

STATE OF MINNESOTA
County of St. Louis

IN DISTRICT COURT
11th Judicial District

STATE OF MINNESOTAPlaintiff,
vs.
M A X M A S O N Defendant.

Sentence and proceedings had at time
of sentence.

The above entitled matter came on for hearing
before the Court on Thursday, December 2, 1920, before -
Hon. L.S.NELSON, Judge Presiding.

A p p e a r a n c e s :

For the State, Mason M. Forbes, Assistant County Atty.
For the Defendant, F.L. Barnett and R.C. McCullough.

M A X M A S O N

The above named defendant, is brought before the Court.

THE COURT: Before pronouncing sentence the law requires that I
should ask you certain questions. You have a right to
answer them, or not, as you choose; but, if you do an-
swer I want you to answer them truthfully.

The Defendant: Yes sir.

THE COURT: You may be sworn.

(The defendant is sworn)

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By the Court:

- Q. When and where were you born ? A. In Decatur, Alabama, the 27th day of August, 1899.
- Q. Is your father living ? A. No sir.
- Q. Is your mother living ? A. No sir.
- Q. How old were you when your father and mother died ? A. I was 16 years old when my mother died and I was 18 years old when my father died.
- Q. Up to the time of the death of your mother did you live at home with your parents ? A. Yes sir.
- Q. And then after she died until your father died did you live with your father ? A. Yes sir.
- Q. What did you work at ? A. Worked in a basket factory.
- Q. And after your father died where did you live ? A. I have lived in Louisville, Kentucky.
- Q. How long did you live there ? A. Up until the 25th day of April in 1920.
- Q. And while there what did you work at ? A. Worked at the hotel; waited table for Frank Jentile.
- Q. And from there where did you go to ? A. To Peru,, Indiana.
- Q. And how long did you remain in Peru ? A. Remained in Peru one day and night.
- Q. And then what did you do ? A. I leaved with the John Robinson Circus.
- Q. You joined the John Robinson Circus there ? A. Yes sir.
- Q. And from that time up to the time that you were arrested for this offence you centimed to work with the circus, did you ? A. Yes sir; up until I got arrested.
- Q. Did your father drink intoxicating liquor as a beverage ?
A. No sir.

- Q. Have you, yourself, drank intoxicating liquor as a beverage ? A. No sir.
- Q. Never drank liquor at all ? A. No sir.
- Q. Was your father a member of any church ? A. Yes sir.
- Q. What church ? A. The Methodist.
- Q. Are you connected with any church ? A. No sir.
- Q. Have you any brothers and sisters living ? A. Yes sir.
- Q. What is the name and address of the --- A. My youngest sister's name is Myrtle J. McDonald.
- Q. And her post-office address ? A. Box 193, Leighton, Alabama.
- Q. Have you any brother ? A. Got a brother by the name of Raymond Mason.
- Q. What is his post-office address ? A. I don't know his post-office address, but he is in Birmingham, Alabama.
- Q. What schooling have you had ? A. I haven't had much schooling.
- Q. Did you attend any school ? A. No sir; not until about two or three years since.
- Q. Can you read and write ? A. Yes sir. What education I got my sister learned it to me, my oldest sister.
- Q. Have you ever been convicted of any crime before this ? A. The only time before I was arrested in Louisville; I got a thirty dollar fine or three hundred bond for three months for selling whiskey.
- Q. Have you ever served in any penitentiary or penal institution?
A. No sir.
- Q. Never anywhere ? A. No sir.
- Q. Have you ever learned or practiced any mechanical trade ?
A. No sir, not a mechanical trade I have not.

Q. Your work has been that of waiting in a hotel--- A. Yes,
and porter work and elevator boy.

Q. And then with the circus ? A. Yes sir.

THE COURT: Mr. Clerk, do you think of anything I have omitted ?

THE CLERK: No, Your Honor.

THE COURT: You represent the County Attorney?

Mr. FORBES: Yes, Your Honor.

THE COURT: Do you think of any matters I have omitted ?

Mr. FORBES: No, I think not, if the court please.

Mr. BARNETT: May I ask a question ?

THE COURT: Yes.

Mr. BARNETT: He can explain that he worked six years in the
basket factory.

By the Court:

Q. You worked how long in the basket factory ? A. Six years.

Q. What was your work there ? A. Running a reef saw.

Q. Have you anything to say now why the sentence of the court
should not be pronounced against you ? (No answer)

Q. Anything you want to say to the court ? A. I know I am not
guilty of the crime that they found me guilty of.

Q. Is that all ? A. Yes.

Q. Is that all you care to say ? A. Yes sir.

THE COURT: Mr. County Attorney ?

Mr. FORBES: The facts in the case sufficiently appear from the
record which will accompany the commitment and I think
there is nothing that the State would care to recommend
in the case.

The Defendant: They have me charged with having the gonorrhoea
at the time they examined me at the jail, and I told
the doctor I didn't have no gonorrhoea and he said I
did and I refused to be examined by him at that time.

I told him I had had it in December in the year 1919 when I was in Louisville. I would be willing for anybody to examine me to see whether I have got gonorrhoea or not.

THE COURT: Mr. Barnett, what do you care to say to the court ?

Mr. BARNETT: This is the only thing, and I do not know as that can be of any avail now. The judgment of the court has been passed. The sentence is indeterminate and rests with the Pardon Board. As I take it the question here asked will be submitted to the Pardon Board. He is willing to have the trial court appoint a physician to make an examination so that that examination might go with the statement of the case, or be submitted independently to the Pardon Board. I do that because I think it is vital. I think it is one of the vital parts of this case and I think it would be a good thing if he were examined before he is sent away and see just what the present situation is.

S e n t e n c e :

It is the judgment and sentence of the court that you, Max Mason, as punishment for the crime of Rape, of which you have been duly convicted, be taken by the Sheriff of this county to the State Prison at Stillwater, and there confined, at hard labor, subject to the laws of this state.

Mr. BARNETT: I believe I can make a motion now and ask that sentence be stayed.

THE COURT: I think I will grant that. You will not issue any commitment until the further order of the court. (To the Clerk)

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