

STORY OF IRVINE'S CRIME

Montgomery's Flayer Relates the Details of the Whole Affair.

PATHETIC FEATURES OF THE CASE

How the Little Daughter of the Miserable Prisoner Came in Her Father's Arms—With Flash His Story

LIVELY, Neb., Oct. 17.—[Special Telegram to THE BEAR.] The most sensational incident in the Irvine trial today was the unexpected and somewhat dramatic traces of the little Flossie, the 5-year-old daughter of the prisoner, who came in the first witness of the afternoon was being examined and the prisoner did not see her until she was at his side. For nearly an hour father and daughter cried and sobbed in each other's arms, and the scene was one of the most pathetic in the history of the court room until her father was called to the stand. She was then taken away.

Proceedings of the Day

J. A. Norton, a bookkeeper from Chicago, was the first witness on the stand this morning. He testified that he had known Irvine in Chicago on the 24th of May, when Irvine asked him to cash a certificate of deposit for \$500. Irvine's name was on the certificate, but Norton had never seen him before. He refused to cash it, but Irvine threatened to sue him. Norton then went to the police and reported the matter.

M. Rice, of Salt Lake City, testified as to Irvine's rood reputation in that city and to his happy frame of mind the night before leaving for the east. He also testified that the revolver shot by Irvine on Montgomery and stated that he ought it a year or two ago at a time when a great many "hold-ups" were being reported in the West.

W. H. Morgan testified as to Irvine's general good character. He also saw Irvine the morning before the shooting, but Irvine did not recognize him. G. H. Hunt, of Salt Lake City, offered his testimony as to Irvine's good reputation.

S. J. Whitmore, clerk of the Hotel Lincoln, took the stand and stated that Irvine appeared to be in a greatly excited condition immediately after the shooting. Depositions of parties from Marion, Ind., were taken. The bar and the attorneys of the accused were introduced. All were of the same general tenor.

J. E. Marshall, Lincoln attorney, told of a good reputation Irvine had always borne. H. W. Hubbard visited the jail to see Irvine, but did not recognize him. Judge Tuttle and S. J. Walsh offered testimony tending to show that Irvine was the father of the accused. Their testimony was very brief and they were not cross-examined.

Miss Kate Maloy, an employee of the Hotel Lincoln, was scrubbing out the hotel office at the time Irvine came in on the morning of the shooting. She said the clerk after the shooting that she thought Irvine looked like a crazy man.

Irvine's Daughter Flossie. Just as the witness was concluding her testimony Irvine's little daughter Flossie came in with Mrs. N. C. Abbott. Breeching her way through the crowd of people seated on the bar, she ran straight to her father's arms. The scene which followed brought tears to nearly every eye in the court room. The father and child were clasped in each other's arms, and the father sobbed with face on the little girl's neck many were visibly affected. Flossie is a handsome little girl, five years of age, and her mother is Mrs. N. C. Abbott.

Officer Carde of the Lincoln police force was the last witness of the day. Irvine was brought in after he had been arrested, although he had been acquainted with the prisoner, he failed to recognize him for several moments. Irvine was accompanied to the station by someone whose name the witness could not remember. Irvine said, "My God, what have I done? My God, I have done it!" and began crying and making a feeble appeal.

Officer McWilliams, who placed Irvine under arrest, was placed on the stand. On the way to the station Irvine asked witness if he had any gun. Upon being answered in the affirmative, Irvine begged the officer to shoot him, as he had nothing to live for.

The Lincoln attorney who accompanied Irvine stated that he visited Irvine at the penitentiary several days after the shooting. Irvine did not recognize him; merely stared at him. Later he walked from the penitentiary to the street car, about 7:30 or 8:00. On the way Irvine recognized him and said, "Dolph, what have I done? what am I here for?"

Supporting the nearly feebly testimony of Irvine, the family had been afflicted with insanity. He stated that Matilda Irvine, a sister of the accused's grandfather, was insane from her youth until her death. Charles Irvine, a cousin of the prisoner's mother, died in an insane asylum at Mount Pleasant, Ia. Mrs. Irvine, another sister of the accused's grandfather, died of insanity at the age of 13 with something like epileptic insanity. Harriet Irvine, a sister of the accused's mother, died an idiotic. Hannah Irvine, the prisoner's grandmother, was subject to epileptic fits for thirty years. John Irvine, the prisoner's father, died of insanity last August, after having suffered all his life with neuritic pains in the head. On cross-examination, the witness testified that Irvine told him that insanity in the family was caused by intermarriage of cousins.

Irvine on the Stand.

It was just 4 o'clock this afternoon when the defendant William H. Irvine, took the stand in his own defense. He continued his testimony in an agitated tone of voice and in response to the questions put to him by Judge Powers he related the early history of his life, his business pursuits, etc. He was born at Mount Vernon, O., and lived there until he was 12, where he remained until 1885, when he came to Lincoln, as these questions were put to him he gradually re-

gained his composure. He moved to Salt Lake City in 1885. Is a member of the territorial legislature and a director in the Bank of Salt Lake City.

He met his wife when he was 19 and she was 16. He had never loved any other girl, and she was the only girl he ever loved. His marriage they kept house and his wife did the work. They never had any trouble. When they moved to Lincoln they kept house in rooms at eighteenth and G streets until they built their house on G street. Together they planned their house and their life was happy, very happy, until the day that Mrs. Irvine's father died. Her father was born in Lincoln. Their little daughter Flossie was born in 1881. At this time the witness spoke of the reference to his little daughter affecting him greatly.

Moved to Salt Lake City.

After they moved to Salt Lake City they bought a home. His business in Lincoln was fairly successful. His home in Salt Lake City was at 12th and G streets, but for some reason to suspect her fidelity. Such a question never occurred to him.

He became so intimately acquainted with him that he looked upon him as the best friend he ever had. He became acquainted with him through the Nevada and Grand Pacific Addition to Salt Lake City in 1888. When he lived in Lincoln Montgomery was a frequent visitor at his house. He is a frequent visitor at his house in Salt Lake City.

After he moved to Salt Lake City, Montgomery visited them. Mr. and Mrs. Irvine gave a dinner party in his honor took him to drive, etc.

January 10 his wife and daughter started for Lincoln to visit her mother. He accompanied her to the train and remained with her and Flossie until after the train started. Jumped off the train and saw his wife and daughter. Witness ran alongside the car throwing kisses to his wife and daughter. The picture of his wife and daughter on the car window was indelibly impressed upon his mind. His wife intended to visit her mother in Lincoln, and then proceed to her old home in Indiana. He arranged to join them later, and together intended to pass the summer at pleasure resorts in the West.

Completed of Poor Health.

While his wife was away they corresponded several times a week, their letters always being affectionate. His wife complained of poor health and the doctor prescribed for her preparations to join her. They had planned an extended trip, their objective point being Grand Pre, Nova Scotia.

First Suggestion of Evil.

He left Salt Lake City on an excursion and arrived in Lincoln on Monday, October 22, feeling happy. Shortly after his wife left Salt Lake City he had moved an old desk from his home to the new one. He thought it he had a piece of white paper with the name of C. E. Montgomery written in his wife's hand. He wondered why she should have written his name on the paper, but tore it up and it passed from his mind.

When he arrived at Lincoln he met a number of friends, among them being Mr. Still, who is now in Lincoln. Still told him that Flossie on the cars and said that "Mon" was along too. He asked Still who "Mon" was and Still told him that "Mon" was Montgomery, and together they had all played cards. The memory of the scrap of white paper with Montgomery's name in his wife's handwriting came back to him.

He went to Omaha shortly after 4 o'clock on the same day when he met several relatives of his wife including Mrs. T. Asselin. The revolver which Irvine shot on Montgomery and stated that he bought it a year or two ago at a time when a great many "hold-ups" were being reported in the West.

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Irvine said, "My God, what have I done? My God, I have done it!" and began crying and making a feeble appeal.

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