THE IRVINE CASE.

Divorce Proceedings in the Third District Court this Day.

THE OPENING BY JUDGE POWERS.

Attorney Curtis, of Nebraska, Appears on Behalf of Mrs. Irvine—Statement of the Facts.

One of the most "sensational" divorce suits that has been vouchsafed in the Third District Court for many a long day came up for trial before Chief Justice Zane this morning, and the hearing will probably occupy the whole of tomorrow and Wednesday.

The case is that of W. H. Irvine vs. Adeline M. Irvine, and the main facts are doubtless still fresh in the minds of readers of the NEWS. Irvine, it will be remembered, was shot a few months ago at Tecumseh, Neb., but acquitted, on the charge of killing his wife's alleged accuser, Colonel Charles E. Montgomery, which he said was through the head with a revolver.

When the case was called today Judge Powers (with whom Attorney Sharp is associated), on behalf of the plaintiff, informed the Court that Attorney W. H. Dickinson will also appear with Mr. Irvine's counsel, upon a later stage of the proceedings.

The defendant's counsel, Judge Marshall, thereupon moved the admission of Attorney Wm. R. Curtis, of the supreme court of Nebraska, to the bar of this court, in order that he might be his associate in the case, and also requested that the name of Attorney John M. Zane be added as associate counsel.

These preliminaries being over at noon, Judge Zane, at Judge Powers' suggestion, directed that all persons among the court officials, witnesses and others having no case here, leave the room, and a bailiff was stationed at the door to keep all others on the outside.

Mr. Irvine occupied a chair beside his attorneys; Mrs. Irvine, her mother and sister, and a Mrs. Austin of Omaha sat together just within the railing which divides the spectators from the space allotted to the bar.

Mrs. Irvine, who is a handsome blonde about 30 years of age, looked dreamy pale, and her face bore unmistakable signs of over much of anguish and sickness. Both she and her mother paid close attention to the prolonged opening remarks of Judge Powers, and each, at times, was moved to tears, particularly when a passing reference of mention to their little daughter, Fleurie, was figured in prominently in the counsel's chief, but who was not now present.

Judge Powers first read the complaint of Mr. Irvine, which showed that the parties were married in Marion, Indiana, on June 20th, 1888, the only issue being Fleurie, a pretty girl now in her eighth year. It charged acts of adultery on the part of Mrs. Irvine as divorce occasions, one occasion being under at February 26th, 1892, at the Grace hotel, Chicago, and one at Lincoln, Nebraska, during 1889 and 1890, with one Chas. E. Montgomery. The latter's claims having commed these acts, intimated that he will be informed from any claim or title to any property of which he may be possessed, whether sense of or possession, and he has had his business in the care and custody of the minor child.

The defendant's answer and cross complaint was next read. In it Mrs. Irvine denies (as stated by the patiently that she never married Mr. Irvine, she contracted himself as a lunatic and living husband. She gives an opposite cause to all the allegations of adultery, made contention, and states that she and her husband have cohabited together since the time of the alleged offense. Cross complaints of cruelty towards her on various occasions, and alleges that he has called her vile names and swore at them, sometimes in the presence of her child as well as others. All these opprobrious epithets were applied without any provocation on her part. Mrs. Irvine also charges that on three distinct occasions he compelled her to submit to an abortion, greatly to the detriment of her health. He left her, she says, penniless in Lincoln and San Luis, and when he was at different times thrown articles at her—once a water pitcher. She further states that her husband is a man of large means (was real estate of the value of $100,000; personal property valued at $15,000. Mrs. Irvine then asks that the bonds of marriage be dissolved, and that she be awarded alimony, attorney's fees, and costs, or that she may see fit.

To this the plaintiff answers emphatically denying the acts of cruelty and improper language alleged. He has always, he says, acted as a gentleman towards her. He admits the allegation as to the criminal acts. Does not absolutely deny money having disappeared, but says he has never had her application to the court be dismissed.

Judge Powers then proceeded to give a full outline of the unfortunate affair, dwelling with the meetings of the parties, when, he said, Mrs. Irvine was about 18 years of age. After that they lived happily together in Lincoln, Neb., at first living in only moderate circumstances, but soon her husband began investing money wisely and both prospered. By and by Mrs. Irvine became acquainted with Colonel Montgomery, a man prominent in the German National Bank, and who was made correspondent in this case. They became somewhat intimate. In 1887 Mr. Irvine came to Salt Lake, thinking to make some investments. He left his wife behind to be with Mrs. Bonig, and when some scandal got abroad concerning her he took her to his home and said he would stand by her, even if the whole world denounced her. In January, 1888, Irvine was elected to the Utah Legislature, and Mrs. Irvine by mutual arrangement, started on a trip east, it being agreed that Mr. Irvine should go and meet her when at her mother's home in Indiana. In the close of the interview occurred, he gave her a satisfactory explanation to the Atlantic coast. Colonel Bonig, at length, then left what followed after the departure of Mrs. Irvine, her alleged association with Montgomery in Lincoln, Chicago, and Marion, the meeting in the tragedy in the Fire Blood Dens. Counsel alleged that Irvine had for his wife the most intense affection, but that she had "lived with him a double life."

Attorney Curtis followed with a lengthy statement in explanation of Mr. Irvine's side of the story and characterized the situation of adultery against as wholly inadequate. Her might have been in city with Colonel Montgomery and might have committed every one with whom she was thrown in the treatment of her husband. Counsel will be pleased to prove by witnesses the innocence of Mrs. Irvine, and that Irvine himself, when he fired at Montgomery, contrary to his belief, is known to be a lunatic. Counsel proceed to show that while working that he the killing of Montgomery Irvine is the direct result of a condition in which he was incapable of knowing what he was doing, and that he was driven forward his acquittal, for which the jury was dismissed, he would have been a lunatic. Counsel proceed to show that Irvine was a most loving husband, and that he was in the habit of making presents to his wife, and that he was in the habit of making presents to his wife, and that he was in the habit of making presents to his wife