



Daily Alta California, Volume 40, Number 13455, 29 June 1886 — G. W. TYLER'S TRIAL. [ARTICLE]

## G. W. TYLER'S TRIAL.

Testimony of the Defendant About the  
Affidavit of Mrs. Clarke.

BROWN VS. DIST. ATTY. WILSON.

Condition of the Imbecile's Mind—The Defense Set up  
by Tyler--The Propositions Alleged to Have  
Been Made to Brown.

The trial of Tyler, on the indictment of procuring feloniously an affidavit from the imbecile Isabella Clarke, was resumed yesterday morning before Judge Wilson and a jury.

At the outset the Court granted the request of W. B. Tyler to withdraw the motion to dismiss the indictment, and to introduce testimony for the defence. It was thought that the testimony could all be entered in one day.

W. B. Tyler then addressed the jury for the defence, and said he expected to prove that in April, 1884, the only time the defendant ever saw Isabella Clarke, she was of sound mind and capable of comprehending what was said to her; that after the affidavit was taken she was capable of understanding what was said to her. She was a peculiar woman, very intelligent and capable of understanding down to the day of her death. But if she was of unsound mind Judge Tyler was not aware of that fact. The Notary was told not to take the affidavit, if the woman were not of sound mind. The defendant knew nothing of the paper at the time, for it was drawn up by the speaker. When the Brown and Weile case came about was the first time that the defendant knew anything about the affidavit.

MAMMY PLEASANTS' STORY.

Mary E. Pleasants was called as a witness for the defense. She said: Saw Isabella Clarke during the Sharon trial, at the Almshouse, and in 1884. Received a letter once, dated at the second sea-wall, referring me to Mrs. McCarthy. Visited her and she said Mrs. Clarke (or Madame Salone, as she was then called) could give me information. Called at the Almshouse, with Notary Public Brown, to take her statement. She did not want to make a statement before Mr. Brown. Said she would talk to Mrs. McCarthy, and she went out and sent me word that she had obtained the statement of Mrs. Clarke. I sent it to Mr. Tyler. I only saw Mrs. Clarke once. [Photograph exhibited.] This does not look like Mrs. Clarke when I saw her. I have a good likeness of her. This looks older than she did. She understood what I said and answered me intelligently. Thought that she was of sound mind when she would talk to Mrs. McCarthy and not to me. She asked me to send her sirup and wine. Did not take the letter to Judge Tyler. This one was not signed. Gave letters signed to him or Judge Terry, but kept the anonymous letters. Have known Notary Brown since he was a boy. He went to do the writing. Took him out in my carriage. Went to his office and got him. Can't tell the time of day. Can't say how long I was with Mrs. Clarke. She was in a room off the sitting-room. She was brought in to see me. Told her that Mrs. McCarthy (called Mrs. Taylor) had sent me out to her. Brown began to take down her statement, when she refused to talk any more. We were afraid that the other side in the Sharon case would buy the witnesses. As to Mrs. Clarke, don't know that she was paralyzed when she was brought in. Brown had a room at Mrs. Weile's house. Went to see Mrs. Clarke at the Almshouse but once. Have invested thousands of dollars in the Sharon case. Brown and Mrs. Weile were witnesses in that case. The affidavit of Mrs. Clarke I had is in the Court.

The defendant asked that the Court send to the Old City Hall for the photograph and a memorandum book kept by Mrs. Weile, which is in the hands of the Sheriff. "The photograph I produced in the Brown-Weile case looked like her when I saw her. Think Mrs. Weile gave it to me about the time of the trial of the Sharon case. Don't know where she got it. It was not given to me till after I went out to see her."

#### AN OLD WOMAN'S TALE.

The next witness called, Mrs. Phoebe Vallean, an

old lady, told of her acquaintance with Mrs. Clarke: First saw her in Sacramento about seven years ago, where she was a fortune-teller. The witness testified that when she removed to San Francisco she occasionally saw Mrs. Clarke. Knew her up to 1884, after she had been in the Almshouse for the first time. She said she did not like to go back to the Almshouse, but as she was very poor, she would have to. Her mind was clear, although her health was not good. Saw her the day she went to the Almshouse, and she was then as smart as she ever was. In 1882, when Mrs. Clarke was living at the Galt House, the witness was told by her that William Sharon frequently consulted her about future events, that by reason of her advice Sharon had prospered and procured a beautiful wife.

Upon being shown the gist of the Clarke affidavit, in which it was denied that she had ever said anything about Sharon introducing Sarah Althea as Mrs. Sharon, she expressed her surprise at the statement.

The defendant, G. W. Tyler, then took the stand. The first he heard of Mrs. Clarke was under another name—Mme. Soroni—and from Mrs. Weile. She asked him if the facts as set in the affidavit would be of importance, to which he said, if such testimony could be procured, it would be of the utmost importance. The witness told Mrs. Weile to get the statement in writing. The statement upon which the affidavit was based was not brought to the witness until after the Sharon trial was commenced. The statement was drawn up by a Miss Evans, the daughter of Mrs. McCarthy. When witness found that Mrs. Clarke was in the Almshouse he ordered her to be taken out of there, placed in some good family where she could get good treatment and medical attention, and be properly nourished, so that she would make a presentable witness. There was nothing said at that time of her mental condition. He had told Mrs. McCarthy that he would not be responsible for her care beyond a fixed date. The statements, affidavits, etc., were prepared at the instance of witness' son. He did not get Brown to go to the Almshouse, and never had anything to do with the matter until after the affidavits were prepared. Had no belief but that Mrs. Clarke could verify an affidavit as well as Chief Justice Morrison could today.

At this point a recess was taken until 2 P. M.

#### **Afternoon Session.**

On opening of Court the testimony of the defendant was cross-examined at length.

Mrs. Eliza Jane Seth and Mrs. Mary A. Taylor

followed. Each witness was examined at length as to the condition of mind of Mrs. Clarke.

Mrs. Taylor, on cross-examination, said she was married to Taylor in 1849 and to McCarthy in 1881, but is now called Mrs. Taylor since her divorce from McCarthy. Went out to see Mrs. Clarke before the Brown-Weile trial. She could walk, but was paralyzed in her legs. She used to tell me my fortune every day. She could talk connectedly, but her tongue was affected. The copy of that statement was made by witness' son. I took it to Mr. Davis to see if it would be of any use to him. Did not know whether I'd get any money for it or not. Knew that he was buying up such things and took the paper to him, but did not take it for the mere purpose of selling it to him.

District Attorney Wilson—Did you not say to

District Attorney Wilson—Did you not say to Mr. Davis that you had some good testimony and would take \$1,000 for it?

Witness—No. It is a lie; never said any such thing.

Judge Wilson here interposed with a firm admonition.

Witness continuing: Mrs. Weile told me to go

Witness continuing: Mrs. Weile told me to go to Davis. I should have gone directly to Mr. Barnes or to headquarters with the papers if I had been doing the business.

Mrs. Catherine Green was again called to testify regarding certain dates which were connected with

certain insurance policies on her furniture, and to relate her opinions of Mrs. Isabella Clarke's mind.

#### A CONVICT'S TESTIMONY.

J. E. Brown, of the celebrated Brown and Weile case, then took the stand. After relating at length the circumstances of the taking of the affidavit at the Almshouse, and how he had performed his duty as a notary on that occasion, he was asked by the junior Tyler to relate the circumstances of the propositions which had come to him on the part of the District Attorney while he was confined and awaiting a new trial in his own case.

At this point the District Attorney arose and said that the introduction of the story was irrelevant to the present case, which should certainly stand on its own bottom.

The Court admitted the evidence, on the ground that it might show conspiracy on the part of the prosecution, but of course it could not be assumed that such an attitude was held by the attorneys for the people.



At this ruling Brown related minutely date by date how the alleged conspiracy was engendered, the visits of Philips and of Williams, the colored men, to his cell at the County Jail, their propositions, the authority with which they claimed to have been clothed and many other details of the alleged plot. The position General Barnes and Messrs. Davis, Kowalsky and Regensburger, and their connection with the affair, was rehearsed. Brown showed how the District Attorney agreed to get a continuance for him, and endeavor to fasten the guilt of the case upon Tyler.

Brown's testimony created a murmur throughout the Court-room, for many of the attorneys mentioned in the story occupied seats near the Bar, and as their names came into the recital of the witness they looked amused, or concerned each as he was affected by the evidence.

Late in the afternoon the Court took a recess, while Brown was on direct examination.

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