

# LAMBERT AGAIN

## DODGES THE NOOSE

JUDGE GREEN ALLOWS ANOTHER APPEAL TO THE UNITED STATES SUPREME COURT.

### COURT RECORD INCOMPLETE

Persistent Lawyer Semple Again Succeeds in Staving Off the Execution of His Client—The Case May Not Be Heard for Several Months. Other Jersey Matters.

Lawyer John L. Semple has again succeeded in prolonging the life of Theodore Lambert, the colored burglar and murderer, who was to be hanged in Camden a week from tomorrow. Much to the surprise of Prosecutor Jenkins, who was confident that there would be no further interference from the courts, Judge Green, sitting in the United States Circuit Court at Trenton yesterday heard the case. As soon as the court was opened Lawyer Semple made application for a writ of habeas corpus.

Judge Green replied that the application was made only to secure delay, and that he would not permit the United States Court to be used as a medium to interfere with the administration of justice in the State.

"You have had your day in court," he said. "The State Supreme Court and the United States Supreme Court have already passed upon the case and decided against you. You do not expect me to grant the writ, but will use my refusal as the ground for an appeal."

#### STOOD ON HIS RIGHTS.

Lawyer Semple replied that he was asking for nothing but what Lambert was given by the law, and if the law is odious there is no better way to secure its repeal than by enforcing it. Besides, there are some new points raised now. Judge Green, after considering the matter for four hours, allowed the Camden lawyer to present his argument.

Lambert's counsel claimed that the stay of execution granted by Associate Justice Shiras had never been vacated, and the record in the case was incomplete. While it was true, he said, that Lambert's appeal had been dismissed by the United States Supreme Court, the mandate had never been handed down to the Circuit Court, where the appeal was taken. Prosecutor Jenkins had tried to take a short cut by carrying the mandate from Washington to Governor Werts, who issued a second death warrant.

Lawyer Semple also claimed that the Governor had no authority to issue another death warrant, but that Lambert should have been brought before a court for sentence. Other technical points were raised.

#### AN APPEAL GRANTED.

Judge Green refused the application for a writ of habeas corpus, and Lawyer Semple took an appeal from his decision. Judge Green indorsed the appeal and this under Section 700, of the Revised Statutes, acts as a stay of execution until the appeal is heard by the United States Supreme Court. The appeal is returnable July 17, but the case may not be heard until the November term.

Lambert murdered Theodore G. Kairer, a Camden baker, while robbing his house early in December, 1893. Preparations have twice been made to hang him.