THE WHETSTONE TRIAL.

The Defense Has Introduced All Its Testimony, and Rests.

REBUTTING EVIDENCE NEXT IN ORDER.

The Case Expected to Go to the Jury Tomorrow, at Latest.

When the hearing of the Whetstone murder case was resumed before Judge Anderson at Ogden yesterday morning, the prosecution called Edward C. Carter, who testified as to the truth and veracity of Winslow, the colored porter, which he stated was bad. He had been out here to testify. In the case by the chief of detectives in Denver.

The defendant then took the stand and testified in his own behalf. I was at McLellan's office on an errand of McLellan; I feared him. We all supposed he went in conjunction with each other; went to the store on the evening of the difficulty between 5 and 6 o'clock; went in alone. I was in very poor health at the time was suffering with rheumatism at wonder; my physical condition was weak. Don't remember whom I saw in the saloon; went to the front door and walked back to the rear; stopped and saw the game that was then playing cards; took my overcoat off and hung it up; took my overshoes off, removed my jacket from my hip pocket to my overcoat pocket; carried my pistol in a scabbard in my right pocket; had been carrying it two or three weeks; obtained it from Sheriff Sheehan; only let one party have it, Mr. Lockett. It was loaded when I obtained it. Received it back from Mr. Lockett I think about two weeks after I obtained it.

Mr. Evans then produced the cartridges that had been offered in evidence, and asked the witness how the defendant came to them answered:

Witness couldn't say how they opened. Witness fired the pistol at McLellan. I had no intention of killing him. Did not intend the shooting; they ordered me to go to the door. When witness came out and he had left the saloon; spoke to Mr. Hike. When I came out, Hike wanted me to look at the bar. Mr. McLellan wanted me to go into the wine room and look at the bar. We then commenced talking. McLellan spoke of the thing discharged from the mayor's office and of having it in my possession; said he was going with them. McLellan would not permit any assault. Mr. John came in the wine room. McLellan said he was in the wine room by some time. McLellan did not talk in that manner after Mr. John came in. Later in the evening Mr. Hike directed his remarks to me. I said to him I have said my answer before; you can've seen me; I feel my position right in this case, which I did not thoroughly at the time. The injury was in regard to going to a safe with him. I had him to see him not go beyond the line by asking a person to come out. I was always anxious to know what he meant; if he meant what he didn't mean anything by it. Then McLellan jumped up and began shaking me and challenged me to fight, and then he said he had insulted him; he got his gun out and then I didn't think he ought to take advantage of me in that manner; as I stated before, McLellan wanted to find me in any manner I wished. I said, "Mac, you know my condition; I don't want to fight." He insulted the gun of the table, and Deputy Marshal Mr. John picked it up and gave it back to him. I went out and met Mr. Hike in the saloon; he said he had not, I didn't care to go back; he turned upon me in an oath and I said to him, I would see him again. He followed me out and accosted Mr. McLellan, but to Hike. Words and oaths followed; there was some three and the German waiter; he knew if I took a new overcoat; went to Sheriff's saloon; left my overcoat in Kick & Habe's saloon, being excited, and went on and left it. Inquired of the bartender in Sheriff's if he had a gun; had quite a long way to go and I always took a gun with me; had often loaned it to the place for a gun. At Sheehan I did not intend to go back to Kick's, but when I went to the wine room in the rear of Sheriff's I met Constable Steele. Knowing him to be officer I asked him to go around to Kick's with me to get my overcoat. I went out of the room and heard a third shot; it seemed to me to be in the vicinity of Carey's shop; I did not fire the shot, had no pistol at the time; the alleyway that lies from the bowling way to the rear of Kick & Habe's when my to his saloon; was often frequented by people. Met Policeman Smith in the rear of the room, who stated he had heard the second shot; was another for the one that fired it; I then went into Kick & Habe's saloon; thought I would go in that way as McLellan would not be so free as to be with Hike; that, get my overcoat and put my gun in my coat and went back to the store; the porter was fixing the fire, and George Simms and McLellan were standing by the stove, and McLellan says to Simms, "I'm for you ——; the old Star will not get the worst of it." McLellan then turned and walked down the hallway. Before then turned and began talking to me. He and I were not on good terms; and he said to me, "What's the matter, Wash?" I replied, "Nothing." I told Steele I didn't want to talk to him. Kick then came in and says, "What, I don't want any trouble here." I told him I didn't want to have any trouble. I was surprised at the way he talked, as I had never carried any trouble. Kick said I ought to go home; it was a pity he home and I didn't think I should go home; as I wasn't doing anything out of the way. Saw Policeman Smith looking to at the front window; presently he came in and McLellan went out and talked with him for a few minutes; then turned and looked at me and walked down to the front and I stepped to the door and Kick and I went home and Kick. I go to my office; Mr. Hike I had no intention of shooting McLellan during the evening; it never entered my mind. I remained there until McLellan came in; he was a little backwards. I was speaking McLellan to shoot the second I fired. Mr. John and Officer came in the front way. As soon as I saw Mr. John I went back towards the wine room; went out the back way to look for an officer; met Policeman Mitchell, who told me to stay; gave him my gun. Told the officer it was a bad affair. I tried it but it couldn't be helped. Was taken to the city jail. My wife told me of McLellan going to my place at night and waiting for me and letter of his gun. Saw McLellan that day; we had been playing a three-handed game of ed., and Mac got stars several games. My wife met and spoke to Mac; he said, "Shut your mouth, I don't want to talk to you."

Cross-examined—Think I knew his disposition thoroughly. Had played cards some with him in seasons. Always had a good feeling toward Mac; had heard that Mac was jealous of me prior to the Morris affair; don't know why he fell so unless it was that Mr. Knox made me chief marshal on his trip or that I made more arrests than he. Mac was a very peculiar man and I tried to cultivate him; played cards some while this feeling existed; did not like him; felt if I refused to wrong that he would get angry and I would save trouble; don't remember of ever drinking a cob on McLellan; don't remember of having a quarrel with McLellan and making an agreement with him to be the Morris matter drop. Knew McLellan's reputation as to him and family. He made threats on me before the night of the affray. McLellan could have shot me at the Logan House at Logan. No good he would have done to had not other parties been around; I had no gun with me; McLellan came up to my room afterwards; didn't know who he was would be easier to the door; I can't say that I feared that he was coming to do mischief. Can't say that I thought McLellan would deliberately shoot me in the back; made no calculations how long I would stay in the saloon; took my coat off only for the purpose of going to a water closet; had my jacket with me because I was a deputy sheriff. Never saw the indentations on the cartridges until Mr. Evans showed them to me; heard the witness say so in the late part of the trial. Thought McLellan meant me when he said he was going to get even with someone, owing to his former threats and because he did not dispute his remarks to me. It would be carefully supposed that had I gone home the trouble would have been averted, he would have had cool and, however, I thought by the conversation about the one with Hike; did not bring it up for any apology, but wanted to know what he meant by the remarks he made to the bartender. Did not see Mr. John arrest McLellan when he raised the second time. I felt a little prevailing upon McLellan to go up to see me and telling him I was not feeling well. I would get him to quiet down, which I got up to the door and he then was in a hurry; Hike wanted me to stay; when I went out and told him I would see him again I was hurrying to Hike's office; think I heard the remark "I'll see you again" more than once. Think that when I telephoned for a hack I decided to go to Sheriff's to get my overcoat and to Kick's. My home is about two blocks from the saloon; I was going home to get a hack or walk home and get a gun; the latter to take a gun with me; knew my overcoat was in Kick & Habe's saloon; didn't want to go back there on account of McLellan. When I saw Steele and couldn't get a gun I thought I had better go back and get my overcoat and gun before I went home; didn't care to ask Mr. Steele to go and get them so I didn't like to explain to him about my overcoat; I saw we had trouble. I was afraid trouble would occur and to that reason wanted Steele to go with me. I told Steele to go around the saloon and tell John I would follow shortly. I thought there would be no more trouble with McLellan before I followed him to the saloon, and if any trouble occurred he would protect me. I had no trouble with McLellan any more on, and for that reason I stopped at the door at Kick & Habe's when I accosted them. Kick ordered me out; thought by rights he ought to have ordered McLellan out, as I had never said a word to him. Don't remember of seeing Simms out; don't remember of the shooting. When I cried stop, Mac stop! I supposed he was coming back to have trouble. I didn't think he would exceed me as much as he did. I intend to give the stop before I fired at him. He made a kind of a motion with his hand. Did not see Kick there after the shooting; saw McLellan fall. Didn't stay there because I saw several parties whom I thought would take some interest in the trouble.

This ended the testimony for the defense, and the court then adjourned till today.

A Grand Jury's Report.

The grand jury at Ogden concluded its labors yesterday and made the following report:

The grand jury having finished its labors, we beg leave to submit our report of the matters brought before us for our investigation.

We have been in session twelve days, eight days on United States business and four on Territorial.

We have examined twenty-one United States cases and twenty-nine Territorial cases, and one United States case where we found no investigation we had no jurisdiction over, the offense being been committed in another district.

We have returned true bills of indictment in thirteen United States cases, and have ignored eight, and returned true bills in twenty Territorial cases and ignored one.

We have examined in all twenty witnesses.

We have visited the city and county jails and the Territorial reform school. Reports of the committees making these visits will be found herein attached and to which we hereby refer.

There is one matter which we desire to call your honor's particular attention to, and that is the great number of witnesses that are brought here at the expense of the Territory and the government, whose testimony is absolutely worthless and on which no indictments can be found. We understand this matter has been reported on by former grand juries, but the fact still remains that these witnesses are brought here from long distances, and their testimony cannot be used after it is brought before the grand jury.

It seems to us that there must be persons with authority whose business it is to look into these matters and see that this enormous expense is not contributed to entirely groundless cases. There seems to be a disposition on the part of the committing magistrates to send everything, no matter how trivial, to the grand jury to investigate, when the cases come before their proper jurisdiction and ought to be heard and determined by them. This, arise from the fees of expense to our government, renders the work of the grand jury more arduous and tiresome than there is any need of.

We understand it is the custom of the United States commissioners to employ the deputy marshals and assistants in making arrests under the Edmunds-Tucker act at $3 fees of the court. This, we submit, is undignified, and makes these arrests over those of prosecution than legitimate prosecutions.

From our observations while visiting the public institutions herein referred to, and the conduct of the public officers, we feel that the people are to be congratulated on the efficiency shown by those officers in the discharge of their various duties.

To the court and all of its officers we desire to express our sincere thanks for the courtesy shown them at while in the discharge of our duties, and to the district attorney's office we feel particularly grateful for the patience that he has shown us, and the valuable and impartial advice given us.

W. N. SPARLING, Foreman.

EXTRACT OF BEEF!

Liebig COMPANY'S

CONWAY CABINET CO'S

HARDWOOD MANTELS

THE BEST IN THE WORLD

WATSON BROS., CORNER SOUTH AND WEST SOUTH TEMPLE STS., SALT LAKE CITY, SOLE AGENTS FOR UTAH.

Quong Cheong Wing,

Chinese, Japanese and Oriental Fancy Goods, Crockery, Silk Handkerchiefs, Fungus Embroidery and Goods, Porcelain Dresses, Etc.

VERY CHEAP.

54 E. SECOND SOUTH ST., Salt Lake City.

P. O. BOX 1071.

LOOK OUT FOR THE HAND BOOK OF REPUBLICANISM.

A Full Record of the History, Principles and Policy of the Republican Party, with a Review of the Curses and Principles of the Democratic Party, issued under the auspices of the Republican Party of Utah. Ready next Wednesday. 160 Pages.

—Price, 25 Cents.—

LEGAL NOTICE.

In the Probate Court in and for Salt Lake County, Territory of Utah.

In the matter of the Estate of Sarah Hardy, deceased.

NOTICE IS HEREBY GIVEN THAT [illegible] the estate of Sarah Hardy, deceased, late of Salt Lake County, Utah, who died on the [illegible] day of [illegible] A.D., 1892, at Salt Lake City, Utah, leaving her last and testament, and that the same will be offered for probate at the Court House, Salt Lake City, Utah, on the [illegible] day of [illegible] A.D., 1892, at the hour of 10 o'clock a.m. of said day, when and where any person interested may appear and contest the probate thereof.

Dated Sept. 6, 1892.

C. E. ALLEN, Clerk of the Probate Court.

By CHARLES BROWN, Jr., Deputy.

LEGAL NOTICE.

In the Probate Court of the County of Salt Lake, Territory of Utah.

In the matter of the Estate and Guardianship of Abraham G. Wakefield, Minor.

A. H. WAKEFIELD, Guardian.

Order to show cause why order of sale of real estate should not be made.

ANSEL H. WRIGHTSETT, THE GUARDIAN, [illegible] of the minor, [illegible] Salt Lake County, Utah, [illegible] Salt Lake City, Utah, [illegible] of said minor, [illegible] of said estate, [illegible] of said minor, [illegible] of said estate, [illegible] of said minor, [illegible] of said estate