

TWO CITY MURDER TRIALS

THE KILLING OF POLICE OFFICER THOMAS J. NORTON.

TRIAL OF EX-OFFICER BERNARD F. FITZPATRICK—TESTIMONY AS TO THE SHOOTING—CLOSE OF THE CASE FOR THE PROSECUTION.

The trial of Bernard F. Fitzpatrick, formerly a Police officer attached to the Fourth Precinct, for the murder of Police Officer Thomas J. Norton, of the Tenth Precinct, in front of No. 44 Delancey-street, on the night of Dec. 18, was resumed before Judge Gildersleeve in Part I. of the Court of General Sessions yesterday. The court-room, as on the previous days of the trial, was inconveniently crowded with politicians, Police officers, and chronic sensation-seekers. At the adjournment of court on the previous evening Judge Gildersleeve, before allowing the jury to separate, cautioned them against permitting any person to converse with them on the subject of the trial, and instructed them that they must not read the newspaper reports of the proceedings in court. After the names of the jury had been called by Clerk Hall, one of their number showed that the order of the court had been disregarded by rising in his seat and announcing that he had visited a newspaper office for the purpose of having a correction made in relation to the manner in which his name had been given. Judge Gildersleeve took no notice of the matter. The first witness called by Assistant District Attorneys O'Byrne and Vincent was Isaac Levy, a cabinet-maker, residing at No. 42 Delancey-street, who witnessed the murder. He testified that he saw a crowd in front of No. 44. A policeman in uniform stood in the middle of the crowd. The policeman knocked the prisoner down twice, and as he was going toward him the third time, Fitzpatrick drew his revolver. The men stood about three feet apart in the middle of the street. Somebody in the crowd said, "Fix him; give it to him," and Fitzpatrick immediately fired. Norton said something to Fitzpatrick, which the witness did not hear, before the latter fired his revolver.

Mrs. Hattie Pearson, wife of Nelson P. Pearson, keeper of the liquor saloon No. 44 Delancey-street, front, another eye-witness to the shooting, swore that while reading in the rear of her store she heard Mary Ann Degnan raise an outcry of "Murder" in the hallway of No. 44. Officer Norton appeared shortly afterward and went up stairs toward the rooms occupied by "Big Blanche." He returned, with a number of other persons, and all went out on the sidewalk. Witness stood at the door of her husband's saloon and saw no quarrel, but heard Norton say to Fitzpatrick, "Show me your shield." Fitzpatrick did not show his shield, but raised his arm and leveled his pistol at Norton. The latter said, "Put that down you scoundrel—put it down," and Fitzpatrick dropped his arm. Just at that moment one of Fitzpatrick's companions picked up something from the ground, handed it to Fitzpatrick, and said, "Give it to him Barney; you've got him now." Fitzpatrick thereupon fired the pistol. The men stood between five and six feet apart.

Valentine Cruetz, a driver living at No. 68 Willett-street, testified that the deceased officer had his club in his hand when he advanced toward Fitzpatrick, and ordered the latter to put down his pistol. After the latter had fired the shot, both men struggled clear across the street. Finally Norton said "I am too weak to stand up; hold me." Thereupon two men stepped forward and supported the wounded officer toward the Eldridge-street Police station. Fitzpatrick ran away and was pursued by some of the bystanders.

Henry Heldrick, of No. 189 Rivington-street, who also witnessed the shooting, swore that he saw the men standing face to face in the middle of the street, only about three feet apart. Fitzpatrick drew a pistol, aimed deliberately at Norton, and fired. Norton then struck Fitzpatrick, both men clinched and fell, and Fitzpatrick and his companions ran off.

Assistant District Attorney O'Byrne called Sergt. Creedon, of the Tenth Precinct. When the Sergeant made his appearance he brought with him the uniform coat and shirt collar worn by the deceased officer on the night of the murder. The coat and collar showed the holes through which the bullet from Fitzpatrick's pistol had passed. The prosecution offered to prove by the Sergeant that these articles of clothing belonged to Officer Norton, and that he had no pistol with him on the night of the murder, as the Sergeant had found the weapon three days after his death in the closet of the deceased in the station-house. The defense objected to the testimony, and it was excluded. The ownership of the coat and collar was subsequently established by Doorman McCormack, of the Tenth Precinct, who testified that he removed them from Norton's body on the night of the shooting.

The next witness was Jared O. Harrington, of No. 110 Allen-street, who visited Mr. and Mrs. Pearson at No. 44 Delancey-street on the night of the shooting and witnessed the occurrence. He testified that Norton struck Fitzpatrick twice, and pushed him into the street. As Norton was advancing toward Fitzpatrick the third time, the latter drew a pistol and Norton pulled his club from his belt. Pointing it at Fitzpatrick he said, "Put that down," and the shot followed immediately. On cross-examination the witness admitted that he had been drinking with Mr. Pearson during recess. He denied that he and Mrs. Pearson had discussed the case, or that the latter had said to him that "It was a great pity that Officer Norton had been killed, as he was a fine young man and a great friend of hers." He admitted some discrepancies between his testimony in court and that given before the Coroner.

At the conclusion of this witness's examination the Assistant District Attorney announced the close of the case for the prosecution, and the court adjourned until this morning, when the case for the defense will be opened.

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