

BROPHY FOUND GUILTY.

The Case Will Be Appealed to the September Term of the Common Pleas Court.

The fact that James Brophy, who is receiving a good deal of notoriety just at present, was to be tried in the city court this morning, proved to be a great drawing card, and when court was opened by Officer Nettleton, every seat was taken and there were crowds outside of both doors. The cases of Brophy and the Brereton woman were the first on the docket and both pleaded not guilty to a charge of improper conduct. The perspiration poured down from Brophy's face and he chewed the ends of his sandy mustache. The scowl which he perpetually wears deepened somewhat as he heard the evidence put in by the state. Sergt. Bradley of the precinct was the first witness and he testified that on Friday night last the lieutenant in charge of the precinct gave him a subpoena to serve on Brophy, summoning him to appear as a witness in the Gaban case. The relations existing between Brophy and Katherine Brereton having become an old story among the neighbors and the precinct police, Sergt. Bradley thought it would be a good opportunity to kill two birds with one stone and he, with Sergt. John McGrath and Officer Clancey went down toward the house.

On arriving at their destination, 146 Wallace street, they held a council of war and decided to do a little investigating before they served the subpoena. Accordingly, knowing the location of the rooms, Sergeant Bradley and McGrath



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secured a plank. They placed it against the side of the building and climbed to the window of the Brereton woman's apartments. Officer Clancey, in the meantime, remained at the kitchen window, which commanded the exit from the other rooms in the tenement. The officers testified that the man and woman were in the same room, and hence they arrested them. After the officers testified, the state announced that they had completed their case.

Mrs. Brereton was the first witness for the defense. She told the court that she was a divorced woman, and that she had lived in New Haven 13 years. For the past two years she has kept boarders, but the only boarders she has at present are James Brophy and his crippled nephew, Kiernan Brophy, a lad of 17 years. She swore most emphatically that she had no improper relations with the hero of last week's episode. She always slept with her three children. Brophy was then put upon the stand, and his testimony was a repetition of Mrs. Brereton's, with one or two additions. He swore that he was asleep with his nephew on the night in question, and that his landlady, Mrs. Brereton called to him that there were burglars outside trying to force an entrance into the house. He hastily dressed himself and went to the window and saw Sergt. Bradley. The most damaging evidence against the accused was given through the man's nephew, Kiernan Brophy. He was asked on the stand whether or not he had ever made a confession to any of the officers concerning his uncle and the woman. He hesitated and said that he did not remember. Mr. Dailey then called Sergt. McGrath on the stand to refresh the boy's mind. Attorney Goodhart, who appeared for the accused couple, made a vigorous protest against the admission of such evidence, but his objection was overruled and the sergeant told the story of his conversation with the cripple on the morning after the arrest. The boy distinctly told him that improper relations existed between Brophy and the landlady. This was the last evidence adduced and



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the arguments were then begun. Mr. Dailey waived his right to speak. Lawyer Goodhart then arose and made one of the most bitter and scathing arguments ever heard in the city court. He hauled the officers over the coals, saying that they had violated every rule of decency and decorum by going there at half past 3 o'clock in the morning with the very purpose of catching these folks. "Brophy," said he, "is standing in the face of the police on account of last week's incident and they are determined to convict him if they have to hound him for a dozen years. Brophy would have had no peace until he had been hauled up on some charge or other."

The attorney became very excited during the course of his argument and pranced up and down in front of the judge's bench. Great beads of perspiration stood on his forehead and ere he had finished, the edges of his cuffs and collar had perceptibly wilted. He asked for an honorable discharge.

Prosecuting Attorney Dailey made a cool and collected plea for the highest penalty. He complimented the police on their action in the case and referred sarcastically to the story told by the defense.

Judge Pickett, at the conclusion of the arguments, said that he would find the pair guilty but he wished to find out whether Brophy had a wife. The latter denied it and Sergeant McGrath and O. S. Preston, agent of the Associated Charities, swore that he had. The former has known Brophy for 15 years and said that he had lived for years with a woman whom everybody supposed was his wife. Agent Preston testified that his society had been supporting a woman who called herself Brophy's wife and that he had three children in the county home.

His honor decided that it had not been proved that Brophy had a wife, and hence he could not fine him on the graver charge. He then fined Mrs. Brereton \$7 and costs. Before sentencing Brophy he administered a scathing rebuke to the prisoner. He said that he had tried to deceive the court once, and had not succeeded, nor was he likely to deceive him on any occasion. "Brophy, from your own testimony," said the judge, "you have been a transgressor of the law for some time. You have lived with a woman whom it was supposed was your wife. You have denied the relation. I will give you the highest penalty, \$7 and costs and thirty days in jail." Attorney Goodhart took an appeal in both cases and as Brophy left the court room he exclaimed, "I'll obtain justice if I spend every cent I ever earned." In default of a bondsman Brophy went to jail.

After the case had been decided both Brophy and the woman were anxious to withdraw their appeal, but were prevented from doing so by their attorney.