"IF YOU SEE IT IN The Sun. It's so." This applies to Advertisements as well as News.

The Sun.

SUMMER RESORT ADVERTISERS
Will do well by making known their localities through
THE SUN.

VOL. LVII.—NO. 338. NEW YORK, MONDAY, AUGUST 4, 1890. PRICE TWO CENTS.

KEMMLER'S LAST SUNDAY.

THE CULPRIT'S LIFE NOW IN THE KEEPING OF WARDEN DURSTON.

The Day of the Execution Not Yet Made Known to the Witnesses, Who Must Be Notified Three Days Beforehand—Kemmler Realizes His Situation.

AUBURN, Aug. 3.—At 12 o'clock to-night the life of William Kemmler passes into the keeping of Warden Durston. The wretched murderer knows this, and the horrors of his position are increased a hundred fold. The law requires that certain witnesses shall be present when the experiment of killing a criminal by electricity is tried, and that these witnesses shall receive three days' notice of the time fixed upon by the Warden. As far as could be learned these notices have not yet been sent out, but Kemmler does not know this, and so every sound that reaches his ears during the long days and when he wakes from his troubled sleep at night is fraught with a terrible significance to him. The rustling of Mrs. Durston's dress in the corridor, the step of his guard, the creak of a door, the rumbling of a wagon in the street, and even the voices of children, make him cower and shrink. Dan McNaughton, the keeper, who used to take such an interest in teaching him to spell out the scriptural lessons, and whom he always welcomed in his cell, appears to him now in the guise of an enemy. The great fear that besets him robs him of the companionship that used to buoy him up, and the only thing he prays for now is to be left alone. Yesterday a letter came for Kemmler from Lawyer Hatch, who defended him on his trial. McNaughton went into his cell and found him crouching in a corner with his hands over his face. When Kemmler learned the object of the visit he dropped his hands to his side and, breathing a sigh of relief, asked McNaughton to read it. It was an ordinary letter of commiseration, such as a lawyer might naturally send to any unfortunate client. Kemmler heard it through and then thrust it into his pocket without comment.

While Kemmler is enduring all the agonies that such a narrow mind is capable of, Warden Durston is apparently resting in comfort. The only trouble that appears to come to him is the fear that the reporters may learn something of his intentions. To thwart this, he is forever dealing in subterfuges. He came back from New York this morning, where he said he had been on ordinary business connected with the prison, and at once the big iron gates were locked and left without a keeper. No visitors were admitted, and no more information was obtainable. The natives formed in little groups on the sidewalks and peered curiously at the big prison, and watched with never-ceasing interest the little iron-barred window which admits light into Kemmler's cell. The fortune he suffered last night have been shortened if the Warden had everything in readiness for executing the law to-morrow evening or Tuesday morning, but his failure in sending out the necessary notices will make it impossible for this to be done before Wednesday night or Thursday morning.

It is the general impression here that Kemmler must die, and there is an idea in the rural mind that when the eventful time arrives the great chimneys of the prison factories will pour forth vast volumes of smoke. This idea grew out of the statement that the execution would take place before the ordinary prison work is begun, or after it is over, and that big fires will have to be built in order to get the electrical machines into working order. Of course this is not so, but this doesn't interfere with the people living in the suburbs from keeping a watchful eye upon these chimneys and it is likely that any unusual burst of smoke from them would be the signal for a vast gathering in the town of the suburban residents. Everybody who has anything to do with the execution seems to be in readiness for it, except the Warden himself, and when he will be ready to do his duty is mere conjecture. In the mean time the wretched prisoner is cowering in his cell, seeing visions in the night and watching with fearful eyes by day.

ALBANY, Aug. 3.—Gov. Hill was seen again late this afternoon, and said to THE SUN correspondent that Warden Durston had not called upon him since his return home last night, nor had he heard from him. He had also inquired of Secretary Rice, of the Secretary, and ascertained that no application for the reprieve or pardon of Kemmler had been filed in the Executive chamber by Durston or any one else. A diligent search last night and to-day failed to reveal any traces of the Warden of Auburn prison in any of the places in Albany where he is wont to be found.

A NEW LEGAL POINT RAISED.

It Is that the Sentence Is Void in Part, and Therefore Wholly Void.

(By the Associated Press.)

AUBURN, Aug. 3.—A delicate point of law, yet one which seems, even to the lay mind, as plain as a pike staff, has to-day been suggested here by a man deep in legal lore. This suggestion was not the outgrowth of any personal interest, but is the outcome of careful perusal of the statute under which Kemmler has been sentenced, and of the form of the sentence, which directs that Kemmler shall be killed in the week beginning Monday, Aug. 4. The point raised is that the week beginning Aug. 4 ends with Sunday. The Warden has arbitrary power to defer the execution until Sunday, Aug. 10. On Sunday it is held that the general law would intervene to prevent the killing on that day, upon the ground that any execution of legal process upon Sunday is not legal. Directly at this point the case is touched by that general principle of law, that if the sentence under which Kemmler is expected to be killed is void in part it may be wholly void. Brought to a close application the premises warrant the assumption that it is illegal to kill Kemmler on the seventh day of the week designated, though it would be legal to kill him on any other day of the week designated. The situation, it is held, would be different if Sunday intervened as a part of seven days because it would then run with the week, and be a part of the seven days constituting the week. As the case stands, the week in which the sentence is to be executed will not be legally complete, because the week ends with a day void in law. Unless there is some general law which may bridge this point which is raised, the entire sentence, it is thought, would be nullified void. Dr. Macune, of Texas, who has had Kemmler's spiritual advisers since remanded for robbery, did not visit him at the prison today. Other duties occupied his attention. Kemmler spent the day quietly, and his chief amusement in listening to the performance of the condemned murderer Fish, who occupies the cell next to his. Fish is an expert banjo player, and he is allowed to keep his instrument in his cell and to play on it at his will. Kemmler seemed to have no disposition and site there all means. He appeared to be in good spirits.

No invitations have been issued yet to the witnesses who are to attend the execution of Kemmler, and so there can be no certainty about the date of the execution except that it will be later than Tuesday. The law requires that three days' notice shall be given to the witnesses. There are indications that the invitations will be issued to-morrow, and that the execution will take place on Thursday.

The chief local interest in the event is taken by the warm 'reporters who have come here to hold up what information they can during the time when the execution is in progress. The Warden has admit two persons connected with the press associations to witness the execution. They will go in as members of the jury. But none of the special representatives of individual newspapers will be admitted to the jail.

They Won't Strike Just Yet.

CHICAGO, Aug. 3.—At a largely attended meeting of the Carpenters' Council last evening a resolution to order a general strike of all union carpenters to-morrow morning was overwhelmingly defeated. The speech was long and exciting, one leading man declaring it is said the council doomed it impossible to take a negotiative action on it. It had been also the effect of the message to the council from the officers of the association by the two special delegates of the association relinquishing their agreement.

Stabbing Affray in Mt. Vernon.

Early yesterday morning [illegible] James Fleming [illegible] Mt. Vernon [illegible] Fleming [illegible] Mt. Vernon [illegible] Fleming [illegible] Mt. Vernon [illegible]