

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA, IN AND  
FOR THE COUNTY OF LOS ANGELES.

IN THE MATTER OF THE PETITION )  
FOR NATURALIZATION )  
OF )  
SAKHARAM GANESH PANDIT )

No. 2337.

MEMORANDUM OF DECISION.

The petitioner, Sakharam Ganesh Pandit, a Hindoo and a native of India, of the Brahman caste, seeks to become a naturalized citizen of the United States. A graduate of the University of Bombay, a lecturer on philosophy and an able law student, a man of good moral character and marked intellectual attainments and achievements, the petitioner well represents the highest type of the Hindu race, its culture and thought, and apart from the question of color or race, is in all respects qualified for citizenship.

In determining who is eligible to citizenship, the Court is governed by the Revised Statutes of the United States, Title XXX, Sec. 2169, (as amended in 1875), which section reads as follows: "The provisions of this title (naturalization) shall apply to aliens being free white persons, and to aliens of

African nativity, and to persons of African descent." Citizenship is a privilege which may be granted to an alien but which cannot be demanded by him as a matter of absolute right. (In re Buntaro Kumagai, 163 Fed. 922); therefore, the alien who seeks to avail himself of this privilege must clearly show that he is entitled thereto under the law; otherwise, his petition must be denied. (U.S. vs. Rogers, 185 Fed. 334; in re Hollo, 206 Fed. 852.)

The phrase "Free white person" was used in the first naturalization Act, entitled "An Act to Establish an Uniform Rule of Naturalization", approved March 26, 1790, (1 Stat. 102). Section 1 of this Act provided that "Any alien being a free white person may be admitted to become a citizen, etc." The same language was used in sundry later modifications of law. By section 7 of the amendatory Act of 1870, the naturalization laws were extended "To aliens of African nativity and to persons of African descent." The Revised Statutes of 1873, Sec. 2165 - 2169, apparently by oversight or mistake, omitted to mention "free white persons", thereby extending the Act to include all persons, irrespective of color or race. The Act of Feb. XX 18, 1875, (18 Stat. 318) passed "to correct errors and

supply omissions in the Revised Statutes", Sec. 2169 (Supra) was amended by again inserting the phrase in question, thus clearly showing, though in an awkward manner, that the privilege of becoming a naturalized citizen was to be limited to those aliens mentioned, to wit: "To aliens being free white persons and to aliens of African nativity, and to persons of African descent."

Under this section of the Act, if the alien be so fortunate as to be of "African nativity" or even if he be of "African descent", then he is not to be further interrogated concerning his race, color or previous condition of servitude. Who is a person of "African nativity" or "African descent"? Is a Mongolian born in Africa of African nativity? If a Mongolian marries a native of Africa are his descendants persons of African descent? It seems clear that a negro from Congo, the brown pirate from the Barbary Coast, and the native of Abyssinia and in fact all native Africans and their descendants by mere accident of birth, are made eligible for citizenship. If, however, the applicant be not thus fortunate in his choice of parents or place of birth, then no matter how desirable or highly cultured he may be he must be denied citizenship unless he can prove that he is born free and white.

The petitioner aptly says, the mere fact that he is in the United States petitioning for citizenship conclusively proves that he is "free". The question as to whether or not he is a "white" person is not capable of being so easily solved, since his complexion is certainly not white, but of a light copper color. Should eligibility to citizenship be determined by the color of the applicant's skin or by reference to the race to which he belongs? If the former is the proper test, then where is the color line to be drawn? Must the complexion be lily white, or if brunettes are to be included as well as blondes, how dark may a brunette be without becoming black?

No human skin is literally white, and the degrees of colorization are innumerable, even in the same family, dependent on occupation, climatic exposure, etc. The people of Southern Europe, although unquestionably white, are much darker skinned than the inhabitants of Germany, for example. Since these facts are understood by all, it hardly seems possible that Congress ever intended to make the right of citizenship dependent upon the degree of colorization, to admit one member of a family and exclude another, and to place upon the courts the responsibility of drawing the color line by mere ocular inspection.

10116 (and)  
X

tion. Citizenship is one of the most sacred gifts of the State and the right thereto should rest upon a firmer foundation.

If the term "white person" refers to race rather than color, or absence of color, then what is the white race and of what people is it composed? A very slight study of anthropology will convince even the most skeptical person that there is no clearly defined white race. Is it to be wondered at, then, if after reading our curious Naturalization Act, the courts have halted and pondered over its meaning, and then declared it to be most ambiguous, unintelligible and difficult to construe and apply?

There are numerous decisions in which some of the questions suggested have been passed upon, but unfortunately there is no uniformity, and the conclusions are as unsatisfactory as they are varying. The following have been examined in an endeavor to ascertain the true rule to be followed, viz: In re Ah Yup (1875) 5 Sawy. 155 Fed. cases No. 104, excluding Mongolians; In re (Camile, 1880) 6 Fed. 256, excluding half breed Indian and white; In re Saito (1894) 62 Fed. 126, excluding a Japanese; in re Gee Hop (1895) 71 Fed. 274, excluding a Chinese; in re Rodriquez (1897) 81 Fed. 337, admitting a native

of Mexico; in re Kumagai (1908) 163 Fed. 922, excluding a Japanese; in re Knight (1909) 171 Fed. 299, excluding a half breed Mongolian and white; in re Najour (1909) 174 Fed. 735, admitting a Syrian; in re Hallajian (1909) 174 Fed. 834, admitting an Armenian; in re Mudarri (1910) 176 Fed. 465, admitting a Syrian; in re U.S. vs. Dolla (1910) 177 Fed. 101, admitting a Hindu; in re Bessho vs. U.S. (1910) 178 Fed. 245, excluding a Japanese; in re Ellis (1910) 179 Fed. 1002, admitting a Maronite; in re U.S. vs. Belsara (1910) 180 Fed. 694, admitting a Parsee (affirming 171 Fed. 294); in re Young (1912) 198, Fed. 715, excluding a half breed German and Japanese; in re Alberto (1912) 198 Fed. 688, excluding a quarter breed Spaniard and Filipino; in re ex-parte Shahid, (1913) 205 Fed. 812, excluding a Syrian; in re Mozundar (1913) 207 Fed. 115, admitting a Hindu of the Brahman caste; in re Burton (1900) 1 Alaska, 111, excluding an Indian; in re Po (1894) 28 New York Sup. 383, excluding a Burmese; in Kanaka Nian (1889) 6 Utah, 259, excluding a Hawaiian.

The petitioner in a very able brief which he has prepared and presented, in support of his right to become naturalized, contends that the phrase "white person" refers to race rather than to color of the skin of the individual applicant and includes all the people of the

so-called Caucasian or white race, and (2) that the Hindus of the Brahman caste, from the north and western part of India, (of whom applicant is one) are members of this race according to (A) Anthropological and Ethnological (B) Philological (C) Legicographical (D) Judicial Interpretation.

1. Although the decisions above cited are by no means uniform, they all seem to be based upon the theory that the phrase "white persons", as used in the Act does not present a question of color, but one of race. There are two distinct views as to what is the white race, referred to, which are perhaps best presented by quoting from the decisions where the questions are raised:

(1) Sawyer, Circuit Judge "words in a statute other than technical terms should be taken in their ordinary sense." The words "white person" as well argued by petitioner's counsel, taken in a strictly literal sense, constitute a very definite description of a class of persons where none can be said to be literally white, and those called white may be found of every shade from the lightest blonde to the most swarthy brunette. But these words in this country at least, have undoubtedly acquired a well settled meaning in common popular speech, and they are constantly used in the sense so acquired in

the literature of the country, as well as in the common parlance. As ordinarily used everywhere in the United States, one would scarcely fail to understand that the party employing the words "white person" would intend a person of the Caucasian race (in re Ah Yup, Supra., 1 Fed. cases P 223).

(2) Lacombe, Circuit Judge, "The phrase 'free white persons' must be taken as used with the same meaning in the various successive statutes in which it appears. There is much force in the argument that the Congress which framed the original Act for the naturalization of aliens (Act April 14, 1802, c. 28, 2 Stat. 123) intended it to include only white persons belonging to those races whose emigrants had contributed to the building up on this continent of the community of the people which declared itself a new nation. Admission to the privileges of citizenship which was by that statute sought to be restricted. No doubt such interpretation is unscientific and, it may be, not always easy of application; but there are equally serious objections to accepting the words "white persons" as including all branches of the great race or family known to ethnologists as the "Aryan-Indo-European" or Caucasian. To do so will bring in not only the Parsees, of

which race the applicant is a member, and which probably is the purest Aryan type, but also Africans, Hindoos, Arabs and Berbers. (In re Belsara, 171, Fed. 294) The Court, however, did admit the applicant, a Parsee, and its decision was affirmed on appeal, - U.S. vs. Belsara, Supra).

6- evidence  
a reason? X  
No, only  
evidence  
see higher  
p. X

It will be noted that both courts agreed in thinking race, not color, the line of demarkation. Race is defined in the Century Dictionary, primarily, as - An ethnical stock; a great division of mankind having in common certain distinguishing physical peculiarities, and thus a comprehensive class appearing to be derived from a distinct primitive source.

The classification of mankind into various races and subdivisions is based upon obvious natural and extrinsic differences, and is not merely a haphazard arrangement. In the endeavor to properly classify races, the racial characteristics, such as the physical aspect, height and build, the color of the skin, eyes and hair, its texture, structure and arrangement, are all taken into consideration. Of these characteristics perhaps the most important is the shape of the skull. In addition to the physical characteristics, language is an important element in determining the stock from which a people spring. There

have been many classifications of man, which are about as unsatisfactory as the decisions above cited, but which are all based upon more or less indisputable characteristics.

Of these classifications perhaps the one best known is that of Blumenbach made in the year 1775, but first published in 1781. He divided mankind into five races; first, the Caucasian or white race, second the Ethiopian or black race, three, the Mongolian or yellow race, four, the Malay or brown race. The name "Caucasian" was chosen as a race name on the supposition that the skull of a native inhabitant of the South Caucasian mountains was typical of the most highly developed race.

Cuvier reduces the five classes of Blumenbach to three, preserving the Caucasian, Ethiopian and Mongolian, but eliminating the Malay or Indian, and including these two races as subdivision of the Mongolian. At the present time the classification accepted as the most satisfactory is that of Huxley, who distinguishes four distinct types, viz: The Australoid (chocolate brown) Negroid (brown black), Mongoloid (yellow) and Zenthocroic (fair whites), adding also Melanchroic (dark whites). Numerous other classifications might be mentioned, some of which go to extremes, by including as typical races what would appear to be merely subdivisions, but these class-

ifications need not be here discussed. Many of these classifications will be found in the dictionary of races and peoples (Supra).

If the construction be narrowed to limit the right of naturalization to those Europeans who were coming to this country at the time of the adoption of the first naturalization Act, as contended by the Government at one time, then, since at the time of the adoption of the first Act no emigration was known except that from England, Ireland, Scotland, Wales, Germany, Sweden, France and Holland, it would follow that Russians, Poles, Italians, Greeks, Jews and others would not be eligible to citizenship and, as stated by Ward, C.D. in U.S. vs. Balsara (Supra) "such construction is absurd". If then the meaning of the phrase is to be extended to include those mentioned, it must be on account of the fact that the phrase "white persons" refers to one of the great racial classifications of mankind, i.e. the so-called Caucasian race.

Judge Smith, in ex parte Shahid (supra) although excluding the applicant, a Syrian, on the ground of his personal unfitness, adopted the suggestion of Judge Lacombe, and said that the phrase should be construed to mean only the European race, then commonly counted as white, although admitting "that this may not ethnologically or

physiologically, so speaking, be a very clear and logical construction."

It would take but very little argument to convince the ordinary person that the "distinguishing physical peculiarities" of the Turks or Tartars (of Mongolian origin) and of the Germans or Swedes (of Caucasian origin) are just as widely separated as are those of the American Indian and the negro. As both are natives of Europe, one must agree with Lowell, Circuit Judge, when he said "there is no European or white race". (in re Halladjian, supra), a lengthy and well considered case.

Eliminating from consideration such decisions as that of in re Rodriguez (supra) where a native of Mexico, of Indian parentage, was admitted upon the ground not that he was a white person, but was a citizen of Mexico, and as such entitled to become naturalized under pre-existing treaties, it is apparent that practically all the decisions favor an interpretation which includes all peoples of the so-called Caucasian race, and is against any interpretation which limits the construction in any other manner. Although it may be that the term "Caucasian" was not in common use when the first naturalization Act was adopted, in 1790, it was in common use when that Act was amended in 1875 and prior thereto, during the slavery de-

bates in Congress, and therefore, in any event by again inserting the phrase "white persons" Congress must be held to have intended to include all subdivisions of the race then commonly referred to on the floor of Congress as the "white race" to wit: the Caucasian race.

11. The question as to what peoples are to be properly included in the so-called Caucasian or white race has given rise to much discussion and wide difference of opinion. While all writers agree as to the inclusion or exclusion of the extremes, hardly any two agree as to where the line of demarkation should be drawn.

In December, 1910, Senator Dillingham, in behalf of the Federal Immigration, transmitted to Congress a "Dictionary of Races and Peoples" prepared by Dr. Daniel Folkmar. The attention of the Naturalization Department is called to this work for the reason that it was evidently prepared from a careful and impartial survey of all available authorities and may be said to reflect the present views of the Government on the question presented. I quote from this work as follows, the italica, however, being my own:

"Caucasian, Caucasic, European, Eurafrikan, or white race. The name given by Blumenbach in 1795 to the white race or grand division of mankind as distinguished from the

Ethiopian, Mongolian, American and Malay races. The term is now defined more suitably for our purpose in a broader sense by Brinton and Keane, namely, to include all races which, although dark in color, or aberrant in other directions, are, when considered from all points of view, felt to be more like the white race than like any of the four other races just mentioned." (page 30).

"Huxley long ago marked out in this field two distinct physical races, the "Xanthochroid" and the "Melanochroid" or light and dark Caucasians. (Page 17)

"Thus the dark Gallas of Eastern Africa are included partly on linguistic grounds, partly because they have the regular features of the Caucasian; the Berbers of Northern Africa, because of the markedly blonde and regular features found amongst them; the dark Hindus and other peoples of India still more emphatically because of their physical type, and possibly the Polynesians, Indonesians and Ainos of the Pacufuc, because of their physical characteristics, although in this discussion these will be excluded from the definition. The general opinion is that the Dravidians and Veddahs south of the Aryan Hindus in India are not Caucasian. They do not possess an Aryan tongue; and physically they more nearly approach the Negro. (Page 30)

"Although the white race would be supposed to be the one best understood, it is really the one about which there is the most fundamental and sometimes violent discussion. The word "Caucasian" for instance is in nearly as bad repute as Aryan at the present time among ethnologists. Yet, as Keane has said of the former term, both words may be preserved with conventional meanings, as are many of the early terms in natural history, although the early ideas associated with their use be discarded. While the word "Caucasian" has reference mainly to physical characters, Aryan will be used here as applying strictly to linguistic groupings." (page 30)

"Hindu" In the broadest sense any native of India; so defined for convenience in this dictionary . . . . . Ethnologically often defined in a still different sense as signifying three fourths of the population in northern India who are of Aryan stock. \*\*\*\*\*  
But it is not generally realized how great a number of races and tribes there are in India, many of them extremely low in civilization and approaching the negro in physical characteristics. Such are some of the Dravidas and Mundas, who occupy all of Southern India. In greatest contrast with these are the Aryan Hindus of the north, more closely related in language, if not in physical appearance,

to our Northern Europeans than are the Turks, Magyars, and various peoples of Eastern Russia." (Page 75)

"The words 'Aryan' and 'Indo-European', and the like, are linguistic rather than ethnological." (Page 17)

"It is safe to divide the Caucasian grand division of mankind on the basis of language into the Aryan, Semitic, Hamite, Caucasian and Euskarian stocks. The last two possess agglutinative languages and are confined to the small areas of the Caucasus Mountains and the Pyrenees." (Page 18)

The foregoing quotations indicate that the Federal Emigration Commission believed that certain of the Hindus are Caucasian Aryans.

Webster's New International Dictionary defines the term "Aryan" as: "A member of that Caucasian race one branch of which early occupied the Iranian plateau, while another branch entered India and conquered and amalgamated with the primitive inhabitants of that country; an Indo-Iranian."

The India branch of this colony (Aryan) entered Hindustan as late as 2000-1500 B.C. The earlier Indo-Aryans had undoubtedly retained many pure Aryan traits. They were of medium height, oval faces, handsome, regular features, symmetrical in body, the skull dolichocephalic, the complexion brunette but not brown, the eyes hazel, the hair

wavy. This is the type of the highest Brahmans today, and throughout all their history they have exercised the utmost care to preserve it intact. The institution of castés was undoubtedly established with this object in view. (Races and Peoples - Brinton - page 69.)

✓ Caste is defined in Webster's New International Dictionary as, (1) A race, stock or breed of men or animals. (2) One of the hereditary classes into which the society of India is divided. The caste system is fundamental in Hinduism, referring, for its origin at least, to the time of the Aryan invasions of India. Orthodox Hinduism ascribes to the invaders four castes: The Brahman, or priestly; the Kshatriye, warrior or kingly; the Vaisya, mercantile and agricultural; the Sudra, artisan and laboring \*\*\*\*\* The native name for caste signifies color, and the system seems to have originated in the endeavor of the light-hued Aryans to preserve their racial purity."

Some authorities add to the above a fifth caste known as "Beran Sauker", including therein the mixed Hindu population.

"The Kshatriya and Vaisya castes, as well as that of the mixed population, Beran Saukar, were in course of time opened to the native subjects, and to others, but in no

case could they enter the Brahman caste." (The History of Mankind - page 361.)

The Hindu who transgressed against the racial and religious requirements by marrying outside of his caste, became an outcaste, of no particular caste, and not received either by those of his own caste or by those of his wife's. Although in the Southern plains of India the caste restrictions are broken down to some extent by contact of the Aryan invaders with the native peoples, unquestionably they were strictly adhered to in the North and Western part where the Aryan invaders drove back the natives and took complete possession, to the exclusion of the native red men.

"So far as India is concerned, the internal evidence of the old literature sufficiently proves that the Aryan invaders were 'white' men \*\*\*\*\* and that the high caste Hindus are what they are by virtue of the Aryan blood which they have inherited. I am unable to discover good grounds for the severity of criticism, in the name of the 'anthropologists', with which Professor Max Muller's assertion that the same blood runs in the veins of the English soldiers 'as in the veins of the dark Bengales', and that there is 'a legitimate relationship between Hindu, Greek and Teuton', has been visited. So far as I

know anything of anthropology, I should say that these statements may be correct literally, and probably are so substantially. I do not know of any good reason for the physical differences between a high caste Hindu (Brahman) and a Dravidian (native tribe) except the Aryan blood in the veins of the former; and the strength of the infusion is probably quite as great in some Hindus as in some English soldiers." (Man's Place in Nature", by Professor Huxley -- (pages 281-282.).

"There is not an English jury nowadays which, after examining the hoary documents of language, would reject the claim of a common descent and a legitimate relationship between Hindu, Greek and Teuton." (Max Muller's "Survey of Languages.")

Although at first inclined to believe that there could be no legitimate relationship between a Hindu and the Caucasian race, I have now become thoroughly convinced that such relationship does in fact exist and that a Hindu, of the Brahman caste, from Northern and Western India, is to be classes as of the Caucasian race. In fact, although I have examined many race classifications, tables and charts, I have not run across any which excludes the high-caste Hindu from the Caucasian race.

The mere fact that the native peoples of India

were not Caucasian does not mean that all of its peoples are to be excluded from that race. The Indians were the natives of this country, and history teaches us that our pioneers and frontiersmen intermarried with the natives, but those who boast of being descended from the first citizens would be surprised if they were told that they were not Caucasians. The Parsees immigrated some 1200 years ago from Persia into India, still, as was said by Ward, Circuit Judge, in U.S. vs. Balsara, supra, "They are as distinct from the Hindus as are the English who dwell in India." It may be said with equal force that the high-caste Hindus, who settled in India some 4000 years ago, are as distinct from the natives of India as are the peoples of this country from the American Indian.

In many of the decisions above cited, expressions will be found favorable to the conclusion which I have reached. In two cases, - "in re Dolla (supra)" and "In re Mozumdar (supra)" the court admitted a Hindu to citizenship. In the latter case, determined by Judge Rudkin of the United States District Court for the Eastern District of Washington, the Court says:

"It is likewise true that certain of the natives of India belong to that race (Caucasian) although the line of demarkation between the different castes and

classes may be dim and difficult of ascertainment. The difference between daylight and darkness is apparent to all, but where is the dividing line and where does daylight end and darkness begin? So it is with the races of mankind where miscegenation has been in progress for generations. The system of castes had existed in India for upwards of twenty centuries and religion and law have done much to maintain that system and to prevent corruption of blood, but experience teaches us that religion and law have not always triumphed over nature."

This is unquestionably true, but, even so, there are certain tests to be applied, which, when taken in connection with the testimony of the applicant, enable the court to determine with a reasonable degree of certainty whether the individual is of the Caucasian race. These are (A) Physical characteristics; (B) Caste; (C) Place of nativity; (D) Language.

(A) Physical Characteristics. The high forehead, stout build and light copper color of the Brahmans and other castes allied to them, appear in strong contrast with the somewhat low and wide heads, slight make and dark bronze of the low castes. (Vol. V. Enc. Brit. 1, Ed. 466 O 'Caste'). In addition to the foregoing the applicant must possess the other characteristics of the

Caucasian race which need not be here mentioned. The Dravidians are the oldest known, non-Aryan, native races of India, forming the bulk of the population of Southern Hindustan, except the west coast occupied by Scytho-Dravidians.

The typical Dravidian is short, very dark, with plentiful and often wavy hair, and broad nose depressed at the root. They are variously considered as related to the Australian aborigines, as of Negroid affinities, or as Caucasians intermixed with an anterior Negritic population. (Webster's New International Dictionary.)

(B) Caste. The Hindu of the Brahman caste is more likely to be pure Caucasian than one of any other caste. If the applicant is of the lower caste it is more than likely that he is of the native tribes of India.

(C) Nativity. The Hindu of the Brahman caste born in Northern and Western part of India is more free from native blood than any other.

(D) Language. Important to determine the place of nativity and whether or not related to the Aryan group.

Since citizenship is a privilege not to be lightly conferred upon any applicant, the proof offered in support of the application should be clear and convincing, particularly so when hard to verify, and all doubts should be re-

solved against the applicant. If he is unable to convince the court that he is one of the privileged class, his application should be unhesitatingly denied.

Directing our attention to the applicant now before this Court, we find that he possesses all of the physical characteristics attributed to those of the Brahman caste as distinguished from the native peoples of India. In support of this ocular evidence, the petitioner testified substantially as follows:

"I am a native of British India from Ahmedabad in the presidency of Bombay. I am of the Hindu race. The peoples of India are divided into four castes, namely, the Brahman or Priestly caste; the first or highest caste; the Kshetriya or warrior caste; the Vaisya or merchant caste, and the Sudra or serving caste. Then there are what are sometimes spoken of as the fifth caste, namely, the outcastes. I base my claim to being a Brahman upon the fact that, belonging to a caste, not like the difference in classes in Europe, or to some extent in this country - does not depend upon wealth, it depends on birth; and so there is no possible doubt in regard to it in the minds of those who live in that country. I was born of Brahman parents who were born of Brahman ancestors. We trace our family back some several

thousand years. I am a descendant from Kashyapa, who wrote some of the hymns of the Veda, which is a bible of India. We have what is known as a system of Gotras, or families and peoples belonging to the same Gotra can't intermarry, and so always the whole family chart is gone through at the time any marriages are performed, so as to make sure that the contracting parties do not belong to the same family. My family does not keep a history showing all intermarriages, but simply of the direct descent. Each person in my family would be able to trace his ancestors back for some considerable period, though not to the time of Kashyapa, but it would be known practically that certain people belong to the Kashyapa family and others to another; although all are included within the Brahman caste. This would be known through tradition, which goes back very far and partly through customs that have gone on through centuries. It would have been impossible for one of my family to have intermarried with the so-called native families of India, because as soon as such intermarriage took place, the person would become an outcaste and belong to none of the four Hindu castes. The three higher castes of India are of the pure Aryan blood: the sense in which we use the word Aryan in India, - in the Brahman sense, -

is the original people who came from the North and settled in India, the Aryan invaders. That means people of the Caucasian stock who are chiefly distinguished by certain physical characteristics of hair, structure of the body, etc. Any intermarriages in India must necessarily be between the members of the same caste; to the contrary, the person who goes outside the caste becomes an outlaw. One who becomes an outlaw on account of this intermarriage can never be reinstated to the Brahman caste. He and his descendants will remain outside of the Brahman caste forever."

In addition to the oral testimony given by the applicant and his witnesses, he produced many testimonials from public officials and others, all tending to show that he was what he claimed to be - a Hindu of the Brahman caste from the Northwest Highlands of India.

I am, therefore, of the opinion that the petitioner has succeeded in establishing beyond all reasonable doubt that he is a "free white person" within the meaning of the Naturalization Act. He will, therefore, be admitted to citizenship.

WILLIS I. MORRISON,

JUDGE.

May 7th, 1914.

STATE OF CALIFORNIA, )  
 ) No. 2337.  
COUNTY OF LOS ANGELES. )

I, H. J. LELANDE, County Clerk and ex-officio Clerk of the Superior Court, do hereby certify the foregoing to be a full, true and correct copy of the original Memorandum of Decision of Judge Willis I. Morrison, I In the Matter for Citizenship of Sakharam Ganesh Pandit, on file in my office, and that I have carefully compared the same with the original.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Superior Court this 29th day of May, 1914.

H. J. LELANDE, County Clerk,

By P. J. O'Donnell,

Deputy Clerk.

(Official Seal)