

WEST END'S TRAGEDY.

TRIAL OF MARSHAL R. L. JONES FOR MURDER.

Review of the Tragic Death of Col. Frank P. Gray in West End, Sunday, May 16, 1886—Evidence Submitted to the Jury in the Case.

The circumstances connected with the killing of Col. Frank P. Gray, in West End, on Sunday May 16th, 1886, were given in the JOURNAL of the 17th, and as the interest in the case has been revived by the trial of Marshal R. L. Jones for the killing, we reproduce the statement then made.

"One of the saddest tragedies which has ever been enacted in Fulton county resulted yesterday in the death of Mr. Frank P. Gray, the well-known attorney. At 12:45 in the afternoon the Sabbath quiet at West End was rudely broken in upon by the sharp crack of a pistol. The pistol fired was in the hands Mr. R. L. Jones, the marshal of West End, and the bullet which sped from it penetrated the breast of Mr. Gray, inflicting a wound which proven fatal in a very short time. The particulars of the affair are as follows:

There is an ordinance in effect in West End which forbids the running at large of cattle, and when so found it becomes the duty of the marshal of the town to take them up and impound them, the owner being required to pay a small fine, the costs and any damage which may have been done by the animal before he can recover it. The ordinance also prohibits the grazing of cattle upon the commons, but about a year ago the council was enjoined against enforcing this portion of it, and as the case has never been heard, many persons send their cattle out in charge of boys to graze upon the open commons.

Mr. Gray was the owner of a cow which he occasionally sent out in this way, doing so yesterday morning, his little son, six or seven years of age, accompanying it. For some reason or other Marshal Jones took the cow up and started to drive it to the pound. The little boy ran home and told his father, who immediately set forth to get the animal. Taking a short cut, he met the marshal driving the cows east, on Gordon street, right in front of the residence of Colonel A. R. Matthews. He was on the north side of the street, and as he approached the cows he turned off into the middle of the street to head them off, remarking to the marshal as he did so, "I'll take care of these cows." About this time he stooped and picked up a small stone, and thereupon Mr. Jones fired, and Gray fell pierced in a vital part by a pistol ball.

After having been disarmed by Mr. Wilson, Marshal Jones walked to his home, near the corner of Gordon and Lea streets, where he found his wife greatly distressed over the reports she had heard of the affair. He succeeded in quieting her, and then went over to Mr. O. I. Culberson's store, where he found Mr. Culberson. He expressed a desire to go to jail and surrender himself, and Mr. Culberson took him in his buggy and carried him over.

After the shooting Jones talked with several persons about it, claiming that he was forced to shoot in self-defense; that Mr. Gray had picked up a brick and threatened to kill him, making toward him; the officer tried to push him back, but without success, and finally shot him. The only evidence corroborating this is that of the colored girl, Ritha Sams, whose testimony is given elsewhere."

After the empaneling of the jury, the State introduced as the first witness for the prosecution Dr. Walter A. Crow, who made the ante-mortem examination of Col. Frank P. Gray. Dr. Crow testified substantially the same as at the coroner's inquest. He found that Mr. Gray was shot between the fifth and sixth ribs in the left side, some four inches below the left nipple, and about an inch inside the line. The doctor said: I found he was suffering with very little hemorrhage. He was almost pulseless and was exceedingly restless. But he seemed conscious. After I undressed him he made some remarks. He asked me: "Doctor, what do you think of my condition?" I told him I thought it was hopeless, and he replied: "Yes, I know I am going to die. I just picked up that rock to throw at the cows and not to hit any one, and he shot me." He repeated that statement some two or three times before he died. He lived about thirty minutes from the time I got there, which was about ten minutes after the shooting.

Mr. C. C. Nelson was the next witness sworn. He then resided in West End, but now on Pryor street.

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Mr. C. C. Nelson was the next witness sworn. He then resided in West End, but now on Pryor street.

Mr. Nelson, who was boarding at the time with Mr. A. R. Matthews, was sitting with his wife on the front porch, his wife reading aloud. He saw Mr. Gray come up the street on the sidewalk, and as he came in front of Mr. Matthews' gate turn into the middle of the street and pick up a rock, saying, "I will take care of those cows." Three or four cows came up, and Mr. Gray threw the rock at them, causing one of the cows to turn up the sidewalk. Marshal Jones turned towards the sidewalk and the cow was between him and Gray. The cow rushed up against the fence and backed out, leaving Jones and Gray together. Within an instant the crack of a pistol was heard, and Gray, throwing up his hand, exclaimed, "the trifling scoundrel has shot me." Just as he turned to the cow he picked up another rock. Gray did not throw it. Nelson took it from him and started after Dr. Crow. He returned in twenty minutes and found Gray rational. Gray said to Nelson that he picked up the rock to throw at the cow and not to hurt anybody, and it cost him his life. About three minutes before he died he whispered "God knows I did not intend to hurt anybody, and was not to blame."

Mrs. C. C. Nelson testified corroborating her husband in the main.

Master Frank Gray, son of the deceased, who was with his father at the time, testified that he was eight years old, that he and Harrall were watching the cows eat grass when Marshal Jones came and took the cows away from them. The cows had gotten out of Gray's field and the boys were driving them back. When Jones took them the boys ran and told Mr. Gray. Mr. Gray came and threw a rock at the cows. Jones put his hand on Gray's collar and fired.

Emma Wright, a colored girl employed at the time by Mr. Frank P. Gray—She was present when the boys told Mr. Gray about Jones taking the cows. She took off Mr. Gray's collar while he was at Mr. Matthews'. The button-hole was broken.

After putting in evidence the rock, neck-tie and collar, the State rested.

Judge R. T. Dorsey opened the case for the defence, outlining what they expected to prove. He said: We shall endeavor to show that Mr. Jones was town marshal of West End. He was a sworn officer. It was his duty to take up cattle that was loose. We expect to show that the cows of Mr. Gray had repeatedly strayed out, and that Mr. Jones, in the performance of his duty, took up these cows. We expect to show by testimony that cannot be doubted that Mr. Gray had made repeated threats against Mr. Jones, saying that he would kill him if he meddled with his cows again. That these threats were told the defendant. We expect to show that Mr. Gray was a large, powerful man of violent temper. That the cows of Mr. Gray had strayed away on the morning the homicide occurred, and that Mr. Jones took up the cows at the request of some of the best citizens of the place. That while the cattle was in the custody of the town marshal, Mr. Gray approached and violated the law by throwing rocks at the cows. When remonstrated with he said to Mr. Jones: "Yes, damn you, I will kill you," at the same time facing him with a rock in his hand to carry out his threat. That while in the act of executing that threat he was fired upon by the defendant in self defence; that he shot Mr. Gray in order to save his own life. This we confidently expect to establish by indubitable testimony, and when we shall have proved

It will ask an acquittal of the prisoner—a verdict of not guilty at your hands."

Mr. George H. Tumlin, Napoleon Tumlin and Francis M. Walker, all of Cartersville, were sworn and testified that he was an overbearing man. He was prompt to resent an insult. Between Gray and the Tumlins there had been difficulties, but not with Walker.

This morning Messrs. F. M. Stansill, J. B. Conyers and W. H. Howard, of Cartersville, testified as to the violent character of the deceased and his over-bearing disposition. Mr. Conyers was very severe in his testimony. Dr. F. P. Smith, Lewis S. Morris, W. G. Smith, Capt. A. B. Connolly, chief of police, James F. Buchanan, station house keeper, R. F. McGee and Burgess Smith, testified as to the character of Mr. Gray for violence.

Mr. Morris testified that he had a difficulty with Gray about an account in 1883. Gray called him a liar and he started after him with his hand in his breeches pocket on a common knife. Gray rose with a chair in his hand, but they were separated. Gray told him that he was the agent for his wife, and if the bill was not paid he could indict him for obtaining goods under false pretenses, and that he could collect the bill anyhow. Mr. Morris found that it was not as Gray represented, and believing he could not collect the bill he did not attempt its collection by process of law.

Mr. W. G. Smith testified that Gray had a reputation of being an impulsive man, ready to resent an insult, and an over-bearing man.

Captain A. B. Connolly testified as to his over-bearing disposition as an attorney in the Recorder's court.

Station-house Keeper Buchanan testified that only one case had been made against Gray for violence, and that was when he had a difficulty with J. B. Conyers, of Cartersville. Buchanan has been station-house keeper for six years.

Mr. — McGee testified that the bailiff of Justice Tanner's court seized some cigars, pickles, etc., and stored them with witness. Gray claimed them, and wanted two boxes of cigars out of the stock. Witness refused to give them up, when Gray said he would have them anyhow, but made no effort to take them. The goods were afterwards sold by the bailiff. Gray came after this and asked for his pickles, and said he would kill any man that would sell his goods under the hammer.

Mr. Burgess Smith testified as to a conversation with Gray about three or four weeks before the killing. Gray stated that Jones had impounded his cows and he had started out with the intention to kill him, but after talking with Mayor G. A. Howell had changed his mind. Mr. Gray sometimes expressed a disbelief in the Christian religion, speaking of it as a myth, and other times expressing indecision and uncertainty. From the tenor of his conversation the impression was made that he did not believe in the divine authenticity of the Bible.

The question was asked as to Gray's character for wickedness, or disregard for the laws of God, and being objected to by the State was referred to Judge Clarke for decision. Pending that decision the Court recessed for dinner. For the first time since the court house has been erected the gallery is crowded with spectators.