charged with assaulting a thirteen-year-old white girl, was taken from his home, near Fenton, by a mob and lynched early to-day.

Samuel Maddox, who attempted to defend Vital, was shot to death.

Vital had been previously shot in the leg by the girl's father and was resisting officers when the mob captured him.

Shafter Named for Major-General.

WASHINGTON, Feb. 21.—The nomination of Brig.-Gen. William R. Shafter, retired, to be a major-general in the regular army was sent to the Senate to-day. Objection will be made, but it is probable that the nomination will be confirmed.

Runaway Ohio Boy Taken Home.

Harry Smeltzer, sixteen years old, who ran away from his home in Findley, O., last November, and was arrested in White Plains, left for home last night in charge of his uncle, who came from Ohio after him. Smeltzer when arrested was with the Reiff brothers, jockeys. He said he wanted to be a jockey.

MANILA POLICE AFTER CONSULS

Representatives of Italy and Uruguay Under Suspicion.

MANILA, Feb. 21.—The police of Manila claim to have obtained documentary evidence which they allege tends to incriminate Francisco Reyes, Italian Consul at Manila, and Manuel Peyroch, Consul for Uruguay, in aiding the Filipino insurgents. The evidence has been submitted to Gen. MacArthur.

Francisco Reyes is also a prominent banker, broker and merchant. He is the principal stockholder in the Manila Street Railroad Company. He is charged with the circulation in the Philippine Islands of the insurgent newspaper called Filipinos Antes Europa, published in Madrid by his brother, Isabelo de los Reyes.

Manuel Peyroch, the Consul for Uruguay in Manila, is alleged to have acted as a medium for the exchange of money in Manila used under the direction of the insurgent Gen. Trias.

Disclosures connecting Mr. Balbas, manager of the branch Spanish bank in Manila, with the Carman transactions appear insufficient to warrant his arrest.

Where Rockefeller Started.

CLEVELAND, O., Feb. 21.—The three-story building in this city in which John D. Rockefeller started in the oil business was destroyed by fire last night.

Penny Gambling in Chicago.

CHICAGO, Feb. 21.—Police Chief Kipley will be put on the Grand Jury rack because of slot-machine gambling prevalent near public schools.

NAVY LACKS 8,000 MEN; CADET HAZING THE CAUSE.

WASHINGTON, Feb. 21.—During a debate in the House this afternoon on the anti-hazing amendment to the Military Appropriations bill Congressman Hepburn declared that the Navy Department was short 8,000 men. This, he contended, was due to the fact that inefficient officers were in command of the Navy's ships. Their inefficiency was the result of the hazing practices, which made "upstarts" and martinets of the cadets in the military and naval schools.

TO SHARE IN BIG STEEL TRUST.

There is good authority for the statement that J. P. Morgan & Co. have invited tenders of several large financial interests, asking to what extent they desire to share in the underwriting of the steel and iron combine. The invitation states that the plan will be floated at comparatively small outlay.

WHITE RATS IN SECRET MEETING.

The White Rats held a secret meeting this afternoon at the Gramercy Lyceum, West Twenty-third street. A number of women performers joined the order. The White Rats have refused to accept women as members, but in the crisis to-day they admitted them. The vaudeville managers' association also held a meeting in the St. James' Building. Scours were sent in all directions for talent.

Mr. F. F. Proctor said he was willing to take back disadvised persons who went on strike.

WINNERS AT NEW ORLEANS.

FIFTH RACE—Belle of Elgin, Hurlicane 2, Chittey 3.

CONVICT KERR SHARES WEALTH

Father's Will Divides Equally Among His Children.

The will of Hugh Kerr, father of George J. Kerr, one of the murderers of Jennie Bosschieter, was filed to-day. Very Rev. Dean McNulty, pastor of St. John's R. C. Church, Paterson, and ex-Prosecutor William B. Gourley witnessed the making of the will. The fourth provision reads as follows:

"I give and devise unto my children, John F. Kerr, George J. Kerr, Josephine Kerr and Agnes Denner, unto them, their heirs and assigns forever, all the remainder of my real estate, wheresoever situate, to be divided equally among them, subject to the provisions hereinafter set forth."

Hugh Kerr died of a broken heart. When his son was arrested and charged with the crime for which he is now serving fifteen years, the father was hale and hearty.

The day George J. Kerr was arraigned for murder, the old man Kerr took to his bed. He never knew the outcome of the trial or the sentence meted out to his son.

Ex-Judge Kerr will get o Trenton soon and will have his brother turn over to Mrs. George J. Kerr all his interest in the property left to him, so that the faithful wife can have sufficient to support herself and her children. Ex-Judge Kerr and Dr. Edward F. Denner, the latter a son-in-law of the deceased, are named as executors.

TOLD IN DREAM TO DESTROY ALL.

So Oyster Bay Negro Smashed Quiet Homes.

Benjamin Levi, colored, did destructive work in Oyster Bay, L. I., early to-day and his only explanation is "Mrs. Nation told me to do it."

He said that the "smasher" had commanded him in a dream to go out into the town and break everything he could lay his hands on and he would be entitled to join the ranks of the crusaders.

Levi began his operations by smashing things in the house of his sister. Then he tried to eject her form the building. He next attacked Eugene Carl with a club, and after Carl managed to escape, the negro, still armed with a club and a razor, patrolled the roads and lay in wait for any one who happened to pass.

At about 3 A. M. he began to smash in the front windows and batter in the front door of the house of Justice Walter Franklin. He continued his destructive work at the houses of Jeremiah Van Sise and Albert M. Baylis, clerk of the Board of Education. At both places he smashed the front windows.

Levi was about to attack other houses in the neighborhood when Constable John McQuade attempted to arrest him. He made a desperate resistance and some citizens, who had been aroused from their sleep by the noise and excitement, went to the assistance of the constable and the raving negro was finally landed in the village lockup. He will be examined as to his sanity.

WEATHER FORECAST.

Forecast for the thirty-six hours ending 8 P. M. Friday for New York City and vicinity: Fair and continued cold to-night and Friday; fresh to brisk northwest winds.

No brew can be purer than BALLANTINE'S INDIA PALE ALE. It is the favorite with connoisseurs. ***

DALZELL IN TROUBLE ONCE MORE.

Twice Saved from Mobs Which Clamored for His Blood.

PATERSON, Feb. 21.—William Dalzell, a prominent citizen, was a prisoner in the Police Court to-day.

He is charged with assaulting James Smith, a boy whom he accused of stealing his pet dog.

Dalzell has been in serious trouble before, generally on account of trespassers on his property, or on account of his dogs, or both.

He has earned the undying enmity of local German and Swiss singing societies by an act committed more than twenty years ago.

For many years the singing societies of Paterson have assembled on Garret Mountain before sunrise on the first Sunday in May. As the sun appeared the societies have welcomed it with songs praising its vivifying power, its light and heat.

On the morning of the first Sunday in May twenty-one years ago John Van Houten, who had gone to the mountain to greet the rising sun, got into a fight with Dalzell, who held that Van Houten was trespassing on his property. Dalzell shot and killed Van Houten, whose friends at once attacked Dalzell. He was saved from an infuriated mob by the Very Rev. Dean McNulty, who, by threats of eternal punishment, by prayers and by coaxing, calmed those who sought Dalzell's life until police and militia arrived. Dalzell was tried for murder and acquitted.

In August, 1893, Dalzell was again mobbed, this time by Italians, all of whom had trespassed on his land where Van Houten was killed. He was saved by the police.

Last May, on the anniversary of the killing of Van Houten, a house on Garret Mountain that had once belonged to Dalzell was burned in some mysterious manner, and there was great rejoicing until it was learned that he no longer owned it.

Neck Broken by a Hawser.

Robert Davis, a sailor of the tank steamer Maverick, owned by the Standard Oil Company, was instantly killed on board the vessel at Port Richmond, yesterday. The Maverick was being warped into the Burlee Dry-Dock. Davis had just fastened a hawser to a tie pin on deck, when the pin gave way and the hawser broke the sailor's neck.