

then a resident lawyer of Carlisle, in a conversation with him, and to his friend Mr. C. H. Ashton, in the letter which was read to you of the 26th of September, 1873. At the November Term, 1873, of the Rowan Circuit Court, having in the meantime partially abandoned his purpose of running for that office, after having an interview with Judge Stanton, the incumbent, he announced his determination to make the race. Shortly afterwards, on the 4th day of December, 1873, he publicly announced himself in the *Flemingsburg Democrat* as a candidate for the Democratic nomination. Sometime in February, March, or April—in the spring of 1874, at least—the question of his eligibility was canvassed by the people in his district. The means and agencies by which that question was made and brought about, I propose to examine further along. In all the history of Judge Hargis preceding, 1874, and since, he has maintained a character for truth, for honor, for sobriety, and for morality, second to no man's in the State of Kentucky.

But we find in 1874 the plaintiff undertakes to charge him with a crime, the only one that has ever been charged against the defendant. The only man that has ever made a criminal charge against the defendant is the plaintiff in this action. It is a little remarkable, it seems to me, that a man whose character stands unimpeached and unimpeachable, whether as a private citizen or as an officer, legislative or judicial, and who in his profession in all the relations between client and attorney has maintained his good character, should be guilty, of the crime with which the plaintiff has charged him in this action.

The first proposition in controversy, then, gentlemen of the jury, is, did the defendant obtain his certificate prior to the first day of the February Term of the Rowan Circuit Court, 1866? Judge Hargis has testified before you that some ten days or two weeks prior to the February Term, of the Rowan Circuit Court, 1866, he obtained from Judge Roe, the County Judge of Rowan County, in the County Court Clerk's office, in the presence of the Clerk of that Court, a certificate of his honesty, probity and good demeanor; that there were others present whom he does not recollect; that the matter was first named to Judge Roe at his father's house; that he went with Judge Roe to the County Clerk's office and there obtained his certificate. He received it from the Clerk of that Court. He does not pretend to say that that certificate was ever recorded. He has no knowledge upon that subject. It is argued by the plaintiff's counsel in this case that it was necessary to be recorded, that it was not a certificate without it was recorded, but the court has not told you so. You have no instruction upon that point, and such is not the law. Many orders are made by a court which are never entered of record. The very object for which the orders are read over in the morning in this court is to ascertain whether any of them have been made wrong, or if any of them have not been entered by the clerk. The County Judge held a special term of that court. It is quite probable that orders made in that way might be neglected by the clerk and never entered up. We find that in this record, among the small number of lawyers who have testified in this case, that there are three of them whose certificates were never recorded besides the defendant. Is your witness [*Addressing Mr. Green*], Mr. Harvey G. Burns, a lawyer? This man who says that he went to the house of Judge Lykins, the County Judge of Morgan county, twelve miles from West Liberty, on Caney Creek, and obtained