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## Death Bed Accusation Did Not Pin Crime On Suspect

HISTORICAL ACCOUNTS DEFINE KILLING AS UNSOLVED MYSTERY OF EARLY SYLVAN AREA

By Hervey S. Robinson

Any reader who has additional information on names, places or events covered by Mr. Robinson are invited to write the newspaper. In this way, a more complete historical series will be possible. Address letters to Hervey S. Robinson, % Beaverton Enterprise, Beaverton, Oregon.

(Continued from last week)

When R. J. Aiken found his old friend and neighbor, beaten, bloody and semi-conscious in his cabin at Zionsport on the morning of January 18, 1894, he listened to the old man's story of the assault and began making preparations to wash his face, which was covered with dried blood from two great gashes in his head. But Jones stopped him and told him to go get him some whiskey.

Going over to Larry Murphey's saloon, Aiken spread the alarm, but for some reason did not buy the liquor there. He and Murphey went across the street to Leper Brother's saloon, where they secured the whiskey and returned to Jones' cabin, accompanied by Dan Leper.

According to Aiken's story Charles Davey soon after came into the cabin and, in the presence of several persons, Jones accused him of being his assailant and demanded his keys, which he claimed Davey had taken.

This does not accord exactly with the facts, as brought out later. It appears that Davey was not in town early that morning. He had gone to Leper's saloon on the preceding evening with the 25c, which Jones had given him "to treat the boys", and purchased four glasses of beer and a pack of cigarettes.

These were distributed as directed and he loitered about the place until about 10:30, then mounted his horse and returned to his home at Shattuck's station.

The next morning he arose, put on the same clothes he had worn the day before and left for Zion Town about 8:30. Before leaving he asked his mother for some small change and, according to his statement and hers, having none, she gave him \$45 gold piece. He went to town and returned about noon with the change.

He must have heard of the robbery there, for everybody was talking about it; but apparently he did not visit Jones' cabin until his return in the afternoon. When he came home he changed his clothes, rode back to Zion Town and, as he says, first heard of the assault, visited the old man's cabin and was there accused by him of having committed it.

There were two or three accounts of the latter incident, which placed it on the afternoon of the 18th. When Davey arrived at Jones' cabin, he found Dr. L. A. Kent, of Portland dressing the old man's wounds.

A number of people were in the room. Davey came and stood near the physician on the left side of the patient. Jones' left eye was closed but some one on that side spoke to him and he turned his head. At that moment he caught sight of Davey and recognized him as his visitor of the preceding night.

"He cried out, 'Give me my keys!'" "What keys?" asked Davey. "Why those you took from me last night, when you gave me the beating?" was the reply. "Give them to me. I want to get into my feed house."

Davey looked confused, but said nothing and walked out. He went over to Leper's saloon and remarked that he felt very much hurt that the old man should accuse him; that he was going to change his clothes and go to Portland to try and straighten matters out. Shortly afterward he was arrested and lodged in jail.

News of the crime and of Davey's arrest created great excitement in Zion Town and the surrounding country, and opinion was much divided over the correctness of Jones' identification.

The assertion was openly made that Davey had been "framed", and that some of Jones' near neighbors were the guilty parties. One man asserted that Davey was innocent and that two or more men had done the deed, but he produced no evidence to support his claim.

Seven days after the beating and robbery, Jones died. Shortly before his death he gave an ante-mortem statement to Deputy District Attorney Hall, in which, according to Hall's testimony, he stated positively that Davey was his assailant.

On the strength of this statement, a coroner's jury rendered their verdict that Jones came to his death "of wounds inflicted, January 17, by a club or other blunt instrument held in the hands of Charles Davey, according to an ante-mortem statement by the deceased", and the grand jury "found" Davey over for trial.

Two trials were held. At the first one, February 26 to March 8,

the jury disagreed, 10 to 2 in favor of acquittal. The defense maintained that Jones was mentally unbalanced when he accused Davey of having assaulted him and was not in a condition to state positively who was his assailant.

Testimony was introduced tending to show that, prior to his death, Jones had, at different times, accused Charles Westaway, George Jenne, A. Peterson and Charles Slavin, all highly respected young men living near Zion Town of committing the assault.

There was also testimony that Assistant District Attorney Hall in taking Jones' dying statements, asked Jones, "was it Davey who struck you" and the deceased replied that it was, instead of making the statement himself.

At the second trial, May 14 to 19, Davey was acquitted and the identity of the murderer became an unsolved mystery. (Continued next week)

**SMALL COLLEGES SERVE**  
Whether it's for an ultimate good or evil, the trend in education is in the direction of federal control.

Perhaps present plans call for only a mild control, offering all the undeniable benefits carefully put forth. Yet again, it is a situation filled with pitfalls and deserving of serious, thoughtful consideration.

The biggest burden on all levels of education is financial. This holds true on the elementary level, the high school level, the college and university level and the specialized schooling level.

In the matter of educational program, there is admittedly merit in the proposition of making available, even encouraging wide participation in as complete an education as it is possible to provide. Upon the shoulders of the young rests the destiny of the future.

Regardless of the individual beginnings of Tomorrow's citizenry, the inescapable fact is that when they move into maturity they must somehow be prepared to cope with the increasingly complex problems of government, business and living.

Proponents of federally-aided education offer generous use of U. S. money as the fairest and most reliable method of raising the national standards of our schools. And looking at just this one phase of education, the financial phase, such an answer seems rightly progressive.

Whatever other decision might be made for our local, state or national school systems, there must be no impairment of educational opportunity. And we must recognize, without trying to deceive ourselves, that the advantages of schooling must not be denied the young, whether on the basis of economic, racial or religious background.

Federal aid to education is not without its disadvantages. Not, to be sure, because federal money would not spend as readily and as satisfactorily as that grubbed painfully from the pockets of local property owners. But federal aid, many fear, is the forerunner of federal control.

Federal control would offer to the political party in power a dangerous opportunity to ride herd on the educational development of the Future's generation. As self-perpetuation has long been a secret hope of all political dreamers, would it be human to expect any party in power to turn down the opportunity to say what would and what would not be allowed in the halls of public learning?

America has fought long and hard for its present system of government and must continue its vigilance that such hard-won gains are not eaten away under the pressing need of money to finance school budgets.

There is one part of the educational picture, on the college level particularly, which is not subject to many of the present assaults of federal money. That is the numerous private colleges, such as Pacific University and Lewis and Clark College in the Tualatin Valley area.

These private schools have problems of such magnitude, in comparison to land-grant and state schools, that it is amazing how they continue to operate against the competition of other institutions.

Operate they do. The academic standards of small, privately-endowed colleges, on the average, are high and vigorous. Graduates of such schools, going into the business world, find themselves at no disadvantage whatever. In fact, the opposite result often seems to hold.

Although tuition rates are higher and the problems of budgets and revenue are comparably insurmountable, the small schools go ahead with curricula plans and make a contribution to the national scene that is vital and significant.

Freedom of education, which private colleges strengthen, is one of the most important bulwarks in the nation. Standing alongside the bill of rights, the traditional rights of free speech, free press and freedom of religion, the right to a comprehensive education without shackles imposed by politics, other partisanship must be safeguarded.

There is an inspiring service that private schools and colleges perform. By the tangible demonstration of operating effectively and constructively without the problem-discounting backlog of federal funds, small colleges serve as a shining example of what can be done.

### SANDLOT BASEBALL

Spring and baseball are as American as ham and eggs or apple pie and cheese. And the urge to take a swing at the horsehide is not confined to any age or station.

Coming up this summer, when the budding baseball feeling erupts in the form of teams, leagues and rabid ball fans, is a strengthened activity in Pee Wee and Cub league teams.

The age of the Pee Wee players is twelve years or younger while the Cubs are 13 and 14 years of age.

Sandlot baseball has been tending to convert to softball playing, of recent years. The popularity of the latter sport is attested by the growth of leagues and regional playoffs, gaining high ascendancy, in the public's mind.

The long-range effect of this trend is noted by organized baseball, at least to some degree. The Babe Ruths, the Tris Speakers, the legion of other baseball greats, to be sure, earned their acquaintanceship with regulation baseball at a tender age. And from this fact stems a continuing interest in the efforts to reach youngsters sooner than high school and college age with baseball enthusiasm.

In the Tualatin Valley, this summer will see an upsurge in Pee Wee, Cub and Junior Legion ball. The latter is well established and the other two are rapidly becoming established in the area.

Anyone who has enjoyed a spectator viewpoint at a sandlot baseball game will welcome the addition of the youthful players to the baseball picture of this area. Community interest has already come forth to help bolster the Pee Wee and Cub programs, with financial support for uniforms.

A summertime program of baseball will add needed recreational outlet for the young generation . . . and the older generation will be treated with the incomparable enjoyment of sandlot baseball.

### MOLES MUST PAY PRICE

When a proud family gardener awakes some beautiful sunny morning and finds that his spacious lawn shows eruptions of moles, the sensation he experiences is a combination of anger, bewilderment and anguish.

Nothing so unravels the hopes and anticipations of a part-time groundkeeper as to see such destructive marks as a mole occasions.

The mole, when you look at him scientifically, is really a sensitive soul. He cringes from the light and, on the word of those who have been able to survey him analytically and without prejudice, sometimes fulfills a function of Nature.

The volcano-like eruptions that mark the wandering of this underground creature define his main travel routes. The dirt that arises is from underground workings where the soil is too compact to be pushed aside to allow unhindered passage ways.

Nature, wild-life experts point out, patterned the mole for the job of drainage and soil "evolution". By working their way through the soil, carrying organic matter from the surface down and bringing up subsoil, moles carry on a slow natural process of cultivator and soil worker.

Furthermore, by their consumption of cutworms, white grubs and other harmful insects, they prove of decided benefit. But along about this station, their contributions to land development end.

From the home gardener's point of view, their ruination of lawns and seed beds puts the hex on anything good which might be offered in their defense. An example of how home gardeners feel about these animals was recently given in East Portland.

A gardener there, seeing his lawn completely ruined, rigged up a complicated trapping system, complete with black powder and an electric trigger device which he installed. The next day or so, it sounded like the advent of the atomic age, with explosions all over the lawn further completing the mole's destruction. Maybe the entire mole population was not annihilated. But the gardener no doubt felt a real satisfaction in paying back the damage originally done.

Moles have a hearty appetite for bulbs and roots. They will travel along an entire row of seed corn, for instance, heaving out the plants and injuring plant roots. Furthermore, plant pests and diseases spread from infected healthy plants by the mole's activity.

In scratching or eating infected bulbs or roots, then going to healthy plants, animals spread disease organisms. As one mole may travel as far as 100 yards in a day, through loose soil, it well nullifies disease control in bulb plots.

The advancing tide of Civilization, with Man's dependence turning broadly to the soil for his sustenance and prosperity, has mantled the sensitive little mole with the robes of defamation. Mr. Mole goes along, minding his own business and not bothering other small animals. His industry cannot be denied for he constructs veritable networks of tunnels and underground galleries which, incidentally, are often used by other underground inhabitants, such as snakes, mice, shrews or weasels.

What are the rewards of his industry? Traps, poison and black powder attacks!

There are traps that feature harpoon methods, diamond jaws, scissors jaws and choker loops. For baiting, big fat, juicy angleworms are steeped in a solution of death-dealing thallium sulfate or similar poison and dropped into the runway with the voracious appetite of the animal for such delicacies accomplishing the job.

Poetically the whole deal seems unjust. But the mole must pay the price for his industry!

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