

Minnesota. Board of Pardons.
Max Mason: Application No. 5702.
Pardon Application.
File no. 6205, 1922-1924.
Application.

5702

No. 6205

Name *Max Mason*

PRISON

STATE OF MINNESOTA
BOARD OF PARDONS

APPLICATION

To the Board of Pardons
OF THE STATE OF MINNESOTA

5702
written Dec 1-23

- The application of Max Mason No. 5702
(Give name under which convicted)
- for a pardon
(State whether pardon or commutation is desired)
- ~~Exempt~~ Convicted on the thirtieth day of July 1921 in the District
Court in and for the County of St. Louis of the crime
of Rape
and imprisoned in the Penetentiary at Stillwater, Minnesota
on August 8, 1921 for the term of Ind. - Max. 30 years; and who is
now imprisoned pursuant to such sentence.
- The name and postoffice address of the trial judge is Hon. L. S. Nelson, Duluth, Minn.
and of the prosecuting attorney is Mason M. Forbes, Duluth, Minn.
- Applicant's full and true name is Max Mason
His age is 23 years and his birth-place was Dacatur, Alabama
Father's name Philip Mason Nationality Colored
Mother's name Letha Mason Nationality Colored
- I have never been known by any alias except "Sonnyboy"
- I was never arrested, indicted or convicted of any other offense ~~except~~ Thirty days on work
farm, Louisville, Ky. - Fined \$10.00 at Pinesville, Ky., and Alabama
State Prison for larceny.
- Applicant's occupation and residence during the five years next before conviction of the offense for which he is
now serving were as follows: Employed as laborer and with circus.

8. Attach hereto either a transcript of the evidence introduced at the trial or give a brief statement of the facts leading to conviction of the crime for which you are now serving.

Miss Irene Tuskin and James Sullivan, two young people living in the city of Duluth, Minnesota, claim to have visited the Robinson Shows at that place about 9 o'clock, Monday night, June 14, 1920; that while standing upon the show grounds they were seized by six negroes, employees of the show and carried a distance of about a block where in the darkness Miss Tuskin was raped by four or five of her assailants; that no outcry was made because one of the negroes held a gun at the head of Sullivan; that after they were released the couple walked a few blocks to the Merritt School-house, sat there on the steps and talked for a few minutes, then walked back to the Grand Avenue car line, took a car and rode ten blocks west, then walked three blocks to the young woman's home, sat on the porch for a while talking. That the parents were in the house at the time and when the young man left; that he took a street car and went home, thence to work. That the young woman went into the house, spoke to her parents but said nothing about the alleged rape and retired for the night. The first report of the alleged rape was made by the young man after he had gone to work. Several of the Negro employees of the show were brought back to Duluth on the following day and three of them were lynched that night by a mob and hung to an electric light post.

Seven or eight other Negroes were brought to Duluth, among them your petitioner who was indicted and on trial in the District Court at Duluth convicted of raping Irene Tuskin.

9. Your petitioner asks that a pardon be granted upon the grounds and for the reasons following:
(Pardon or Commutation)

From the testimony offered at the trial it is apparent that the verdict of the jury was due entirely to passion and prejudice; that the evidence was not sufficient to sustain a conviction; that your petitioner is innocent; that he comes squarely within the contemplation of the duties of the Pardon Board in the granting of relief from punishment improperly inflicted through a story which in its entirety is unusual and strikingly improbable and calculated to create bias and dethrone reason in the mind of the average juror to the extent of depriving him of that sane and wise judgment that should actuate the mind of a fair and impartial juror.

Respectfully submitted,

Max Mason

Dated at Stillwater this 21st day of February, 1924

No. 6205
5702

APPLICATION

For the pardon of

MAX MASON

Filed on the _____ day of

_____, A. D. 19____

Clerk.

I approve as
recommended on the
minutes of 2/14/24
~~Secretary~~
Chief Justice
Osgood Cutting