WILL FINISH TODAY.

This is the Expectation in the Whetstone Case.

THE ARGUMENTS OF COUNSEL.

The Attorneys Have a Little "TIFF"—An Earnest Plea for the Accused.

The trial of Ex-Deputy Marshal Whetstone on a charge of murdering Deputy-Marshal McLellan was resumed before Judge Anderson at Ogden yesterday morning.

T. V. Williams was called. He stated—I live in Salt Lake; am in the R. G. M. office; McLellan was my uncle; I was with McLellan part of the time after it was dark; part of the time deceased was display and part at the time he was killed; witness believed deceased was to his right and east of the saloon after he was shot.

John G. Williams—I live in Salt Lake; am an engineer; McLellan worked for me; when McLellan was killed he had secured money or bet afterward; during Monday night McLellan seemed somewhat depressed; about Tuesday morning at 7 o'clock; part of the time was taking in a sounding way (?).

John Keck was looking in the direction of the back door; just before the shooting; did not see anybody upon the back door; that door would probably be open if it had been opened. Where again described his position when talking with Whetstone.

John H. Hansen—I live in Ogden; my club today; never knew Conn; did never draw in my club house. Defense moved to strike out the evidence as being related to evidence of collateral subject only. The motion was denied and exception noted.

Mrs. Louie McLellan, testified that she was the wife of R. H. McLellan; on Sunday night at 11:30 she was with her husband; she went to bed, then went into the front and sat beside her husband until 1 o'clock; McLellan was sober; she was not awakened by the noise or fighting; the noise was in Pleasant, the noise.

Judge Merryllan opened the argument in behalf of the prosecution. He said in substance: I believe that the first thing that I ought to do is to congratulate you that you kind be now coming to a close. You have stood it well; you it does not matter to you what we have said on the subject, but that you will be guided by the evidence and instructions of the court. The eyes of the whole Territory of Utah are upon you and you may all watch with anxiousness for the verdict you will render. Then and against Mr. Keck was in the stand who gave you a good description of the courtroom. We find that on that unfortunate night McLellan was in the wine room of that saloon, Mr. Whetstone was there, Mr. Hines and Mr. St. John were there. The deceased was not afraid of McLellan. During all the time McLellan was dancing he talked about the room, the officers paid no attention to him. He threatened his relative to Mr. Hines. McLellan made no threats, but we think that challenges were made. When Whetstone said: "Hello, you are a better man than I am, a bit not bear," McLellan, like a big bull, lowered his gun and said he would make a message of him, but it is a bad idea. Mr. Whetstone was home when he went out of the saloon he would not have been here today, and you would not have had this case to consider only to perform. He claims he went out for that purpose. He returned again to the saloon. McLellan walked 4 or 5 feet away with his hands hanging by his side and when the officers cried "Stop, Mac, stop!" he instantaneously fired. Now Whetstone is a peaceably, but it was always necessary to take the life of a human being. When McLellan came it is annoying to him by his outrageous language and conduct why didn't he call upon an officer to relieve him and put him under bonds to keep the peace? He went into the back alley to secure a gun. A shot was heard, but whether he fired it or not he can tell Almighty only knows. The next place we find him is in the back room of Kenicke's. You have got one duty to perform and that is to bring in this defendant guilty of murder in the first degree. Let us analyze it. He stood there wrapped in his own sunny thoughts and refused to even speak to his friends. Defendant says the officer had seized him to go home and he would have gone. Friends testified he asked him twice to go home. We find him in the room of Conn's. Conn testified he was drunk, sober and pleasant. He came to get a man to go over about on God's broad (?) and he only refused to go home. If a witness refuses to collect a subpoena in a criminal proceeding in Utah he is a criminal proceeding in Utah himself. We can infer from these facts and circumstances why he went there. Why in the name of God did he not go home? He had gotten his man, sober and pleasant. He came to go to