THE McLELLAN KILLING.

The Prosecution Closed and the Defense Has Begun.

EVIDENCE IN FAVOR OF WHETSTONE.

The Case Will Probably Go to the Jury at a Late Hour Today.

In the Fourth District Court at Ogden yesterday, before Judge Anderson, the trial of Ex-Deputy Marshal Whetstone on a charge of murdering Deputy Marshal McLellan, was resumed, the same counsel appearing as on the previous days. There was a large crowd of spectators present.

Dr. W. D. Sprunger, one of the physicians who attended McLellan, was called. He said he was summoned to examine McLellan. When he arrived the deceased was lying on the [floor] with the sleeve of his coat ripped [open]. He found a bullet wound on the left arm, about an inch and a half from the shoulder. The bullet passed through the arm, struck the second rib, deflected downward and struck the third rib, passing into the chest cavity. It then passed through the upper portion of the left lung, below the fourth dorsal through the middle lobe of the right lung and lodged in the pleural cavity on the right side. He attended McLellan until he died on the following Tuesday morning. The immediate cause of death was from the injuries received from the bullet.

Dr. J. S. Gordon said on the 5th March he was called to attend McLellan. He found deceased lying on the floor of the wine room in Keck & Babe's saloon. Examined the body and found a wound on the left arm three inches from the top of the shoulder. The bullet passed through the muscle in the arm in front of the bone. In his opinion McLellan died from the effects of the wounds.

James E. Horrocks knew both defendant and McLellan. On the night of the affray he saw the defendant in Shurtliff's saloon about half-past ten o'clock. When he entered Whetstone was talking to Henry Steele and he overheard him ask Steele to go around to Keck & Babe's saloon; Whetstone also asked him to go around to the saloon; he and Steele went together. They first went to the bar and then to the wine room which was occupied by McLellan, Hiles and St. John. About ten minutes after he entered the room he heard a shot fired. Shortly before the shot was fired McLellan left the room. During the time he was in the wine room he heard no voices. After hearing the shot he went out and on entering the northwest wine room he found McLellan lying on the floor, while St. John, Mr. Keck and Steele were attending to him.

Cross-examined—While he was in the room McLellan cried: "Ogden Hiles, Ogden Hiles, Whetstone shot me, Whetstone shot me."

The deposition of George Stetson, a deputy constable, who is now in the State of Oregon, was read to the court. He went up to Whetstone and asked him to go home. He told him he was full and defendant replied: "Yes, I guess I am." As he returned along the hallway to the front of the saloon he met McLellan standing at the door of the wine room. McLellan asked him to remain and go back with him, as there was likely to be some trouble. Stetson said, "I would not have any trouble if I was in your place," and McLellan replied, "I do not want any trouble, but if it is forced upon me I will not get the worst of it." Shortly after he heard a pistol shot.

The deposition of Ogden Hiles was read. It outlined the altercation that took place between defendant and McLellan in the wine room, also the the shooting which followed.

Sheriff Belnap identified the gun Whetstone used on the night of the affray as his own; remembered loaning it to the defendant about four months before the shooting. When he received the gun after the affray there were two empty chambers and four loaded ones. During the time the gun was in his possession the cartridges were in no way disturbed, and were exactly in the same condition as when he received them; could not tell what the indentures in the shells had been caused by, but was sure that they had not been caused by an attempt to discharge them.

The deposition of H. H. Geiger, formerly police officer in Ogden, was read. His deposition was corroborative of the evidence given by Sergeant Smith and others.

This closed the testimony of the prosecution.

The defense called as their first witness Judge H. P. Henderson. He had known Whetstone for four or five years, as a peaceful, quiet citizen. He also knew McLellan in his life time, and was more intimately acquainted with him than with Whetstone. "His character was bad." On several occasions witness had seen the deceased [illegible] how he would conduct himself and what position he would take up should he be in close quarters with an antagonist.

Cross-examination — McLellan also said that the weapon should be placed in the arm when shooting. To a great extent McLellan's reputation was such that people paid no attention to him; he was known by repute to have "a lot of braggadocio" and idle talk with him; was disagreeable to [illegible]. Whetstone's reputation was known generally as being quiet and [illegible]. Witness based his opinion wholly on the fact that he had never heard the defendant's reputation questioned.

Arthur Pratt, Territorial auditor, testified that in 1880 he had charge of the Ogden district as a deputy marshal; was very intimate with the deceased; knew his reputation both in Ogden and Provo and it was recognized as bad. He also knew the defendant, and knew his reputation in the community as being that of a quiet and peaceful citizen. The defendant's reputation for truth and veracity was known as bad.

Cross-examination — Witness said that he placed very little reliance in deceased for veracity. McLellan was generally recognized as a courageous man, although he was somewhat of a braggart. Witness had known deceased for fourteen years, and McLellan had been working under him for some time, but witness never discharged him as he had no power to do so.

Bowman Cannon, deputy United States marshal of Salt Lake, was acquainted with the defendant, and had known him since 1880; has worked with him and had never heard his reputation questioned; had an intimate acquaintance with deceased. In February of this year witness met McLellan in Salt Lake at — they had a conversation about the approaching election. Witness asked McLellan to assist him in the election and he mentioned that Whetstone might also help him. McLellan replied "You don't want to have anything to do with that ——, he's no good." Witness replied that he did not believe that as he had always found him to be opposite. McLellan again answered and said: "He is a ——, and if he ever bucks against me I'll buck against him."

Cross-examined — Witness did not know anything about Whetstone's reputation; he communicated the fact to Whetstone that McLellan had threatened him.

The next witness placed on the stand was W. G. Nowell, of Provo. He occupied the position of deputy United States marshal, and has been acquainted with the defendant for four years; was also intimately acquainted with McLellan; saw him in Salt Lake City last year; had a conversation with him in relation to the defendant. In the conversation witness incidentally asked how "Whet" was and McLellan replied "I don't know anything about the ——." In further conversation McLellan explained that Whetstone and he had had some trouble and "if he ever crossed his path he would do him up."

Cross-examination — Witness was surprised at the threat made by McLellan; he had never seen deceased and defendant in company together above that time.

Charles N. Redfield, of Provo, testified he acted as a deputy marshal, and was acquainted with the deceased in his lifetime; had worked with him for a year and a quarter; the deceased's general reputation in Ogden and Provo for peace, quietness and veracity, was looked upon as bad; he had met Whetstone, and knew him to be a good, quiet, peaceable citizen.

Ransom Clawson, deputy United States marshal, Ephraim, Sanpete county, knew McLellan as a boisterous quarrelsome man; had heard him make many remarks concerning Whetstone. In Salt Lake, in January this year, he met the deceased and in conversation with him, witness asked how Whetstone was getting along. McLellan replied, "I have nothing to do with Whetstone. He is another of the ——who are working against me up in Ogden, but I mean to get even with him."

W. L. Dykes of Salt Lake had held the position of deputy United States marshal for seven years; knew McLellan well; always recognized deceased as an expert with a gun and very quick in his movements with one. McLellan had a bad reputation in the community in which he lived.

The testimony given by J. B. Winslow, formerly colored porter in Keck and Babe's saloon, given at the preliminary hearing, was read in the court and admitted as evidence in the present trial.

H. H. Henderson was intimately acquainted with the defendant and knew him to be a quiet, orderly citizen. His general reputation was good.

Elmer Richardson had known Whetstone since 1883; he considered defendant's reputation as being good.

The deposition of William M. Turner, night patrolman, was read. At the conclusion of the reading court adjourned until 10 o'clock today.

AMUSEMENT NOTES.

Wonderland—The Next Attraction at the Theatre.—General Notes.

"Wonderland" has a good programme this week. Among the curiosities is Mr. Coffey, known as the "Skeleton Dude," who pays the city his second visit. Professor Catulle's illusions are handsome and well worth seeing. The entertainment in the Theatorium is varied. The Ferguson sisters in their operatic selections, Miss Dolly Wilson, the clever and graceful danseuse, and Messrs. Montgomery and Ward with their plantation songs are particularly appreciated by the public, as is evidenced by the enthusiastic applause with which they are received.

"THE ENSIGN."

the play announced at the Salt Lake Theatre for three nights, beginning Monday, Oct. 3, is by the New York *Herald* called "a rousing war drama as has been staged of late." The play made a hit at the new California Theatre, San Francisco.

ALEX. SALVINI.

Manager Wilkinson will take Alexander Salvini to the Pacific coast in October. The actor will play a four weeks' engagement in San Francisco, appearing in the scenic revivals of D'Ennery's and Dumas' romances in which he has been so successful.

GENERAL NOTES.

"The Stowaway" this season possesses an entirely new equipment of scenery which was specially designed and painted by Joseph Hart. The yacht scene is entirely new, larger and more completely equipped than before.

"The Hustler," we are told, broke the record last week at the Bijou Opera House, Minneapolis. The "standing room" sign was nightly displayed in front of the theatre.

Annie Lewis and "A Nutmeg Match" will be presented next week at the National Theatre, Washington, D. C.

Gus Heege is said to be desirous of knocking his Swedish dialect comedy for a "Gyst" at the legitimate.

The title of the new play in which Alexander Salvini will be seen in the spring, is "The Heir of Grammont," and not "Francis II," as has been stated. It is a romantic play of the sixteenth century, the scenes being laid in France. The piece was written by Paul Kester under Mr. Salvini's supervision.

Daughter of an Emperor.

Princess Margarita Beatrice, youngest daughter of the late emperor of Germany, is tall and strong, with masses of fair hair, very pale eyes and very prominent lips. The frigidity of her face reminds one of England, and her robust figure of Germany. She is the favorite sister of William II, a domesticated woman, knows how to sew and to embroider and does not like making. It is even said that she writes verses as melancholy as the German sky and as foggy as the Thames.—Paris Letter.

A Treasured Relic.

Mrs. Nina Cromwell, of Detroit, who claims to be a lineal descendant of the great Oliver Cromwell, owns a very old Bible which is thought to be the identical volume which the protector used. It was printed in 1591 by John Wolfe for the assigns of Richard Day, and was brought to this country in 1709 by Benjamin Cromwell, the great-uncle of the present owner, who has refused $200 for it. The edges of the pages are bordered with columns of references in the style which is current today. The references are not so numerous, however, as those in a modern Bible. Between the Old and New Testaments are the apocryphal books, and at the close of the New Testament is a complete index.

Perhaps the most curious part of the volume is the metrical arrangement of the Psalms with which it closes. The preface to this part of the work states that the Psalms were "collected into English meter by Thomas Sterne, John Hopkins and others, with apt notes to sing them withall." The notes are diamond shaped, and are arranged on a staff of five lines, having a staff not unlike the modern tenor staff. Each note is open, and the stem, when one is used, proceeds from the apex of the diamond. —Detroit Tribune.

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NOTICE TO CREDITORS.

Estate of [illegible], deceased.

NOTICE IS HEREBY GIVEN BY THE undersigned executor ... [illegible]

Dated September [illegible], 1892.

NICHOLAS T. [illegible]

Executor of the last will and testament of [illegible], deceased.

LEGAL NOTICE.

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

In the matter of the Estate of [illegible], deceased.

NOTICE IS HEREBY GIVEN THAT George A. W[illegible], executor of the estate of [illegible], deceased, has rendered for settlement, and filed in said Court, his final account of his administration of said estate and petition for final distribution ... [illegible]

Dated Sept. [illegible], 1892.

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

By CARTER 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 Alexander G., Winslow B. and Mary A. Woodruff, Minors.

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

ASAHEL H. WOODRUFF, THE GUARDIAN of the person and estate of Alexander G., Winslow B. and Mary A. Woodruff, minors, having filed his petition ... [illegible]

[illegible]

LEGAL NOTICE.

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

In the matter of the Estate of Thomas Baffo, deceased.

NOTICE IS HEREBY GIVEN THAT ... [illegible]

Dated August [illegible], 1892. E. E. ALLEN, Clerk of the Probate Court.

By CARTER BROWN, Jr., Deputy.

LEGAL NOTICE.

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

In the matter of the Estate of Israel Lowe, deceased.

NOTICE IS HEREBY GIVEN THAT Jesse M. Ward[illegible], executor of the last will and testament of Israel Lowe, deceased, has rendered for settlement and filed in said Court his final account ... [illegible]

Dated August [illegible], 1892.

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

E. CARTER BROWN, Jr., Deputy.

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At 50c. Mixtures high finish, was 75c.	At 75c. 20 Shades of Evening Silk, was 1.25
At 90c. Peau de Soie, was 1.25	
At 50c. Black Embossed Satin, was 90c.	
At $1.00 All-Silk Brocaded Satin Merveilleux, was 1.75	

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At 25c. 10 pieces Diagonal Weave, was	40c.
At 50c. 10 pieces [illegible] Henrietta, was	75c.
At 50c. 8 pieces Bedford Cord, was	75c.
At [illegible] 4 pieces Serge, All Wool, was	65c.
At 60c. 4 pieces Storm Serge, was	1.00
At 1.00 5 pieces Silk Warp Henrietta, was	1.50

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At 75c. 150 Suits Fancy Lama, was	2.00
At 2.10 200 Suits in Cashmere Plaid Stripes, was	4.00
At 2.75 375 Suits in Novelty Weave, was	5.00
At 3.50 300 Suits in Novelty Weave, was	6.00
At 4.20 300 Suits in Novelty Weave, was	7.50
At 50c. a yard, 10 Shades 50-inch All Wool Wide Wale Serge, was	85c.

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