NEARING THE END.

The Trial of Ex-Deputy Marshal Whetstone May Finish Wednesday.

THE ARGUMENTS TO-MORROW.

The Case Expected to Go to the Grand Jury Late on Wednesday Night.

The trial of Henry Whetstone was resumed in the district court at Ogden on Saturday morning. The court room was again crowded.

W. S. Hebner was the first witness called. He said: I live in Pocatello and have acted as city marshal and deputy sheriff; was formerly, for five years, a deputy United States marshal; knew the due and defendant; had known them for a long time; in July, last year, I and McLellan had a conversation about Whetstone; the Morris affair was referred to, and in connection with it McLellan said, "I think Whetstone gave me a little the worst of it, and if I get the opportunity I'll fix him——" two or three weeks afterwards I met Whetstone and told him what McLellan said.

C. C. Goodwin, United States commissioner, Cache county, testified that he knew Whetstone for five years; was well acquainted with McLellan about a year ago; I had a conversation with McLellan regarding Whetstone; I had had a disagreement with Whetstone some time previous; defendant and deceased came in my presence to my residence, and I heard McLellan say to Whetstone that Whetstone had spoken disrespectfully of him; McLellan said, "Why did you not hit the ——?" "Hitchcock!" I exclaimed, "No, I would never do that; for I thought a man was an honorable man;" "Well," said McLellan, "I've got it in for him and I'll kill him yet. He said I was a coward;" I told McLellan that "Whetstone was a man of nerve and would fight if he was cornered to it;" I told Whetstone of the language McLellan made, as far as I knew, he confined it to a peaceable man, but McLellan's reputation was known in the district as being bad.

N. W. Cranney, formerly sheriff of Cache county—I knew the deceased well; he had given me an exhibition of a sort pistol to take up and use to handle his gun in a scene emerging with an accident; this was in the summer of 1891. Witness illustrated the position taken by McLellan to the jury and considered McLellan's favorite "position was that of turning the left side to his opponent, covering his breast with his left arm, and carrying his gun in the waistband of his pants; had a conversation in Logan in relation to Whetstone; asked "Are you afraid of Whetstone why, and he replied, "I have no use for him. We have had trouble and I have it to for him. I can fill him either in a gun fight or with my knife;" I gave him to understand the threat to Whetstone. McLellan was well known in the community, and was looked upon as a quarrelsome dangerous, vindictive man; Whetstone had a good reputation in that community.

W. C. Cranney, formerly police officer at Logan, was acquainted with the deceased and was also acquainted with Whetstone; he heard a conversation concerning Whetstone in the county jail in Logan, Cache county, between Oliver Williams, McLellan, when he came from prison, about Whetstone. Witness here corroborated the former testimony.

Sheriff Burt, of Salt Lake County, said he had been sheriff of Salt Lake County for six years, and had known McLellan for a similar period; also knew Whetstone; was present in Maier's saloon a year ago last spring when McLellan and Whetstone had some trouble; were playing cards and I raised the pot $10; McLellan objected and Whetstone said, "Well, that's wrong," and upon hearing this McLellan jumped up and was in the act of pulling his gun when I stopped him; we ultimately pacified McLellan; a few days afterwards I met deceased in Salt Lake and asked what the difficulty between he and Whetstone was, and McLellan replied, "I've got it in for him."

Wm. Singer, a dog tax collector in Ogden, stated that he had been acquainted with McLellan. On several occasions I had conversations with McLellan in which Whetstone was mentioned. I asked McLellan when his case was coming off and how Whetstone got out of it, and added, "You will be going for a year;" McLellan replied: "Well, before I go I'll cook that ——" on one occasion McLellan mentioned Whetstone's calling handkerchiefs I asked if he and Whetstone were not on good terms, and deceased answered, "Not by a ——sight;" McLellan was known to bear a bad reputation; have seen McLellan throw his pistol on a table and when he was in close quarters with a man he would pull it on him.

L. W. Eaton, formerly United States deputy marshal in Ogden, was acquainted with McLellan, the deceased and Whetstone; had several transactions with them; McLellan's general reputation was bad; Whetstone always considered a peaceable citizen; McLellan was quick in the use of his gun and I have seen him carried for pistols in the transaction of his business.

Henry O. Williams, father-in-law to the deceased, stated that he resides in Logan. He had been acquainted with the deceased for about ten years; on Monday afternoon after the affray witness visited McLellan; when he entered the room deceased recognized him and he responded to his name.

Henry H. Steele was called. The day preceding the shooting McLellan came to his office and told him he had resigned his commission as deputy marshal and asked to be commissioned to a constable so that he would be at liberty to carry his gun. As witness had nothing for him to do he could not grant his request.

Court adjourned until 10 o'clock Monday morning.

The Case.

Upon the main issue the case is fairly stated in such few words as follows: At the time and place the witnesses have indicated, on the night of the 10th of July, last, the deceased and defendant met in the saloon of Frank Maier, in Ogden, and had a conversation which resulted in a quarrel between the parties, in which the deceased was shot and killed by the defendant. The defendant claims that the deceased had a pistol in his hand at the time he was shot, and that he was in fear of his life from the deceased at the time he fired the fatal shot. The prosecution claims that the deceased was unarmed, and that the defendant was the aggressor in the affair, and that he had a premeditated design to take the life of the deceased, and that he had carried a pistol for that purpose for some days before the shooting. The defendant claims that he had been in the habit of carrying a pistol for some time, and that he had been threatened by the deceased, and that he had been informed that the deceased had made his boast that he was going to kill him on his first opportunity. The defendant claims