

New Jersey News

"DORY" LAMBERT'S LAST HOPE GONE

THE MURDERER'S APPEAL DIS-
MISSED BY THE UNITED STATES
SUPREME COURT.

MUST DIE ON THE GALLOWS

The Court Says There Has Been No Denial of His Constitutional Rights, and the Appeal Was Irregularly Taken—Lawyer Semple Will Still Fight—Other Jersey News.

Theodore Lambert, the murderer of Baker William G. Kairer, of Camden, is to be hanged after all. The gallant fight made in his behalf by Lawyer John L. Semple, which resulted in a sensational interference by the United States Supreme Court on the eve of execution, will not save him from the gallows. Chief Justice Fuller delivered an opinion in the United States Supreme Court at Washington, yesterday, dismissing the appeal from the decision of Judge Dallas, of Philadelphia, who refused to grant a writ of habeas corpus.

The opinion is as follows:

Theodore Lambert presented to one of the judges of the Circuit Court for the Third Circuit at Chambers, December 28, 1894, his petition for habeas corpus, which alleged that he was restrained of his liberty by the Sheriff of Camden county, N. J. under a reprieve granted by the Governor of that State December 4, 1894. The petitioner alleged that he was convicted June 15, 1894 of the murder of William Kairer, in said court, and on October 17 was sentenced to be hanged December 13, and that on November 19 application was made to the



Theodore Lambert.

Chancellor of the State to remove the case to the Supreme Court of New Jersey, which was denied; that December 4 application was made to the Governor for a reprieve, which was granted, and execution suspended until January 3.

The petitioner further showed that on December 22 the Governor issued a death warrant to the Sheriff of Camden county for the 2d of January next, and charged that his imprisonment was illegal, in that the Governor had no authority under the laws of the State to grant the reprieve and that the day and time having passed for the execution of the sentence of the court, it is supposed to have been done in law, and if not, then said judgment and execution is nil, illegal and cannot now be lawfully carried into effect.

With the disposition of State questions by the appropriate State authorities, it is not the province of this court to interfere, and there is no basis for the suggestion of any violation of the Constitution of the United States, the denial of due process of law, or deprivation of any right, privilege or immunity secured to him by the Constitution or laws of the United States.

Moreover, the order from which the appeal was taken was not a final decision of the Circuit Court of the United States, but was an order of the Circuit Judge at Chambers, and an appeal from such an order will not lie. Appeal dismissed.

Lawyer Semple, who was present and heard the decision read, returned to Camden last evening. He declined to say what he would do, but declared that he had not yet exhausted all the legal means of staying off the execution of his client. The case is now returned to the court in which Lambert was tried and he will be re-sentenced.

Lambert was very much depressed by the announcement of the adverse decision. He had been buoyed up all along by a firm belief that he would escape the gallows. He still keeps up his religious professions.