

can only be considered by the Board of Pardons in mitigation. The punishment provided by law for this offense runs anywhere from one day in the penitentiary to five years. That is all the court can say about that. This court has no power to fix the time, just the minimum and the maximum. Do you wish to be heard, Judge Rogers?

MR. ROGERS: Just this, the County Attorney informs me that the girl in question is 17 years of age and that the girl claimed it was a matter of rape. There is no corroboration.

THE COURT: You mean rape in the sense of her being forced?

MR. ROGERS: Yes, force would do. Outside of that consideration it looks to me as though this defendant knew exactly what he was doing and that there was not any enticement about it. I understand that this young girl lives with her father out at Midvale and he works in one of the mills, or works in the smelter, some plant there, and he changes his shift on this particular night when this transaction occurred and this young girl was there in the house alone. She has no mother and was sort of keeping house for her father.

THE COURT: Have you any information as to whether she had been married.

MR. ROGERS: No I have not, I doubt it very much under the statement that she is 15 years of age. I understand that the young girl has never been married.