THE IRVINE CASE

Counsel on Both Sides still Examining Jurors.

ONLY MARRIED MEN IN DEMAND

Sentiments in the Community as Understood by a Reporter.

HE WAS TEMPORARILY INSANE.

That is the Theory the Defense is Supposed to Set Up—He Will Probably be Exonerated.

(Special to the DESERET NEWS.)

LINCOLN, Neb., Oct. 11.—Yesterday afternoon's session of the Irvine trial in this city was a continuation of the examination of jurors. Up to the time of adjournment, fifty-three jurors had been examined and challenged or excused, with eleven in the box subject to peremptory challenge. The state had used three of the six; the defense six of the sixteen peremptory allowed.

In the Lamberton mandamus proceedings, General Lamberton's counsel made a strong personal plea before the supreme court for his client, the court having refused to allow the filing of Lamberton's transcript. The court finally agreed to look over the papers, but gave little encouragement to the relator, saying that it was not their practice to interfere in such matters, and especially in this case. This effectually prevents Lamberton from assisting the prosecution after being engaged by the defense.

This is the third day of the trial. Up to the noon adjournment it has been concerned in examining jurors. So far twenty-five men have been examined today, making a total of seventy-eight altogether. The court room attendance is small, but great interest is manifested in the case, on the outside. Counsel on both sides are unusually strict in the examination of each juror. So far opinions agree that the defense is gaining most points.

Irvine is well, and all the attorneys are in good condition. There was nothing worthy of particular mention during the morning. A jury will be secured this afternoon without doubt, the state having but one and the defense four challenges left. Up to noon today no jury had been selected in the Irvine case, but the prospects are favorable to obtaining a satisfactory panel this afternoon. There have been 85 men examined, fifty-two of whom have been discharged from serving for cause, having expressed and still entertaining fixed opinions.

Of the local counsel interrogated to serve, fifty were seen by the reporter, who would have given a favorable verdict for the defense and they been permitted to sit on the jury. The others thought that some punishment should be inflicted, but none were severer than a very brief term. This is fairly indicative of the sentiment in Lincoln, formed from the few facts published at the time of the tragedy.

The defense has testimony which will startle the community, but desperate efforts will be made by the prosecution to raise the intoxication of the same.

Mr. Irvine is standing the strain as well as could be expected, and his San Jake friends are ever at his side to offer their support and comfort.

Very close examinations of the jurors on their family relations are being made and it is safe to predict that it will finally be composed of married men exclusively.

Up to noon the defense has exercised twelve of their sixteen peremptory challenges and the prosecution five of their six. The prosecution has twenty-nine witnesses. The defense have not decided yet just how many they will put on the stand, but if they can expect testimony a hypothetical question will be asked requiring nearly an hour to read.

It is generally understood that the theory of temporary insanity will be set up by the defense, and when the terrible ordeal through which Mr. Irvine was compelled to go for nearly a week prior to the culmination of the tragedy is known, it is generally believed here in Lincoln that the community will have but one thought—that of his exoneration.

ANOTHER DULL DAY.

The Courts Showed No Improvement Upon Yesterday's Conditions.

The only items calling for newspaper mention in the courts this morning were the following:

ACTIONS FOR DAMAGES.

Joseph Baumgarten and Rose his wife this morning entered suit in the Third District court against the Salt Lake City Railroad Co., to recover $5000 and costs, for personal injuries.

In the complaint it is alleged that on Sept. 27th, 1891, Mrs. Baumgarten was a passenger on one of the defendant company's cars, when "through the carelessness, negligence, and unskillfulness" of the defendant's servants a collision occurred between it and another car. She states that as the result of this she was severely bruised and wounded, was sick and sore for some time afterwards, and suffered great pain of body and mind to the amount claimed.

S. H. Lewis is the plaintiff's attorney.

SUED BY A COMMISSION HOUSE.

The E. C. Collin Hardware Co. this morning brought suit in the Third District court against Frank Hoffman on an account for $[illegible] alleged to be due on a promissory note.

JUDGMENT BY DEFAULT.

In the case of Geo. R. Bothwell and A. E. McCullough, judgment for the plaintiff, by default, for $[illegible] and costs $25.50 has been entered in the Third District court.

LIBERATED.

N. C. Mortensen, of Huntsville, Cache county, was released from the penitentiary this morning, having completed his sentence of one year for unlawful cohabitation. He went before Commissioner Greenwood, took the oath of allegiance, and was released on payment of the costs in the case, which totalled up to $[illegible].

PROBATE COURT.

Orders Made by Judge Barich at His Secular's Session.

Estate of John Stackhouse, deceased. Hearing on petition for letters of administration came on regularly. Proof of posting appeared. William K. Morse appointed administrator on filing a bond in the sum of $[illegible] and taking the necessary oath.

Estate of James A. Doyle, deceased. Ordered continued till October 19th.

Estate of Ann Openshaw, deceased. Hearing on several claims on regularly. The following claims were allowed: George Openshaw $[illegible], Rich Woolley [illegible], Ed T. Thomas $[illegible], George Openshaw $14.35.

Estate of Charles S. Smith, deceased. Hearing on petition for letters of administration came on regularly. Order made appointing John A. Nevill administrator on filing a bond for $200 and taking the required oath.

Estate of Frank Crosier