

THE KILLING OF OFFICER NORTON.

TRIAL OF EX-POLICE OFFICER FITZPATRICK FOR MURDER.

An hour after the opening of the Court of General Sessions yesterday a jury was obtained in the case of ex-Police Officer Bernard F. Fitzpatrick, of the Fourth Precinct, indicted for murder in the first degree in having shot and killed Officer Thomas J. Norton, of the Tenth Precinct. The prisoner's father, Alderman Fitzpatrick, sat beside him during the proceedings, and the mother, sister, and brother of the murdered officer occupied seats within the railing. The court-room was literally packed with politicians, and many unable to gain admission congregated in the corridors outside. The case is being tried before Judge Gildersleeve, the prosecution being conducted by Assistant District Attorneys O'Byrne and Vincent. The fatal shooting took place in front of No. 44 Delancey-street on the night of Dec. 18. Assistant District Attorney O'Byrne opened the case for the prosecution, and called Deputy Coroner Ræfle, who made a post-mortem examination of the body of Norton. Dr. Ræfle not being in attendance, the defense consented that his deposition be read to the jury. The deposition was to the effect that Officer Norton's death resulted next day from the wounds received by him on Dec. 18. Sergt. Peter Ryan, of the Fourth Precinct, testified that the prisoner was not on duty on the night of the murder.

Eva Weston testified that on the evening of the shooting she met Fitzpatrick and two companions named McCormack and Kennedy in the saloon No. 136 Chrystie-street. Fitzpatrick was in the company of Mary Ann Degan. After remaining in the saloon for half an hour the party went to the house of "Big Blanche," in the rear of No. 44 Delancey-street. At about 11 o'clock a disturbance occurred in the house, and Mary Ann Degan, who was ordered out for having made a noise in the hallway, left. Witness left shortly after, and did not see the shooting.

Melissa Murphy, a domestic in the front house at No. 44 Delancey-street, testified that Mary Ann Degan returned to the place after having been ordered out. She raised an outcry in the hallway about 11:20 P. M. which attracted the attention of Officer Norton, who was on the post. He went to the rear house and immediately came back to the sidewalk in company with Fitzpatrick, McCormack, Kennedy, and "Big Blanche." Norton, addressing Fitzpatrick, said: "Are you an officer?" "Yes, I am," replied Fitzpatrick. "Then show me your shield," continued Norton. Fitzpatrick made some reply which witness did not hear. Norton said: "This is a funny place for you to be." Fitzpatrick made a motion as if he intended to strike Norton. The latter thereupon struck Fitzpatrick with his fist. Fitzpatrick staggered back, but recovered himself and advanced toward Norton. The latter struck him a second time, and again Fitzpatrick staggered backward, but, recovering himself, advanced once more toward Norton. Both men then clenched and struggled until they had gained the middle of the street. There they separated and stood a few feet apart. Witness heard Norton say: "Put that pistol down," and noticed that Fitzpatrick's hand dropped to his side. Kennedy picked up something from the street and handed it to Fitzpatrick, and either he or McCormack said, "Now, Barney, you've got him; give it to him." Fitzpatrick raised his hand, which contained a pistol, and a flash followed. Norton again grappled with Fitzpatrick and drew his club, but he appeared to be exhausted and the club fell from his grasp. He then went to a lamp-post, threw his arm around it, and said in a weak voice, "I give up; I'm done." Witness then saw that blood was streaming from a wound in Norton's throat. He relaxed his hold on the lamp-post and fell bleeding on the sidewalk. In cross-examination, witness admitted some discrepancies between her testimony in court and that given before the Coroner.

Mary Ann Degan testified that she had made an outcry in the hallway of No. 44 Delancey-street previous to the shooting. Nelson P. Pearson, who lives in the front house at No. 44 Delancey-street, testified that after Fitzpatrick had recovered from the second blow struck by Norton he jumped into the street and drew a revolver. On seeing the act Norton drew his club, and, advancing toward Fitzpatrick, said, "Put that down." Witness heard Fitzpatrick's companions say, "Give it to him, Barney." Fitzpatrick then leveled his pistol at Norton and fired.

Myer Diamond, who lives at No. 42 Delancey-street, testified that he witnessed the shooting. Norton, he said, pushed Fitzpatrick twice, almost knocking him to the sidewalk. In the encounter Fitzpatrick's hat fell to the ground, and Norton pushed it with his foot. When Norton advanced toward Fitzpatrick for the third time the latter drew his revolver and fired.

A juror asked if Norton had anything in his hand when he advanced toward Fitzpatrick. "No," replied the witness; "Fitzpatrick drew his pistol as Norton came toward him."

At this point the court adjourned until to-day.

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