The Observer.

MORO, OREGON:

FRIDAY.....FEB. 15, 1907

Personal Talk With You.

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THE INEXPEDIENCY OF AN UNTRUTH

[Original.]

The difficulty of establishing a truth is at times so great that we are often tempted to produce the effect of a truth by establishing an untruth. This is especially so in the law. I once had a client who gave me a story of why he killed a man so unreasonable that, though I believed it, I saw no hope of convincing twelve other men in the jury box of it. I therefore put in a plea of my own invention. I erred in doing so, and I have never repeated the device.

Edward Barton, my client, a stoker on a railway, was on trial for murdering the engineer of his train while the train was in motion. It was considerably ahead of its time when it pulled up at a station within twenty feet of another train standing on the same track. The engineer was lying unconscious in the cab with a fractured skull. He never regained consciousness and died in a few hours. Barton's sweetheart was the only person who saw the murder and was obliged reluctantly to testify against him. She was accustomed when his train passed the house in which she lived, near the track, to stand in the doorway and throw him a kiss. On the day of the murder, hearing the train coming, she ran to the door in time to see the train dash past at a much greater speed than usual. The engineer stood with his hand on the throttle, and Barton, instead of looking out for her, stood behind the engineer and dealt him a blow with a huge iron poker. The girl fainted and the train dashed on.

I exercised all my ingenuity in concocting a scheme of defense, which is not necessary to my story, so I do not give it here. I could not very well put my client on the stand, for he could only tell a story far different from the one I was attempting to prove. He was convicted. The day he was sentenced to be hanged I told him to tell his story as he had told it to me.

"You ask me, judge, why sentence should not be passed upon me. I killed the engineer, and I did it for a good reason. Before we started on the run I noticed that he was acting strangely. We had no sooner got under way than he asked me for more coal. There was plenty in the furnace, and I told him so. He turned upon me like a fury and ordered me to do as he had bidden. I put in more coal, and he put on more speed. I begged him to slow up a little, but he paid no attention to me. Our train was a through train and made no stop for an hour. Meanwhile we were getting ahead of our time and liable to meet other trains. The engineer was a big, strong man, and it would have been impossible for me to get him away from the throttle. I was in an agony of doubt and fear. The man had gone mad.

"Noticing that we were approaching a station, I looked through the cab window and saw but half a mile ahead a train standing dead on the same track we were on. The lives of its passengers as well as those on our own train depended on me. I thought that the safety of the many was of more importance than the life of one. I did not have time to think that if I killed the engineer I would likely be hanged for murder. I did not know that I was passing the home of my sweetheart. There was no thought in my brain except to prevent a slaughter. I stepped behind the engineer and brought my poker down on his skull. I did not think of stunning him. I would take no chances. I intended to kill him. He fell like a log. I threw back the reverse lever and whistled down brakes, all within a few seconds. The train stopped within two lengths, and a terrible wreck was averted. I glory in the death I am about to die. I give my life for many others."

The moment he began to speak I saw my error in not relying upon the truth. Not only his words but his manner were convincing. When he had told me his story he told it haltingly. When he told it to the judge he told it as a martyr. The effect was absolutely convincing. The prisoner was remanded, and the judge called me to him for consultation. After discussing a new trial and other plans we decided upon attempting to secure a pardon. The judge wrote a strong recommendation to that effect, and it was not long before the prisoner went forth a free man.

Barton married his sweetheart, who had put me to shame by telling the truth while I had relied on a lie. A number of persons who were saved made up a purse for a wedding present amounting to several thousand dollars and a gold watch, on the case of which was an inscription telling how he had saved the donors from death or mutilation. A committee made the presentation in the house from which the groom's sweetheart had seen the sacrifice of the engineer.

But this was a bagatelle compared with what was done by the officers of the railway company. Barton was first made conductor of a freight train, then of a passenger train, then train dispatcher, then division superintendent. He is now general passenger agent of one of the largest railroads in the country.

I do not intend to lay down a rule as to the expediency of absolute truth in all cases. If Barton had told his story to the jury as he told it to me, dreading the consequences of his position, not more than half of them would have believed him. It was his rising to the consciousness of martyrdom that turned a hangman's noose into a prosperous career. HAROLD OTIS.

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1.40	5.4	...Gibsons....	11.19
1.44	7.0	.....Sinks.....	11.10
2.04	9.8	.... Wasco....	11.00
2.17	14.1	..Klondyke..	10.45
2.23	16.1	...Summit...	10.40
2.40	19.2	Hay Canon Jct	10.24
2.41	19.9	..McDonalds..	10.22
2.53	28.9	... DeMoss...	10.05
3.04	27.0	.....Moro	9.55
3.13	30.4	..Erskinville .	9.37
3.44	38.5	.Grass Valley.	9.20
4.00	45.8	...Bourbon...	8.55
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