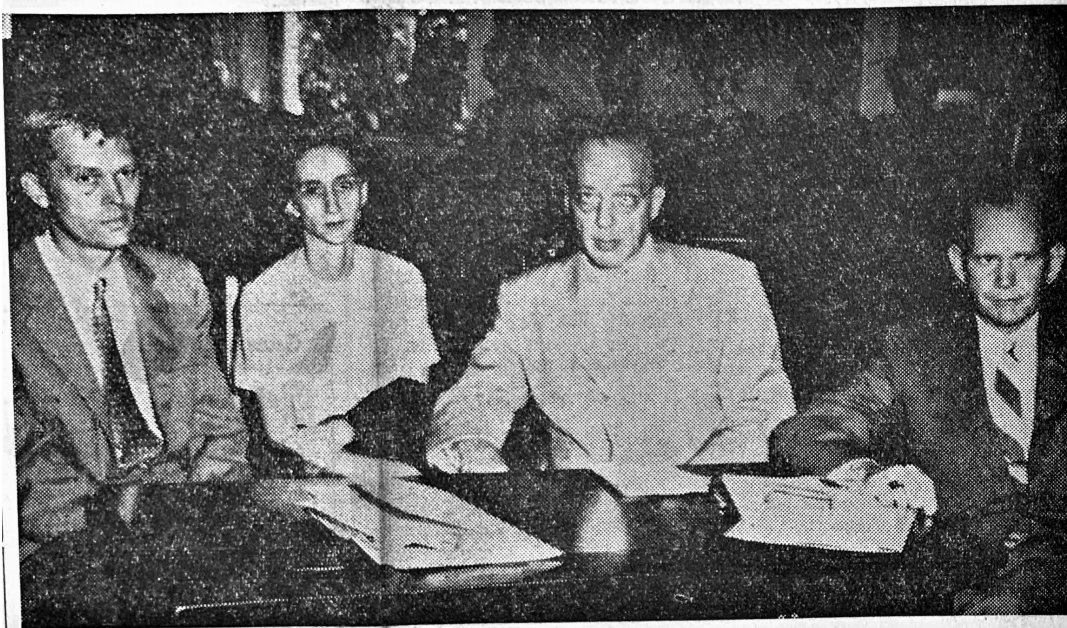


Engineer Is Sentenced to Pen



COURTROOM SCENE—The defendant, his wife and attorneys are shown in the Highland County courtroom Tuesday afternoon, during a recess in the proceedings. Left to right, Philip Partridge, his wife, Elizabeth; William F. (Foss) Hopkins of Cincinnati and Charles H. (Bud) Wilson of West Union, his two attorneys. (Staff Photo)

Jury Finds Partridge Guilty After Short Deliberation Here Tuesday

Philip H. Partridge, 43, former Highland County engineer, was sentenced to two concurrent terms in the Ohio State Penitentiary by Judge George W. McDowell, Tuesday evening, after a petit jury found the engineer guilty of burning and burglary of a school.

The jury, composed of nine men and three women, deliberated only about 35 minutes before returning the verdict. The charge was given the jurors by Judge McDowell at approximately 4:05 P. M. and at 4:40 P. M., they announced that they had reached the verdict.

Thus the trial, which had attracted nation-wide attention, came to an end after two full days. Immediately after the clerk read the verdict, counsel for the defense said that they had no immediate intention of filing a motion for a new trial, and asked that their client be sentenced.

Judge McDowell then set the prison terms at 1 to 10 years on the charge of burning a school building, and 1 to 15 years on the charge of burglary of a school. Re-

duced to general terms, the burglary charge consists of breaking and entering during the night season or during the period of darkness.

Neither Partridge nor his wife, who sat at the defendant's table with him throughout the second day of the trial, showed any trace of emotional upset when the verdict was read and sentence passed.

Partridge was held in the county jail here until Thursday morning, when he was taken to Columbus to begin his term. Sheriff F. F. Gustin and Marshal E. Hiser, of Leesburg, conveyed the prisoner to the penitentiary.

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ACTUALLY, the jury was not called upon to decide whether or not Partridge had committed the act. Counsel for the defense readily admitted, as early as in the opening statement to the jury, that Partridge had set the fire to the school building on the morning of July 5. Their defense of the engineer was based upon their contention that there was no maliciousness or criminal intent in the act, but that it was done during "emotional storm" when the defendant was not his own free agent.

A large crowd attended the hearing during both days of the trial. On Monday, between 75 and 100 persons were present in the courtroom. Tuesday, the crowd numbered between 150 and 175 persons as people stood in the aisle to hear the testimony of the defendant and the closing arguments by counsel.

The state called 14 witnesses to the stand during the trial, and finally rested its case at 10 A. M., Tuesday. The defense called only two witnesses, the defendant and his wife. There was only brief rebuttal by the state before the closing arguments were presented.

In their closing arguments, defense attorneys Charles (Bud) Wilson, of West Union, and William F. Hopkins, of Cincinnati, likened their client to Saul on the way to Damascus, and to John Brown, the Civil War martyr who, like Partridge, was a surveyor.

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WILSON said it was "fitting" that this incident should occur in Hillsboro, which he called the "seat of tradition." He noted that this was the birthplace of the WCTU, and that this city was a big terminal in the underground railway system which operated during the Civil War days. "If Mr. Davis were the prosecuting attorney at that time," Wilson said, "he would be prosecuting people responsible for those movements as he is prosecuting Philip Partridge."

He said the state had not proved that the act was done with maliciousness, which he termed "pure cussedness." He said that Partridge is an idealist, which is something "we need more of in this cruel

(CONTINUED ON PAGE 12)

Partridge

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world." He said he believed Partridge's statement that he had made a "pact with God" that if he awakened at 2 A. M. on that morning, he would set fire to the school.

Hopkins, who followed Wilson in the closing arguments, told the jury that he had never been effected by a trial as he had been with this one. He said that he became sick after going home Monday night and did not sleep. About 4 A. M., Tuesday, he said, he went into the library at his home and

took notes for a closing argument, the first time such a move had been made by him in his 35 years of practice.

"INSTEAD of prosecuting him," he said, "in my opinion you should get down on your knees and thank God that one of your fellow citizens had, regardless of the consequences to him, the welfare of the state and county at heart and did the only thing, as he saw it, that should and could be done in order that you and the rest of the community might at least realize that this liberty you possess is a paradox, for to possess and keep it you must give and extend it to all citizens, regardless of race, creed or color."

"Instead of indicting Philip Par-

tridge," Hopkins continued, "you should say 'thank you for showing us the way.'"

Davis then presented the closing statement for the state, in which he told the jury they had been asked to do the impossible, to see what was in a man's mind. The fact that he was deeply religious, hard working and a county official was no excuse for the crime, he said. Neither was the fact that he was opposed to segregation.

HE TOLD the jury that the colored people of the community were to be congratulated for taking their case to the U. S. District Court and having it settled the American way. "I'm proud of this community and the people that live here," the prosecutor said, "white and colored alike. But this is no segregation case, but a case to see whether or not a crime has been committed and who committed that crime."

Davis said that he hated to see an innocent man convicted. "I also hate to see a guilty party turned loose," he stated. He said that he, too, believed Partridge to be an idealist, but that "idealists can be dangerous."

He asked the jury for a guilty verdict on both counts.

Members of the jury, selected from 21 prospective jurors, were: John Ruble, Charles Bohl, Carl Kinnison, Clarence Vance, Elmer McQuitty, Theodore Shaffer, Mary H. Collins, Elsie Spicer, Marie Brooks, Bert Sellman, Stanley Cox and Harry Mallow. Cox served as foreman of the panel.

Monday

Monday morning, 21 jurors were examined before both the state and the defense were satisfied with the panel. Finally, at 11:30 A. M., the jurors were sworn in by Harold Mason, clerk of courts, and the court then recessed until 1 P. M.

At the start of the afternoon session, Prosecutor Richard L. Davis offered his opening statement to the jury, in which he said he believed the testimony would show that on the morning of July 5, Partridge went to Rocky Fork Lake, took oil and gasoline from equipment there, and returned to Hillsboro.

Going to the Lincoln School, Davis said, Partridge set the cans containing the oil and gas outside the school building. He then proceeded on to his home on North High Street. He parked the auto there and walked back to the school. He then tore the screen from the basement window, went inside, and up the stairs to the ground floor of the building. Finding a lock on the door, he returned to the basement and picked up a metal bar which he took back to the door to remove the lock.

He then entered the room, poured the gas and oil on the floor, threw

a lighted match on the oil and left the building by a south door, walked across the back of the school yard and across other property to North High Street, then returned home. Davis said he believed the evidence would show all the allegations contained in the indictment to be true.

HOPKINS presented the opening statement for the defense. After telling the jurors that they were not to consider either his or Davis' opening statements as evidence, the attorney launched into an emotional appeal to the jurors to find the man innocent.

He told of Partridge's background, from the time he was born up to the present time. He told of his being interested in the racial problem and how the injustice done to colored people made him worry considerably. He told how, when Partridge was in the city engineer's office in Wilmington, he wrote a letter to the Wilmington papers, blasting the segregation of students in the schools there. This letter, the attorney said, cost him his job.

The attorney then went on to tell how Partridge had always been religious, and how he was a good worker and a good family man. He told of his being a deacon in the Presbyterian Church here. He said that the segregation issue worked on the engineer's mind until it was at a breaking point.

Hopkins told how, one month prior to the time of the fire, Partridge had gone to Columbus and parked his car, then had forgotten where he parked it and had reported it stolen. While this had no direct bearing on the case, the attorney said that he was telling this to point out how the mind of the engineer was at a breaking point.

THE STATEMENT continued with an account of how, on July 4, Partridge attended Sunday School and church with his family. The minister, the attorney said, talked about "Martyrs." As the rest of the congregation bowed in prayer, he said, Partridge also bowed, but offered his own prayer in which he asked God to show him a way to right the wrong being done to the colored people.

"While he was there," the attorney said, "he made a pact with God that if God would wake him at 2 A. M. the next morning, he would go set fire to the Lincoln School." He said this would be told by his client when he took the stand later in the trial.

The defense counsel told the jury that they did not deny that someone broke into the school, that they did not deny that fire was set. And,

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he said, if any crime was committed, "we do not deny that our client did it."

"We do, however, deny that it was done maliciously, wilfully and unlawfully as stated in the indictment."

He charged that Partridge was not acting as a free agent at that time, that God was telling him what to do.

He stressed the fact that they were not pleading innocent by reason of insanity, but were only saying that his mind was at a breaking point.

FOLLOWING the statements, the state called Paul L. Upp, superintendent of city schools, as a witness. He told of the damage to the Lincoln building and set the figure of the expense of repairing the building at \$4,109.06. On cross examination by Wilson, Upp said that the building had not previously been condemned to his knowledge. Asked what children attended the school, Upp said it was for colored students. The attorney then asked if, prior to the time of the fire, any white children lived in the Lincoln district. Upp's answer was no. Asked then if there were any colored children living in the white district, he asked the attorney to define the word "district" as he was using it.

Questioned then as to whether or not he said, after the Supreme Court passed a ruling on segregation last spring, that this ruling would have no immediate effect on the local schools, Upp said that he did not make such a statement.

He was then asked if the state had said that the school could not be used after June 4, 1954, unless certain repairs were made. Upp said that this was true and that similar orders had been received on other buildings, also.

CHARLES GOINS, janitor of the school, was then called to the stand. He told of inspecting the school on July 4, the day prior to the fire, and again after the fire on the morning of July 5. Following Goins to the stand was Felix Fields, who lives near the school and reported the fire, and members of the Hillsboro fire department. They were asked about the location of the fire in the building, the finding of the cans used to bring the oil and gas into the building, and other questions about the flame and damage caused by the flames. During this time, the cans, the lock from the door, and the bar used to pry the lock from the door were introduced as evidence by the prosecutor.

Harold Powell, member of the news staff of the Hillsboro papers, was called to identify pictures

taken by him shortly after the fire was extinguished. William R. Davis, investigator for the arson bureau, state fire marshal's office, was then called and he told of the investigation made at the school. He said that he found the fire had been set and that some liquid had been used to accelerate the fire. Under cross examination, he told about the "flash point" of gasoline and oil and how it was determined.

Police Chief Walter Reffitt, to whom Partridge first confessed, followed Davis to the stand. Reffitt told how, on the morning of the 5th, Partridge told him that he had some information pertaining to the fire, but that he could not give it to him for a day or so. He said the next time he saw Partridge, at a council meeting on July 6, he asked the engineer if he had the information at that time. Partridge said he did, and proceeded to tell Reffitt that he had set the fire.

REFFIT said he was "shocked" by the engineer's confession and that he immediately notified the prosecutor. He said that after he had discussed the case with the prosecutor, he took Partridge to Davis' office, where his confession was taken down in writing and signed by him. The statement was admitted as evidence, but when Davis started to read it to the jury, the defense objected. The objection was overruled by the court and the statement was read.

Hopkins handled Reffitt's cross examination. He asked how long he had known the defendant and whether or not they had been friendly. He asked if the chief had investigated the fire and reviewed other testimony which Reffitt had given under direct questioning by the prosecutor. As was the case in all cross examination by the defense, Hopkins asked if Reffitt

knew of any white children attending Lincoln School, to which he answered "no."

Willis S. Peterson, head of the state arson bureau, was then called by the state. He told how, on August 13, he summoned Partridge to his office in Columbus and had him to make another statement concerning the fire. While Peterson was testifying, the defendant's wife, seated in the front row of spectators' seats in the courtroom, shook her head as

Peterson told about the statement. At this time, the court adjourned until Tuesday morning to allow the counsel for the defense to read this statement. Mrs. Partridge then rushed up to Peterson and had started to converse heatedly with him about his testimony when Partridge calmed her and she then began talking to her husband.

Tuesday

Bernice Mitchell, a stenographer
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Partridge

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in the office of the chief of the arson bureau, was the first witness called by the state. She told of taking Partridge's statement from the record used to take down the statement and of transcribing that record by putting it in writing.

Miss Rosemary Cutler, Peterson's secretary, was the next witness, and she told of being in the room at the time the statement was made. Asked if Partridge was advised of his rights, she answered that he was, and said that no threats or promises were used to obtain the statement. She identified a copy of the statement.

On cross examination, she again said that Partridge had been advised of his rights before the statement was taken down. She was then asked to read the last question asked Partridge by Peterson, which was: "You know that this may be used against or for you in any court?" The answer was "No, I didn't know that." She then said that she was certain he was advised of that fact before, but may have misunderstood.

PETERSON then resumed his testimony, having been the last

person on the stand Monday, and he told of the conditions surrounding the taking of the statement. He said that Partridge had asked to speak to his wife first and that afterward, he said he was ready to make a statement. He said that he did not inform Partridge beforehand that the statement could be used against him, but said that it was made voluntarily. He then described how the statement was made on a record and then reduced to writing. Davis asked that the statement be introduced as evidence, but the defense objected. Hopkins said that they did not object to the contents, but that it was not the "best" evidence, and that the defense believed the record and not the transcript should be introduced.

Hopkins, on cross examination, asked the arson bureau chief to find a section of the statement which he said pertained to Partridge's telling him about a sermon which he had heard. The chief could find no such section, and said that part of the conversation had not been recorded. Asked if there was not a lot of the conversation not recorded, he answered, "No." The state then rested its case.

Mrs. Partridge was called as the first witness. She told of the

couple's marriage in 1940, their family, where they worked, etc.

SHE SAID that she worked at the Highlands Community Hospital here as a nurse from August, 1953, to June, 1954, and that their family life was "under tension" about this time. She said her husband was moody, was working too hard, and kept to himself more than usual.

On July 4, she said, the family went to church, and when they came home, the defendant went to work in the garden. He was uncommunicative the rest of the day, she said, and they finally went to bed about 9 P. M. She awakened at 3 A. M. on July 5, and found her husband's bed unoccupied. She searched the house and called for him, but received no answer. About an hour later, she testified, she saw the family car parked outside and she sat down in the living room and started reading. She soon heard footsteps on the stairs, went into the hallway and upstairs, and found her husband in the bathroom.

He was dressed in pajamas, with a pair of wool trousers on over them, she said, and was covered with oil where he had slipped on the floor of the school. She said that she asked him where he had been and what he had been doing and he replied only, "Everything is all right, Mommy, don't worry."

HER VOICE broken with sobs at point, she said that her husband was not normal as she had known him, that he stared into space and would not talk. All questions brought "Everything is all right, Mommy" as an answer, she said.

She testified that she helped her husband wash and put him to bed. She said that she rubbed his head and back for "about an hour and a half" before he finally settled down and went to sleep. While in the bathroom, she said, she heard the fire siren, and asked him if it had anything to do with him. She received no answer.

After he went to sleep, she said, she drove uptown, and passing Collins Avenue, saw the fire truck at the school. She returned home. She said the defendant left home after breakfast and returned shortly. She said that he never told her of his act, but that she formed her own conclusions after she read an account of the fire in the papers.

She denied that she had given her husband the word to make a statement for the arson bureau chief, and said that she talked to Peterson at the same time and told him that no statement was to be made without consulting Wilson, who was their attorney. She said that when her husband returned home, she found that Peterson had told him that she had said it was all right to make a statement.

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ON CROSS examination, Davis went into further detail of the couple's family life and reviewed the testimony she had offered in direct examination. He asked if she "sympathized or disapproved" of Partridge's action after she learned he had set the fire. She said that she did neither, since she was concerned only with his welfare and not with the act.

Partridge, who was then called to the stand, told of his background in education and about when and how deeply he became concerned with the racial problem. He told of driving to Columbus to talk to the governor about a stay of execution for a colored man who he had heard was to be executed. He said the governor was out of town, but that he talked to his wife, who told him that the execution had already taken place. He said that, while living in Wilmington, a school segregation problem arose, with the result that he wrote a letter to the editor of the Wilmington paper, and this letter caused him to be fired from the city's engineer's office. He then came to Hillsboro and assumed the post of county engineer.

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HE MENTIONED various incidents besides the school situation which caused him to worry about segregation. He cited ball games and outings to which county employees were invited but to which, he said, the three colored workers on the highway crews were not invited. He said that during a sale of balloons for a hospital benefit, he learned that more colored people bought balloons than white people, which led him to believe that they should have a bigger role in civic affairs.

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HE REVIEWED that portion of the testimony and opening state-

ment concerning the fire at the school. He said that he was "terribly upset."

Partridge said that he "made a pact with God" that if he should awaken at 2 A. M. on the morning of the 5th, that he would set fire to the school. He said that he confessed setting the fire because he did not want people to think that the colored people did it.

On cross examination, Davis asked the defendant several questions concerning the statements which he had signed previously. He then asked if, on the day that he saw notices stating that the Supreme Court ruling on segregation would not go into effect immediately, he was familiar with the fact that the court had issued no execution of its ruling, telling how segregation was to be enforced. Partridge said he didn't recall seeing it then. "I know, now, of course," he added.

He said that he "may have" stated that destroying the school was a lesser crime than segregation of students, but that, if he did, he was exaggerating. He said he knew that setting the fire was a "very desperate act and it was a terrible thing for me to do it." He said he had to "push himself" to do it.

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ASKED if he thought violence was any solution to a problem, he said "No." Asked then why he used

violence in an attempt to solve his problem, Partridge answered, "I had no choice, I had to do it." He said his attitude toward segregation had not changed. He did, however, say that, "I would not do it today, tomorrow or the day after."

Following this cross examination, the defense rested, and after short rebuttal, the closing arguments were presented.

Point Victory

Mr. and Mrs. John Mason and Mr. and Mrs. Clarence Wait and sons visited Mr. and Mrs. C. O. Gustin of near Peebles Sunday evening.

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