

## CHAPTER VIII.

### EIGHTH DAY OF EVOLUTION TRIAL—TUESDAY,

JULY 21, 1925.

Court met pursuant to adjournment.

The Bailiff—Is the Rev. Dr. R. C. Camper in the house? (the Rev. Dr. R. C. Camper, of Chattanooga.)

The Court—Let everyone stand up. Dr. Camper will open court with prayer.

Dr. Camper—Oh God, our Heavenly Father, we come into Thy presence this morning, feeling our dependence upon Thee. We pray Thy blessings upon each one that has a part in this court here today. Bless the judge, bless each lawyer, bless each one, Lord, that has a part, and may each and every one do the thing that is good and right here today. Guide us in everything we undertake for good here in this life. We ask it in the name of Jesus Christ. Amen.

The Court—Open court, Mr. Sheriff.

The Bailiff—Oyez, oyez, this honorable circuit court is now open pursuant to adjournment. Sit down.

#### Judge Not Fast—Just Watch.

Officer Kelso Rice—We opened a little earlier on account of the judge's watch and we are now waiting on counsel. The judge isn't fast, I think it is just his watch. (A short recess was taken) whereupon:

#### Bryan's Testimony Struck From Records.

The Court—Let's have order. Since the beginning of this trial the judge of this court has had some big problems to pass upon. Of course, there is no way for me to know whether I decided these questions correctly or not until the courts of last resort speak. If I have made a mistake it was a mistake of the head and not the heart. There are two things that may lead a judge into error. One is prejudice and passion, another is an over-zeal to

be absolutely fair to all parties. I fear that I may have committed error on yesterday in my over-zeal to ascertain if there was anything in the proof that was offered that might aid the higher courts in determining whether or not I had committed error in my former decrees. I have no disposition to protect any decree that I make from being reversed by a higher court, because, if I am in error, I hope to God that somebody will correct my mistake. I feel that the testimony of Mr. Bryan can shed no light upon any issues that will be pending before the higher courts. The lawsuit now is whether—the issue now is whether or not Mr. Scopes taught that man descended from a lower order of animals. It isn't a question of whether God created man as all complete at once, or it isn't a question as to whether God created man by the process of development and growth. These questions have been eliminated from this court and the only question we have now is whether or not this teacher, this accused, this defendant, taught that man descended from a lower order of animals. As I see it, after due deliberation, I feel that Mr. Bryan's testimony cannot aid the higher court in determining that question. If the question before the higher court involved the issue as to what evolution was or as to how God created man, or created the earth, or created the universe, this testimony might be relevant, but those questions are not before the court, and so taking this view of it, I am pleased to expunge this testimony, given by Mr. Bryan on yesterday, from the records of this court and it will not be further considered.

Mr. Darrow—If your honor, please, we want before this is disposed of—we would like to be heard. I want to say a word, if

you please. Of course, I am not at all sure that Mr. Bryan's testimony would aid the supreme court, or any other human being, but he testified by the hour there and I haven't got through with him yet.

Mr. Stewart—I understand the court has ruled on this and I think it is entirely out of order unless you are making an exception.

Mr. Darrow—I want to make my exception.

Gen. Stewart—Make your exception and don't begin an argument about it.

The Court—Confine your remarks to the exception, Mr. Darrow, please.

Mr. Darrow—I will, your honor. I want to except to the ruling of the court and so I might understand perfectly, does your honor mean this will not be certified to in a bill of exceptions containing Mr. Bryan's testimony?

The Court—That is what I mean. I mean I will strike it from the record.

Mr. Darrow—We want to take an exception to that. Of course, when we make up the bill of exceptions we will ask to have it included.

The Court—Yes, sir.

Mr. Darrow—I suppose the only remedy we could have if your honor holds that way is to have the writ sent down if we want it in the record.

The Court—Yes, sir, a writ from the higher court to have it certified up.

**Defense Has No Witnesses and No Proof—Asks Verdict of Guilty.**

Mr. Darrow—Let me suggest this. We have all been here quite a while and I say it in perfectly good faith, we have no witnesses to offer, no proof to offer on the issues that the court has laid down here, that Mr. Scopes did teach what the children said he taught, that man descended from a lower order of animals—we do not mean to contradict that, and I think to save time we will ask the court to bring in the jury and instruct the jury to find the defendant guilty. We make no objection to that and it will save a lot

of time and I think that should be done.

Gen. Stewart—Your honor, may I suggest that the court has not been formerly opened yet.

The Court—Yes, sir, it was before you came in.

Gen. Stewart—Well, I thought your honor came in with us.

The Court—No, sir.

Gen. Stewart—I thought that it might just have been an oversight.

The Court—I thank the attorney-general.

Gen. Stewart—We are pleased to accept the suggestion of Mr. Darrow.

Mr. Hays—Before we do that, may I get my record straight on the offer of proof by having the court rule on this offer of proof and permit me to take an exception? We have offered to prove what was said yesterday, where we have filed statements which were scientific testimony, as well as Biblical testimony, I assume from what your honor has said that you deny us the right to put in that evidence.

The Court—Yes, sir.

Mr. Hays—We take an exception. We further offer to prove—we have offered proof by Biblical students whose statements I read, the real meaning of the Bible and translations into the Bible. We offer to prove by Mr. Bryan that the Bible was not to be taken literally, that the earth was 1,000,000 years old and we had hoped to prove by him further that nothing in the Bible said what the processes were of man's creation. We feel that the statement that the earth was 1,000,000 years old and nothing said about the processes of man's creation that it was perfectly clear that what Scopes taught would not violate the first part of the act. I assume from what your honor said that that is not permitted.

The Court—No, sir.

Mr. Hays—Your honor will permit me an exception?

The Court—Yes, sir.

Mr. Hays—In order to be perfectly clear the evidence that I offer is the evidence of Maynard M. Metcalf, Jacob G. Lipham, Wilbur Nelson,

Dr. Fay-Cooper Cole, Dr. H. H. Newman, Dr. Winterton C. Curtis, Dr. Kirtley F. Mather and proof by Biblical scholars, Dr. Rabbi Rosenwasser and Dr. Whitaker. The proof is in the form of statements that were made, or parts of those statements and I understand then your honor rules out of evidence each and every one of those statements and all and every part of any and all of these statements?

The Court—Yes, sir.

Gen. Stewart—And I understand the court excludes from the record the testimony of Mr. Bryan?

The Court—Yes, I excluded that from the jury.

Mr. Hays—May I have on the record also the statement, that doesn't bear on the issue that has been set down by the court? We would offer to prove it if the issue had been different—we would offer to prove by Mr. White that Mr. Scopes had a contract from Sept. 1 until May 1, at \$150 a month, to teach biology in the public schools and that under the law he was obliged to teach biology from the book that was provided by the public schools. I understand then your honor likewise excluded that evidence, because that doesn't bear on the issue that you stated?

The Court—Well, it hasn't been offered.

Mr. Hays—It doesn't bear on the issue stated.

Gen. Stewart—I don't think really there will be any objection to it going in the record. Our view of it is that the law goes into effect from and after its passage and our contention is that it violates the law at any time after the act is passed, which was March 21.

Col. Bryan—May it please the court.

The Court—I will hear you, Mr. Bryan.

Mr. Bryan—At the conclusion of your decision to expunge the testimony given by me upon the record I didn't have time to ask you a question. I fully agree with the court that the testimony taken yesterday was not legitimate or proper. I simply wanted the court to under-

stand that I was not in position to raise an objection at that time myself nor was I willing to have it raised for me without asserting my willingness to be cross-examined. I also stated that if I was to take the witness stand I would ask that the others take the witness stand also, that I might put certain questions to them. Now the testimony was ended and I assume that you expunge the questions as well as the answers.

The Court—Yes, sir.

Mr. Bryan—That it isn't a reflection upon the answers any more than it is upon the questions.

The Court—I expunged the whole proceedings.

Mr. Bryan—Now I had not reached the point where I could make a statement to answer the charges made by the counsel for the defense as to my ignorance and my bigotry.

Mr. Darrow—I object, your honor, now what's all this about.

The Court—Why do you want to make this, Col. Bryan?

Mr. Bryan—I just want to finish my sentence.

Mr. Darrow—Why can't he go outside on the lawn?

Mr. Bryan—I am not asking to make a statement here.

The Court—I will hear what you say.

**Bryan Appeals to Justice of Press.**

Mr. Bryan—I shall have to trust to the justness of the press, which reported what was said yesterday, to report what I will say, not to the court, but to the press in answer to the charge scattered broadcast over the world and I shall also avail myself of the opportunity to give to the press, not to the court, the questions that I would have asked had I been permitted to call the attorneys on the other side.

Mr. Darrow—I think it would be better, Mr. Bryan, for you to take us out also with the press and ask us the questions and then the press will have both the questions and the answers.

Mr. Bryan—The gentleman who represents the defense, not only dif-

fers from me, but he differs from the court very often in the manner of procedure. I simply want to make that statement and say that I shall have to avail myself of the press without having the dignity of its being presented in the court, but I think it is hardly fair for them to bring into the limelight my views on religion and stand behind a dark lantern that throws light on other people, but conceals themselves. I think it is only fair that the country should know the religious attitude of the people who come down here to deprive the people of Tennessee of the right to run their own schools.

Mr. Darrow—I object to that.

The Court—I overrule the objection.

Mr. Bryan—That is all.

Malone Says Will Answer  
Bryan's Questions?

Mr. Malone—If your honor pleases, I wish to make a statement, if statements are in order. The attorneys for the defense are hiding behind no screen of any kind. They will be very happy at any time in any forum to answer any questions which Mr. Bryan can ask along the lines that were asked him yesterday, if they be ger—

Gen. Stewart—Permit me to suggest—

The Court—All right.

Gen. Stewart—I think the next thing in order is to bring the jury in and charge the jury.

Gen. McKenzie (B. G.)—I suggest that the distinguished gentlemen get together with Col. Bryan; they are all anxious to hear him—and that they have a crowd and have a joint discussion and by that means your views will be reflected.

Mr. Malone—We are not worried about our views. We are in a court of law and our discussion is ended. We are ready for the jury.

Thereupon the jury was brought in and took their seats in the jury box.

And thereupon the following discussion occurred before the court, out of the hearing of the jury and the spectators.

Mr. Darrow—My statement that there was no need to try this case further, and for the court to instruct that the defendant is guilty under the law was not made as a plea of guilty or an admission of guilt. We claim that the defendant is not guilty, but as the court has excluded any testimony, except as to the one issue as to whether he taught that man descended from a lower order of animals, and we cannot contradict that testimony, therefore, there is no logical thing to come except that the jury find a verdict that we may carry to the higher court, purely as a matter of proper procedure. We do not think it is fair to the court or counsel on the other side to waste a lot of time when we know this is the inevitable result and probably the best result for the case. I think that is all right?

Gen. Stewart—I think so; yes.

The Court—You want the jury charged, the regular formal charge?

Mr. Darrow—The general suggested something else that might take its place.

Agree on a Verdict of Guilty.

Gen. Stewart—We suggest—It is, of course, agreed by all that what we want and what we want to get is the case into the appellate court to test the act properly. It was suggested merely to make the record show a verdict of guilty, to show that this jury brought in a verdict of guilty. But, I think the best way to proceed would be to let his honor charge the jury and submit it to them, and I do not think there would be anything improper for you or me to state to the jury, after the jury has been charged—you state to them, if you want to, that you do not object to a verdict of guilty, to be frank about it, what you want is for the case to go before the appellate court. I do not think there will be any exception to that?

Mr. Darrow—You agree with me for the record—you agree then, that if the question might arise here, you will help us see that this case comes before the supreme court?

Gen. Stewart—Yes; anything I can do after you get the record to the supreme court.

Mr. Hays—What about thirty days?

Mr. Darrow—Don't bother about that now.

Gen. Stewart—We want to take the case to the supreme court the first Monday in September in Knoxville. I think you can do that—

Mr. Darrow—What?

Gen. Stewart—You have a daily transcript, that was the purpose of calling the special term. Otherwise it would have to wait, if it don't get to the September term, as we only have one term a year.

Thereupon counsel left the bar of the court and returned to their respective seats.

The Court—Have you gentlemen any statements to make?

Gen. Stewart—We want your honor to proceed to charge the jury.

Mr. Darrow—As long as it is agreed we don't need to talk any longer.

The Court—I suggest no exceptions will be made to my charge, is that true?

Mr. Darrow—I mean on account of not covering other matters.

The Court—I will put it in the formal manner. I will dictate my charge, and it will have to be copied so the court will be at ease a little while.

Thereupon the court left the bench and a short recess ensued, after which the following proceedings occurred, to-wit:

Judge Raulston Charges the Jury.

Gentlemen of the Jury:

This is a case of the State of Tennessee vs. John Thomas Scopes, where it is charged that the accused violated what is commonly known as the antievolution statute, the same being chapter 27 of the acts of the legislature of 1925, the statute providing that it shall be unlawful for any person to teach in any of the universities, normals or other public schools of the state any theory that denies the story of the divine creation of man, as taught in the Bible, and teach in-

stead thereof that man is descended from a lower order of animals.

The indictment in this case is dated at the July special term, 1925, and, in part, charges that John Thomas Scopes, heretofore on the 24th day of April, 1925, did unlawfully teach in the public schools of Rhea county, Tennessee, which said public schools are supported in part and in whole by the public school fund of the state, a certain theory and theories that denied the story of the divine creation of man as taught in the Bible, and did teach instead thereof that man is descended from a lower order of animals, he, the said John Thomas Scopes, being at the time and prior thereto, a teacher in the public school of Dayton, in the county aforesaid, against the peace and dignity of the state.

To this charge the defendant has pleaded not guilty and thus are made up the issue for your determination. Before there can be a conviction the state must make out its case beyond a reasonable doubt as to every essential and necessary element of the case. The court calls the attention of the jury to the wording of the indictment, wherein it is charged that this defendant taught a certain theory or theories that denied the story of the divine creation of man as taught in the Bible, and taught instead thereof that man descended from a lower order of animals. This statute has been before the court during the hearing in this case, upon a motion which made it necessary that the court should construe the statute as to what offense was provided against therein. The court, after due consideration, has held that the proper construction of the statute is that it is made an offense thereby to teach in the public schools of the state of Tennessee which are supported in whole or in part by the public school fund or the state, that man descended from a lower order of animals. In other words, the second clause is explanatory of the first, and interprets the meaning of the legislature; and the court charges you that in order to prove

its case the state does not have to specifically prove that the defendant taught a theory that denied the story of the divine creation of man as taught in the Bible, other than to prove that he taught that man descended from a lower order of animals. Therefore, the court charges you that if you find that the proof in this case shows that the defendant did teach in the public schools of Rhea county, the same being supported in whole or in part by the public school fund, subsequent to the passage of this statute, and prior to the finding of this indictment, that man descended from a lower order of animals, and if these facts are shown beyond a reasonable doubt, then the defendant would be guilty and should be so found, and you are not concerned as to whether or not this is a theory denying the story of the divine creation of man as taught, for the issues as they have been finally made up in this case do not involve that question.

By the phrase "beyond a reasonable doubt," I do not mean any possible doubt that might arise, or such a doubt as an ingenuous mind might conjure up, but by reasonable doubt in legal parlance is meant such a doubt as would prevent your mind resting easy as to the guilt of the defendant.

In determining whether or not his guilt is shown beyond a reasonable doubt you must weigh and consider the evidence, and in doing that you would look to the demeanor of the witnesses on the stand, their opportunities to know the facts concerning which they testify, their respectability or want of respectability if such appears, their interest in the result of the lawsuit or want of interest; their bias, prejudice or leaning to one side or the other, if such appears. Their relationship to any of the parties, and all other facts that might enable you to determine what weight should be given their testimony.

You, gentlemen, are the sole and exclusive judges of the facts and the credibility of the witnesses, and

judges of the law under the direction of the court.

You enter upon this investigation with the presumption that the defendant is not guilty of any offense, and this presumption stands as a witness for him until it is overcome by competent and credible proof.

There are different methods by which witnesses are impeached. One is by showing that they are unworthy of belief, by those who know them best; another method is by showing that a witness has made contradictory statements as to material facts involved in the case, concerning which he gave testimony. Another is to involve the witness in discrepancies upon the witness stand, by rigid and close cross-examination.

When a witness is once impeached, he stands throughout the trial, but this does not mean that he did not swear the truth. This is a matter for you to determine, but the impeaching process is a circumstance which you will take into consideration in determining what weight you will give this testimony.

If there are conflicts in the statements of the different witnesses, it is your duty to reconcile them if you can, for the law presumes that each witness has sworn the truth. But if you cannot reconcile their testimony, the law makes you the sole and exclusive judges of the credibility of the witnesses and the weight to be given their testimony.

In this case the defendant did not go on the stand. Under our constitution and laws he has the right to either testify or not to testify as he sees proper, and his failure to testify creates no presumption of his guilt, but should be considered for no purpose in determining whether or not he is guilty.

Under the provision of the statute in this case, a person who violates the same may be punished by a fine of not less than \$100 nor more than \$500. If after a fair and honest investigation of all the facts you find the defendant guilty and find that his offense deserves a greater punishment than a fine of \$100, then you must impose a fine not to ex-

ceed \$500 in any event. But if you are content with a \$100 fine, then you may simply find the defendant guilty and leave the punishment to the court.

But if the proof fails to show his guilt beyond a reasonable doubt, you should acquit the defendant and your verdict should be not guilty.

Under our constitution and laws the jury can have no prejudice or bias either way, but you should search for and find the truth, and the truth alone, and bring into this court such a verdict you think truth dictates and justice demands.

JOHN T. RAULSTON.

The Court—Any requests.

Mr. Darrow—Your honor, do we have to take exceptions at the time of the charge?

The Court—If you want additional instructions given.

Mr. Darrow—No, I do not, your honor. The only thing is matters you have already passed on as to what the law requires.

The Court—Just on the legal points?

Mr. Darrow—Yes, just on the legal points.

The Court—No, the law imposes on the court the duty to charge the law correctly. You do not have to make exceptions at this time.

Mr. Darrow—In our federal court we have to make them at the time.

The Court—Yes, call them to the judge's attention so as to give him a chance. I wish that was the practice here.

Mr. Darrow—Yes.

The Court—Anything, Mr. Attorney-General?

Gen. Stewart—I think Mr. Darrow has something to say.

Mr. Darrow—May I say a few words to the jury? Gentlemen of the jury, we are sorry to have not had a chance to say anything to you. We will do it some other time. Now, we came down here to offer evidence in this case and the court has held under the law that the evidence we had is not admissible, so all we can do is to take an exception and carry it to a higher court to see whether the evidence

is admissible or not. As far as this case stands before the jury, the court has told you very plainly that if you think my client taught that man descended from a lower order of animals, you will find him guilty, and you heard the testimony of the boys on that question and heard read the books, and there is no dispute about the facts. Scopes did not go on the stand, because he could not deny the statements made by the boys. I do not know how you may feel, I am not especially interested in it, but this case and this law will never be decided until it gets to a higher court, and it cannot get to a higher court probably, very well, unless you bring in a verdict. So, I do not want any of you to think we are going to find any fault with you as to your verdict. I am frank to say, while we think it is wrong, and we ought to have been permitted to put in our evidence, the court felt otherwise, as he had a right to hold. We cannot argue to you gentlemen under the instructions given by the court—we cannot even explain to you that we think you should return a verdict of not guilty. We do not see how you could. We do not ask it. We think we will save our point and take it to the higher court and settle whether the law is good, and also whether he should have permitted the evidence. I guess that is plain enough.

Gen. Stewart—That is satisfactory.

The Court—Have you any statement, Mr. Attorney-General?

Gen. Stewart—No, sir; except this, your honor, I want to ask this as a matter of information, did I understand your honor to charge the jury in fixing the fine, if they find guilty, if they were satisfied with the minimum fee, it will not be necessary for the jury to bring in a verdict except simply to say "guilty."

The Court—I will read what I charged: "Under the provision of this statute in this case, a person who violates the same may be punished by a fine of not less than \$100 nor more than \$500. If after a fair

and honest investigation of all the facts you find the defendant guilty and find that his offense deserves a greater punishment than a fine of \$100, then you must impose a fine not to exceed \$500 in any event. But if you are content with a \$100 fine, then you may simply find the defendant guilty and leave the punishment to the court."

Gen. Stewart—Of course, that is a minor matter, but I had it in mind that it would be the duty of the jury to fix whatever fine was imposed.

The Court—As I understand the holding, the court can impose a minimum fine always under the statute, that is our practice in whisky cases, the least fine in a transporting case is \$100.

Gen. Stewart—Yes. We have more of that kind than any other in the criminal court.

Mr. Darrow—That is encouraging.

The Court—How is that?

Gen. Stewart—I was telling Mr. Darrow we have more whiskey cases than any other in the criminal court.

Mr. Darrow—I have not even seen a cause for a case since I got down here.

The Court—There is no reason why the jury should not fix the minimum if you prefer. The practice, however, is for the court to impose the minimum.

Gen. Stewart—I am not quite clear on that.

Mr. Darrow—We will not take an exception, either way you want it, because we want the case passed on by the higher court, if you want the jury to fix the fine.

The Court—General, the minimum fine in a transporting case is \$100.

Gen. Stewart—Yes.

The Court—Our practice in Tennessee is for the court to impose the fine in a transporting case as like this, the maximum fine of \$500. The practice is if the jury thinks it should be greater than the minimum.

Gen. Stewart—I had in mind the general statute on that.

The Court—The general statute is \$50.

The Court—If you want us to stipulate—

The jury might fix the fine, they will not be irregular. They will not make any question about that.

Mr. Darrow—No.

Gen. Stewart—I do not think that there is anything that can be said to the jury than what Mr. Darrow said. Of course, the case in its present attitude is that it will be thrashed out by the appellate court, that is what the defense wants, and the state wants. What Mr. Darrow wanted to say to you was that he wanted you to find his client guilty, but did not want to be in the position of pleading guilty, because it would destroy his rights in the appellate court.

The Court—We could not undertake to take the verdict and make up the record before noon, could we?

Gen. Stewart—How is that?

The Court—I say we could not undertake to take the verdict and make up the record before noon, could we?

Gen. Stewart—I take it it will only be a matter of a few moments.

Mr. Hays—Yes, and if your honor will only wait, we ought to be able to get through with the whole matter.

Gen. Stewart—The formal motion, as I suggest, is to just let the counsel treat them as in.

The Court—Mr. Officer, go with the jury and get them a place for deliberation.

Jury Out Nine Minutes.

(The jury thereupon retired for deliberation.)

(The jury returned to the courtroom at 11:23 a. m.)

Officer Rice—Everybody be seated please.

Court—Get your book, Mr. Clerk, so as to poll the jury. Get your seats, gentlemen, and let the jury have their seats. You gentlemen will have to move out a little, so I can see the jury. You may call the jury, Mr. Clerk.

(The clerk calls the roll of the jury.)

Court—Mr. Foreman, will you tell us whether you have agreed on a verdict?

Foreman—Yes, sir. We have, your honor.

Court—What do you find?

Foreman—We have found for the state, found the defendant guilty.

Court—Did you fix the fine?

Foreman—No, sir.

Court—You leave it to the court?

Foreman—Leave it to the court.

Court—Mr. Scopes, will you come around here, please, sir.

(The defendant presents himself before the court.)

Scopes Fined \$100.

Court—Mr. Scopes, the jury has found you guilty under this indictment, charging you with having taught in the schools of Rhea county, in violation of what is commonly known as the anti-evolution statute, which makes it unlawful for any teacher to teach in any of the public schools of the state, supported in whole or in part by the public school funds of the state, any theory that denies the story of the divine creation of man, and teach instead thereof that man has descended from a lower order of animals. The jury have found you guilty. The statute makes this an offense punishable by fine of not less than \$100 nor more than \$500. The court now fixes your fine at \$100, and imposes that fine upon you—

Mr. Neal—May it please your honor, we want to be heard a moment.

Scopes Says Fine is Unjust.

Court—Oh—Have you anything to say, Mr. Scopes, as to why the court should not impose punishment upon you?

Defendant J. T. Scopes—Your honor, I feel that I have been convicted of violating an unjust statute. I will continue in the future, as I have in the past, to oppose this law in any way I can. Any other action would be in violation of my ideal of academic freedom—that is, to teach the truth as guaranteed in our constitution, of personal and religious freedom. I think the fine is unjust.

Court—So then the court now imposes on you a fine of \$100 and costs, which you will arrange with the clerk.

Mr. Malone—Your honor, what about bail?

Court—Sir?

Mr. Malone—What about bail?

Court—Well, how much bail can Mr. Scopes make?

Mr. Malone—We can arrange any amount your honor demands.

Court—Let him give bond for \$500. Well, it is misdemeanor case; he does not have to go before the supreme court and only makes bond for his appearance back here at the next term, following the next term of the supreme court.

Gen. Stewart—I believe the next term—

Court—This county, I believe, goes to Knoxville. My counties are close on the border, some of my counties go to Nashville, and some to Knoxville. This county tries its cases there the first Monday in December—

Gen. Stewart—September.

Court—The first Monday in September.

Mr. Malone—I want to state in that connection that the Baltimore Evening Sun has generously offered to go bond for Mr. Scopes, and the defense has accepted the offer.

Gen. Stewart—The bond, of course, would have to be given for his appearance back here at the December term of court; the defendant does not appear before the supreme court in a misdemeanor case.

Court—In misdemeanors the defendant does not appear in the supreme court. He can make bond to the term of this court following the August term, which will be the first Monday in December, I believe, so the bond will be made returnable to this court on the first Monday in December, 1925. Now, by that time, I presume, the supreme court will have passed on this case.

Malone Thanks People for Courtesy.

Mr. Malone—Your honor, may I at this time say, on behalf of my colleagues, that we wish to thank

the people of the state of Tennessee, not only for their hospitality, but for the opportunity of trying out these great issues here.

(Applause and hand-clapping.)

Mr. Hays—For the purpose of the record, may I make a motion here?

Court—Yes, sir.

Mr. Hays—I should like, if possible, that this term of this court be extended for thirty days, in order to enable us to get up a record.

Court—Make the proper motion.

Gen. Stewart—We have an intervening term of the court in August, a regular term. Of course, it can be kept open.

Mr. Hays—I don't know your procedure; we may want you to tell us—

The Court—Under the statutes of Tennessee, the court can allow sixty days to perfect an appeal. Now, I prefer not to allow the whole sixty days in this instance, because that would carry it beyond the meeting of the supreme court.

Mr. Hays—If your honor will allow us sixty days, we will get it up in ten days if we can do that, if possible, but in the event it is not humanly possible, we do not want to be barred. If your honor will give us plenty of time, I assure you we will do everything we can to get it up immediately.

The Court—I suppose you know, Mr. Hays, that in Tennessee the bill of exceptions is just a copy of the evidence and proceedings and the judge's charge. Of course, the technical record is then gotten up separately—a copy of the warrant, and motions and decrees and orders—that is part of the technical record and doesn't become part of the bill of exceptions; and that may be made up at any time.

Mr. Hays—If your honor will just protect us on our record, we will leave the whole thing to you. We don't want to be put in a position to lose our rights.

The Court—I believe you can have it ready in thirty days, Mr. Hays; you have had a daily transcript.

Mr. Hays—We will have that, but there has been a great deal of con-

fusion, there may be a chance of having some of it missing.

Court—I will give you thirty days, and assure you that if you are not ready—Let's see, that would be the 21st of August. Just so you can get it ready and get the case to the supreme court in time. You see, the clerk of this court will have to make up a bill of exceptions, unless he can be furnished with a carbon copy. If he could, that would expedite matters. It would take, I suppose, a week or ten days to copy the bill of exceptions.

Mr. Hays—It was a long drawn-out matter, and it took a long time to try it, and we wouldn't want to be foreclosed.

Court—I will give you all the time I can, I assure you.

Mr. Hays—I understand that you give us thirty days?

Court—Yes, sir.

Mr. Darrow—Then another matter, if the court please, is a petition for the certification of Mr. Bryan's testimony.

Court—I believe you can do that, Mr. Darrow, after you file your bill of exceptions, by going to the supreme court for a writ of error, whereby the record in this case will be certified up there.

Mr. Hays—And then, your honor, I wish to make a motion in arrest of judgment, and I suggest that you give us opportunity to file that in original form.

Court—You will raise the same question that the court has ruled on?

Mr. Hays—I want to raise all the questions raised during the trial. I presume the motion will be overruled, but I want to get that in the record.

Court—Mr. Attorney-General, are you willing to that?

Gen. Stewart—Yes, sir, I am willing.

Court—Let the record show that the motion has been filed and overruled.

#### Hays Moves for a New Trial.

Mr. Hays—Yes, sir, and get my exception in. I want to be certain the record is correct; I wish to

Courtroom and Jury just before Verdict



make a motion for a new trial, on the same grounds.

Court—Let the record show that your motions were filed and overruled.

Mr. Hays—And so instead of stating my grounds, I can file them later.

The Court—Yes, sir.

Mr. Hays—Then your honor will note my exception.

The Court—Yes, sir.

Mr. Hays—I also am advised that I should move for permission to appeal.

The Court—Yes, the record will show that you prayed for an appeal and that it was granted by the court.

Mr. Hays—Yes, sir, thank you. And that makes my record complete.

The Court—I think so—if it doesn't, if there is anything overlooked we will overlook it.

Now let me say—the court has not adjourned. Have any of you gentlemen anything to say—but you are standing up and they are taking your pictures, I imagine. Otherwise, you might sit down. (Laughter.)

Mr. Hays—I presume the filing of it in regular form could be done during the term.

The Court—We could extend the term a few days, yes, sir.

Mr. Hays—Isn't that the same time you have extended in order that we might get our records fixed.

The Court—This is a special term now.

Mr. Hays—Are we to understand that the special term for thirty days is extended?

The Court—No, you get your motion filed and the court allows you ten days to make your bill of exceptions. You know the law requires a motion for a new trial to be filed during the term.

Mr. Hays—Yes, sir.

The Court—And in order to meet the requirements of that statute, if the motion isn't ready we will have to extend this term a few days.

Gen. Stewart—Your honor can leave the minutes of this day open.

The Court—Yes, sir.

Gen. Stewart—And it could be entered on the minutes as of this date.

The Court—Just let the records show that they were entered as of today.

Gen. Stewart—Yes—prepare them right away, of course.

The Court—Does anyone have anything to say? Mr. Muto wants to be heard.

#### Newspaper Men Express Thanks.

Mr. Tony Muto—May it please, your honor, on behalf of the ladies and gentlemen of the press that came down here to cover this trial for the various newspapers, magazines and syndicates, I wish to thank the court and all the officials, the Dayton Progressive club, for all the courtesies and kindnesses that have been shown us. (Applause.)

Special Writer from Toronto—May I have the privilege, as the only Canadian correspondent present, to express my great appreciation of the extreme courtesy which has been accorded me and my brethren of the press by the court and the citizens of Dayton. I shall take back with me a deeper appreciation of the great republic for which we have felt so kindly, and whose institutions we so magnify and admire. (Applause.)

The Court—Has any other press man anything to say? Let me hear you, Mr. Bell—did you say anything?

Mr. Bryan Bell—No, sir.

A Voice—As one of the public, who has come a number of miles to hear this trial, I desire to express my appreciation of the hospitality and reasonable expenses that have been incurred while here. (Applause.)

The Court—Anyone else? Gordon, did you have something you wished to say?

#### Gordon McKenzie Speaks for Tennessee People.

Gordon McKenzie—On behalf of Rhea county and Gen. Stewart, and on behalf of the prosecution, I desire to say to the gentlemen who have just made their statements,

that we are delighted to have had you with us. We have learned to take a broader view of life since you came. You have brought to us your ideas—your views—and we have communicated to you, as best we could, some of our views. As to whether or not we like those views, that is a matter that should not address itself to us at this time, but we do appreciate your views, and while much has been said and much has been written about the narrow-minded people of Tennessee we do not feel hard toward you for having said that, because that is your idea. We people here want to be more broad-minded than some have given us credit for, and we appreciate your coming, and we have been greatly elevated, edified and educated by your presence. And should the time ever come when you are back near the garden spot of the world, we hope that you will stop off and stay awhile with us here in order that we may chat about the days of the past, when the Scopes trial was tried in Dayton. (Applause.)

A Voice—I feel, as a member of the Tennessee bar, that we should not be remiss in our recognition of the counsel from outside of our state who have appeared in this case, and I want to exonerate them from any accusation of any unfair attitude, and to say that the bar of Tennessee appreciates the distinguished services of these great lawyers who have come to discuss among us a fundamental problem which affects our government, and the government of all the states, and we appreciate from the bottom of our hearts their labors amongst us, and we feel that they have as much right to be heard as our local counsel, and we welcome them to our state on this occasion and on any other occasion when matters of great magnitude involving our national welfare come before us. (Applause.)

Mr. Neal—As one of the Tennessee lawyers that has been connected from the beginning with this case, I want to thank your honor and the gentlemen on the other side for the

great courtesy they have shown to my distinguished associates from other states. (Applause.)

The Court—Col. Bryan, I will hear you.

#### Bryan's Last Court Speech.

"This issue will be settled right whether on our side or the other."

Mr. Bryan—I don't know that there is any special reason why I should add to what has been said, and yet the subject has been presented from so many viewpoints that I hope the court will pardon me if I mention a viewpoint that has not been referred to. Dayton is the center and the seat of this trial largely by circumstance. We are told that more words have been sent across the ocean by cable to Europe and Australia about this trial than has ever been sent by cable in regard to anything else happening in the United States. That isn't because the trial is held in Dayton. It isn't because a school-teacher has been subjected to the danger of a fine from \$100.00 to \$500.00, but I think illustrates how people can be drawn into prominence by attaching themselves to a great cause. Causes stir the world. It is because it goes deep. It is because it extends wide, and because it reaches into the future beyond the power of man to see. Here has been fought out a little case of little consequence as a case, but the world is interested because it raises an issue, and that issue will some day be settled right, whether it is settled on our side or the other side. It is going to be settled right. There can be no settlement of a great cause without discussion, and people will not discuss a cause until their attention is drawn to it, and the value of this trial is not in any incident of the trial, it is not because of anybody who is attached to it, either in an official way or as counsel on either side. Human beings are mighty small, your honor. We are apt to magnify the personal element and we sometimes become inflated with our importance, but the world little cares for man as an individual.

He is born, he works, he dies, but causes go on forever, and we who participated in this case may congratulate ourselves that we have attached ourselves to a mighty issue. Now, if I were to attempt to define that issue, I might find objection from the other side. Their definition of the issue might not be as mine is, and therefore, I will not take advantage of the privilege the court gives me this morning to make a statement that might be controverted, and nothing that I would say would determine it. I have no power to define this issue finally and authoritatively. None of the counsel on our side has this power and none of the counsel on the other side has this power, even this honorable court has no such power. The people will determine this issue. They will take sides upon this issue, they will state the question involved in this issue, they will examine the information—not so much that which has been brought out here, for very little has been brought out here, but this case will stimulate investigation and investigation will bring out information, and the facts will be known, and upon the facts, as ascertained, the decision will be rendered, and I think, my friends, and your honor, that if we are actuated by the spirit that should actuate everyone of us, no matter what our views may be, we ought not only desire, but pray, that that which is right will prevail, whether it be our way or somebody else's. (Applause.)

Mr. Darrow—May I say a word?

The Court—Colonel, be glad to hear from you.

#### Darrow Compares Trial with Witchcraft Cases.

Mr. Darrow—I want to say a word. I want to say in thorough sincerity that I appreciate the courtesy of the counsel on the other side from the beginning of this case, at least the Tennessee counsel, that I appreciate the hospitality of the citizens here. I shall go away with a feeling of respect and gratitude toward them for their courtesy and their liberality toward us persons; and that I ap-

preciate the kind, and I think I may say, general treatment of this court, who might have sent me to jail, but did not.

(Laughter in the courtroom.)

Mr. Darrow (Continuing)—And on the side of the controversy between the court and myself I have already ruled that the court was right, so I do not need to go further.

The Court—Thank you.

Mr. Darrow—But, I mean it.

The Court—Yes.

Mr. Darrow (Continuing)—Of course, there is much that Mr. Bryan has said that is true. And nature—nature, I refer to does not choose any special setting for mere events. I fancy that the place where the Magna Charta was wrested from the barons in England was a very small place, probably not as big as Dayton. But events come along as they come along. I think this case will be remembered because it is the first case of this sort since we stopped trying people in America for witchcraft because here we have done our best to turn back the tide that has sought to force itself upon this—upon this modern world, of testing every fact in science by a religious dictum. That is all I care to say.

The Court—Any one else?

A Voice—Yes, your honor.

The Court—Mr. Rappleyea.

Mr. Rappleyea—As Dr. Spencer said a few months ago that big movements make big men, but this the case of the reverse, where big men have made big movements. I especially wish to pay my respects and thanks and take this opportunity, perhaps the last I shall have, to Mr. Bryan for relieving me of the embarrassing position I was in as original prosecutor, and carrying through what he thought was right in spite of the criticisms that he has had. Mr. Bryan, I thank you. (Applause.)

#### The Court's Farewell Oration.

The Court—My fellow citizens, I recently read somewhere what I think was a definition of a great man, and that was this: That he possesses a passion to know the truth



and have the courage to declare it in the face of all opposition. It is easy enough, my friends, to have a passion to find a truth, or to find a fact, rather, that coincides with our preconceived notions and ideas, but it sometimes takes courage to search diligently for a truth, that may destroy our preconceived notions and ideas.

The man that only has a passion to find the truth is not a complete and great man; but he must also have the courage to declare it in the face of all opposition. It does not take any great courage for a man to stand for a principle that meets with the approval of public sentiment around him. But it sometimes takes courage to declare a truth or stand for a fact that is in contravention to the public sentiment.

Now, my friends, the man—I am not speaking in regard to the issues in this case, but I am speaking in general terms—that a man who is big enough to search for the truth and find it, and declare it in the face of all opposition is a big man.

Now, we spoke—Dayton has been referred to. That the law—that something big could not come out of Dayton. Why, my friends, the greatest Man that has ever walked on the face of the earth, the Man that left the portals of heaven, the Man that came down from heaven to earth that man might live, was born in a little town, and He lived and spent His life among a simple, unpretentious people.

We do not measure greatness by the size of the village or the town or the neighborhood from which it came. But greatness depends upon the principles that are involved. Some one recently wrote on this subject, and in referring to this case, that the great Dred Scott bill, one of the most famous lawsuits ever tried in America, a case that drew public attention, perhaps, from the whole world simply involved the liberty of one colored man.

Someone has also referred to a case from the District of Columbia, where the president of the United States appoints the magistrates, and

President Adams appointed a magistrate but failed to issue his commission and went out of office; that he later mandamus'd a successor of President Adams to compel him to issue a commission to him for the simple office of justice of the peace. John Marshall, the man that ruled and reigned, that presided over the supreme court of the United States for thirty-four long years, and one of the most noted lawyers and judges that ever lived in America, made his fame and laid the foundation for his fame by writing the opinion involving the office of justice of the peace.

Now, my friends, the people in America are great people. We are great in the South, and they are great in the North. We are great because we are willing to lay down our differences when we fight the battle out and be friends. And, let me tell you, there are two things in this world that are indestructible, that man cannot destroy, or no force in the world can destroy.

One is truth. You may crush it to the earth but it will rise again. It is indestructible, and the causes of the law of God. Another thing indestructible in America and in Europe and everywhere else, is the Word of God, that He has given to man, that man may use it as a waybill to the other world. Indestructible, my friends, by any force because it is the word of the Man, of the forces that created the universe, and He has said in His word that "My word will not perish" but will live forever.

I am glad to have had these gentlemen with us. This little talk of mine comes from my heart, gentlemen. I have had some difficult problems to decide in this lawsuit, and I only pray to God that I have decided them right. If I have not, the higher courts will find the mistake. But if I failed to decide them right, it was for the want of legal learning, and legal attainments, and not for the want of a disposition to do everybody justice.

We are glad to have you with us. (Applause.)

Mr. Hays—May I, as one of the counsel for the defense, ask your honor to allow me to send you the "Origin of Species and the Descent of Man," by Charles Darwin?

(Laughter.)

The Court—Yes; yes.

(Laughter and applause.)

The Court—Has anyone else anything to say.

(No response.)

If not—

Officer Kelso Rice—Now, people, when court is adjourned—

The Court—Wait, do not adjourn yet.

(A train whistle blows.)

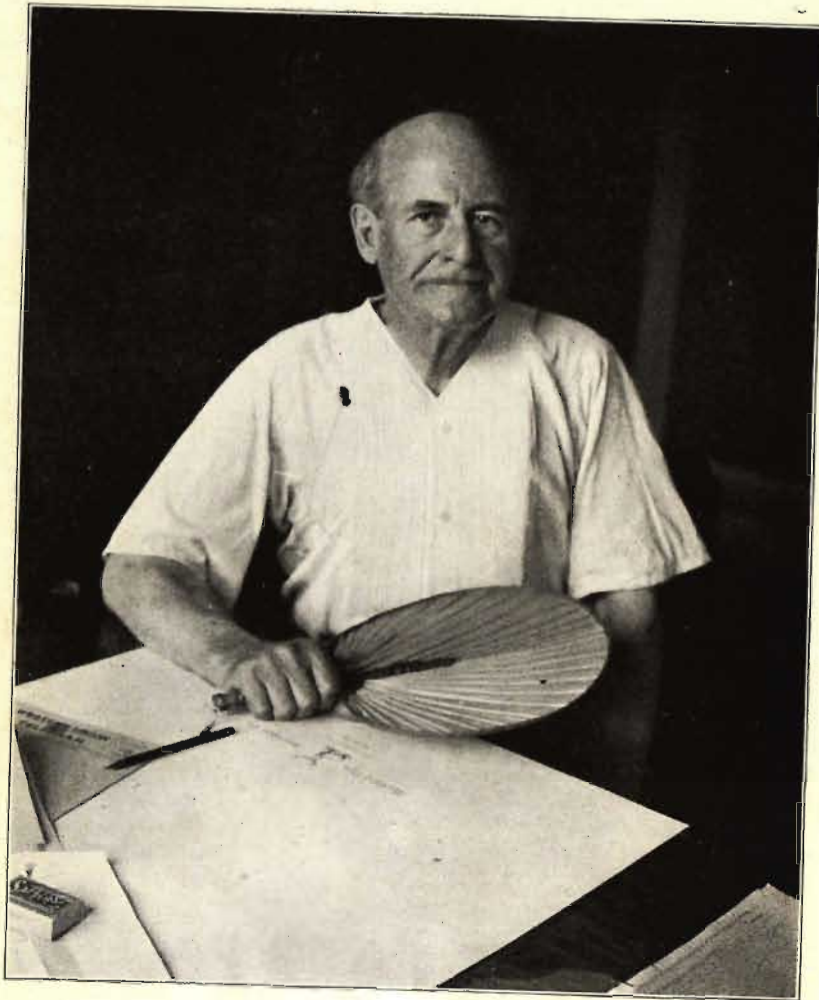
The Court—Go ahead, officer.

Officer Rice—Do not crowd the aisles. When the court has adjourned move slowly, do not be in a hurry. But move slowly, everybody, when court is adjourned and do not block the aislesways at all. Keep moving.

The Court—We will adjourn. And Brother Jones will pronounce the benediction.

Dr. Jones—May the grace of our Lord Jesus Christ, the love of God and the communion and fellowship of the Holy Ghost abide with you all. Amen.

The Court—The court will adjourn sine die.



At Attorney's Table During Scopes Trial.

## TEXT OF BRYAN'S PROPOSED ADDRESS IN SCOPES CASE.

As a member of the counsel of prosecution in the Scopes evolution case in Dayton, William Jennings Bryan had prepared an address in defense of Tennessee's law against the teaching of evolution in the public schools. This address was not delivered during the trial because arguments to the jury by counsel on both sides were dispensed with by agreement. Arrangements for publication of it were made by Mr. Bryan only a few hours before his death. The text of the address follows:

May It Please the Court,  
and Gentlemen of the Jury:

Demosthenes, the greatest of ancient orators, in his "Oration on the Crown," the most famous of his speeches, began by supplicating the favor of all the gods and goddesses of Greece. If, in a case which involved only his own fame and fate, he felt justified in petitioning the heathen gods of his country, surely we, who deal with the momentous issues involved in this case, may well pray to the Ruler of the universe for wisdom to guide us in the performance of our several parts in this historic trial.

Let me, in the first place, congratulate our cause that circumstances have committed the trial to a community like this and entrusted the decision to a jury made up largely of the yeomanry of the state. The book in issue in this trial contains on its first page two pictures contrasting the disturbing noises of a great city with the calm serenity of the country. It is a tribute that rural life has fully earned.

I appreciate the sturdy honesty and independence of those who come into daily contact with the earth, who, living near to nature, worship nature's God, and who, dealing with the myriad mysteries of earth and air, seek to learn from revelation about the Bible's wonder-working God. I admire the stern virtues, the vigilance and the pa-

triotism of the class from which the jury is drawn, and am reminded of the lines of Scotland's immortal bard, which, when changed but slightly, describe your country's confidence in you:

"O Scotia, my dear, my native soil!

For whom my warmest wish to Heaven is sent,  
Long may thy hardy sons of rustic toil

Be blest with health, and peace,  
and sweet content!

"And, oh, may Heav'n their simple lives prevent

From luxury's contagion, weak and vile!

Then, howe'er crowns and coronets be rent,

A virtuous populace may rise the while,

And stand, a wall of fire, around their much-loved isle."

Let us now separate the issues from the misrepresentations, intentional or unintentional, that have obscured both the letter and the purpose of the law. This is not an interference with freedom of conscience. A teacher can think as he pleases and worship God as he likes, or refuse to worship God at all. He can believe in the Bible or discard it; he can accept Christ or reject Him. This law places no obligations or restraints upon him. And so with freedom of speech; he can, so long as he acts as an individual, say anything he likes on any subject. This law does not violate any right guaranteed by any constitution to any individual. It deals with the defendant, not as an individual, but as an employee, an official or public servant, paid by the state, and therefore under instructions from the state.

**Right of the State to Control  
Public Schools.**

The right of the state to control the public schools is affirmed in the recent decision in the Oregon case,

which declares that the state can direct what shall be taught and also forbid the teaching of anything "manifestly inimical to the public welfare." The above decision goes even farther and declares that the parent not only has the right to guard the religious welfare of the child, but is in duty bound to guard it. That decision fits this case exactly. The state had a right to pass this law, and the law represents the determination of the parents to guard the religious welfare of their children.

It need hardly be added that this law did not have its origin in bigotry. It is not trying to force any form of religion on anybody. The majority is not trying to establish a religion or to teach it—it is trying to protect itself from the effort of an insolent minority to force irreligion upon the children under the guise of teaching science. What right has a little irresponsible oligarchy of self-styled "intellectuals" to demand control of the schools of the United States, in which 25,000,000 of children are being educated at an annual expense of nearly \$2,000,000,000?

Christians must, in every state of the Union, build their own colleges in which to teach Christianity; it is only simple justice that atheists, agnostics and unbelievers should build their own colleges if they want to teach their own religious views or attack the religious views of others.

The statute is brief and free from ambiguity. It prohibits the teaching, in the public schools, of "any theory that denies the story of divine creation as taught in the Bible," and teaches, "instead, that man descended from a lower order of animals." The first sentence sets forth the purpose of those who passed the law. They forbid the teaching of any evolutionary theory that disputes the Bible record of man's creation and, to make sure that there shall be no misunderstanding, they place their own interpretations on their language and specifically forbid the teaching of any theory that

makes man a descendant of any lower form of life.

The evidence shows that defendant taught, in his own language as well as from a book outlining the theory, that man descended from lower forms of life. Howard Morgan's testimony gives us a definition of evolution that will become known throughout the world as this case is discussed. Howard, a 14-year-old boy, has translated the words of the teacher and the textbook into language that even a child can understand. As he recollects it, the defendant said, "A little germ or one cell organism was formed in the sea; this kept evolving until it got to be a pretty good-sized animal, then came on to be a land animal, and it kept evolving, and from this was man." There is no room for difference of opinion here, and there is no need of expert testimony. Here are the facts, corroborated by another student, Harry Shelton, and admitted to be true by counsel for defense. Mr. White, superintendent of schools, testified to the use of Hunters' Civic Biology, and to the fact that the defendant not only admitted teaching evolution, but declared that he could not teach it without violating the law. Mr. Robinson, the chairman of the school board, corroborated the testimony of Superintendent White in regard to the defendant's admissions and declaration. These are the facts; they are sufficient and undisputed. A verdict of guilty must follow.

But the importance of this case requires more. The facts and arguments presented to you must not only convince you of the justice of conviction in this case but, while not necessary to a verdict of guilty, they should convince you of the righteousness of the purpose of the people of the state in the enactment of this law. The state must speak through you to the outside world and repel the aspersions cast by the counsel for the defense upon the intelligence and the enlightenment of the citizens of Tennessee. The people of this state have a high appreciation of the value of education.

The state constitution testifies to that in its demand that education shall be fostered and that science and literature shall be cherished. The continuing and increasing appropriations for public instruction furnish abundant proof that Tennessee places a just estimate upon the learning that is secured in its schools.

#### Declares Religion Not Hostile to Learning.

Religion is not hostile to learning, Christianity has been the greatest patron learning has ever had. But Christians know that "the fear of the Lord is the beginning of wisdom" now just as it has been in the past, and they therefore oppose the teaching of guesses that encourage godlessness among the students.

Neither does Tennessee undervalue the service rendered by science. The Christian men and women of Tennessee know how deeply mankind is indebted to science for benefits conferred by the discovery of the laws of nature and by the designing of machinery for the utilization of these laws. Give science a fact and it is not only invincible, but it is of incalculable service to man. If one is entitled to draw from society in proportion to the service that he renders to society, who is able to estimate the reward earned by those who have given to us the use of steam, the use of electricity, and enabled us to utilize the weight of water that flows down the mountainside? Who will estimate the value of the service rendered by those who invented the phonograph, the telephone and the radio? Or, to come more closely to our home life, how shall we recompense those who gave us the sewing machine, the harvester, the threshing machine, the tractor, the automobile and the method now employed in making artificial ice? The department of medicine also opens an unlimited field for invaluable service. Typhoid and yellow fever are not feared as they once were. Diphtheria and pneumonia have been robbed of some of their terrors, and

a high place on the scroll of fame still awaits the discoverer of remedies for arthritis, cancer, tuberculosis and other dread diseases to which mankind is heir.

Christianity welcomes truth from whatever source it comes, and is not afraid that any real truth from any source can interfere with the divine truth that comes by inspiration from God Himself. It is not scientific truth to which Christians object, for true science is classified knowledge, and nothing therefore can be scientific unless it is true.

#### Evolution Not Truth; Merely an Hypothesis.

Evolution is not truth; it is merely an hypothesis—it is millions of guesses strung together. It had not been proven in the days of Darwin; he expressed astonishment that with two or three million species it had been impossible to trace any species to any other species. It had not been proven in the days of Huxley, and it has not been proven up to today. It is less than four years ago that Prof. Bateson came all the way from London to Canada to tell the American scientists that every effort to trace one species to another had failed—every one. He said he still had faith in evolution, but had doubts about the origin of species. But of what value is evolution if it cannot explain the origin of species? While many scientists accept evolution as if it were a fact, they all admit, when questioned, that no explanation has been found as to how one species developed into another.

Darwin suggested two laws, sexual selection and natural selection. Sexual selection has been laughed out of the class room, and natural selection is being abandoned, and no new explanation is satisfactory even to scientists. Some of the more rash advocates of evolution are wont to say that evolution is as firmly established as the law of gravitation or the Copernican theory. The absurdity of such a claim is apparent when we remember that anyone can prove the law of gravitation by throwing a weight

into the air, and that anyone can prove the roundness of the earth by going around it, while no one can prove evolution to be true in any way whatever.

Chemistry is an insurmountable obstacle in the path of evolution. It is one of the greatest of the sciences; it separates the atoms— isolates them and walks about them, so to speak. If there were in nature a progressive force, an eternal urge, chemistry would find it. But it is not there. All of the ninety-two original elements are separate and distinct; they combine in fixed and permanent proportions. Water is H<sub>2</sub>O, as it has been from the beginning. It was here before life appeared and has never changed; neither can it be shown that any thing else has materially changed.

There is no more reason to believe that man descended from some inferior animal than there is to believe that a stately mansion has descended from a small cottage. Resemblances are not proof—they simply put us on inquiry. As one fact, such as the absence of the accused from the scene of the murder, outweighs all the resemblances that a thousand witnesses could swear to, so the inability of science to trace any one of the millions of species to another species, outweighs all the resemblances upon which evolutionists rely to establish man's blood relationship with the brutes.

#### Man's Urge Comes Not From Within, But From Above.

But while the wisest scientists cannot prove a pushing power, such as evolution is supposed to be, there is a lifting power that any child can understand. The plant lifts the mineral up into a higher world, and the animal lifts the plant up into a world still higher. So, it has been reasoned by analogy, man rises, not by a power within him, but only when drawn upward by a higher power. There is a spiritual gravitation that draws all souls toward heaven, just as surely as there is a physical force that draws all matter on the surface of the

earth towards the earth's center. Christ is our drawing power; He said, "I, if I be lifted up from the earth, will draw all men unto Me," and His promise is being fulfilled daily all over the world.

It must be remembered that the law under consideration in this case does not prohibit the teaching of evolution up to the line that separates man from the lower forms of animal life. The law might well have gone farther than it does and prohibit the teaching of evolution in lower forms of life; the law is a very conservative statement of the people's opposition to an anti-Biblical hypothesis. The defendant was not content to teach what the law permitted; he, for reasons of his own, persisted in teaching that which was forbidden for reasons entirely satisfactory to the law-makers.

Most of the people who believe in evolution do not know what evolution means. One of the science books taught in the Dayton High school has a chapter on "The Evolution of Machinery." This is a very common misuse of the term. People speak of the evolution of the telephone, the automobile and the musical instrument. But these are merely illustrations of man's power to deal intelligently with inanimate matter; there is no growth from within in the development of machinery.

Equally improper is the use of the word "evolution" to describe the growth of a plant from a seed, the growth of a chicken from an egg or the development of any form of animal life from a single cell. All these give us a circle, not a change from one species to another.

#### Evolution Wrong Word Even in Plant Life.

Evolution—the evolution involved in this case, and the only evolution that is a matter of controversy anywhere—is the evolution taught by defendant, set forth in Hunter's Civic Biology. The author of the books now prohibited by the new state law, and illustrated in the diagram printed on page 194 of

estimates the number of species in the animal kingdom at 518,900. These are divided into eighteen classes, and each class is indicated on a diagram by a circle, proportionate in size to the number of species in each class and attached by a stem to the trunk of the tree. It begins with Protozoa and ends with the mammals. Passing over the classes with which the average is unfamiliar, let me call your attention to a few of the larger and better known groups. The insects are numbered at 360,000, over two-thirds of the total number of species in the animal world. The fishes are numbered at 13,000, the amphibians at 1,400, the reptiles at 3,500, and the birds are 13,000, while 3,500 mammals are crowded together in a little circle that is barely higher than the bird circle. No circle is reserved for man alone. He is, according to the diagram, shut up in the little circle entitled "Mammals," with 3,499 other species of mammals. Does it not seem a little unfair not to distinguish between man and lower forms of life? What shall we say of the intelligence, not to say religion, of those who are so particular to distinguish between fishes and reptiles and birds, but put a man with an immortal soul in the same circle with the wolf, the hyena and the skunk? What must be the impression made upon children by such a degradation of man?

In the preface of this book, the author explains that it is for children, and adds that "the boy or girl of average ability upon admission to the secondary school is not a thinking individual." Whatever may be said in favor of teaching evolution to adults, it surely is not proper to teach it to children who are not yet able to think.

The evolutionist does not undertake to tell us how protozoa, moved by interior and resident forces, sent life up through all the various species, and cannot prove that there was actually any such compelling power at all. And yet, the school children are asked to accept their guesses and build a philosophy of

life upon them. If it were not so serious a matter, one might be tempted to speculate upon the various degrees of relationship that, according to evolutionists, exist between man and other forms of life. It might require some very nice calculation to determine at what degree of relationship the killing of a relative ceases to be murder and the eating of one's kin ceases to be cannibalism.

#### Evolution Casts Doubt Upon Creation Itself.

But it is not a laughing matter when one considers that evolution not only offers no suggestions as to a Creator but tends to put the creative act so far away as to cast doubt upon creation itself. And while it is shaking faith in God as a beginning, it is also creating doubt as to a heaven at the end of life. Evolutionists do not feel that it is incumbent upon them to show how life began or at what point in their long-drawn-out scheme of changing species man became endowed with hope and promise of immortal life. God may be a matter of indifference to the evolutionists and a life beyond may have no charm for them, but the mass of mankind will continue to worship their Creator and continue to find comfort in the promise of their Savior that He has gone to prepare a place for them. Christ has made of death a narrow, star-lit strip between the companionship of yesterday and the reunion of tomorrow; evolution strikes out the stars and deepens the gloom that enshrouds the tomb.

If the results of evolution were unimportant, one might require less proof in support of the hypothesis, but before accepting a new philosophy of life, built upon a materialistic foundation, we have reason to demand something more than guesses; "we may well suppose" is not a sufficient substitute for "Thus saith the Lord."

#### Darwin's Family Tree Pointed Out By Own Words.

If, your honor, and you, gentlemen of the jury, would have an un-

derstanding of the sentiment that lies back of the statute against the teaching of evolution, please consider the facts that I shall now present to you. First, as to the animals to which evolutionists would have us trace our ancestry. The following is Darwin's family tree, as you will find it set forth on pages 180-181 of his "Descent of Man":

"The most ancient progenitors in the kingdom of Vertebrata, at which we are able to obtain an obscure glance, apparently consisted of a group of marine animals, resembling the larvae of existing ascidians. These animals probably gave rise to a group of fishes, as lowly organized as the lancelet; and from these the Ganoids, and other fishes like the Lepidosiren, must have been developed. From such fish a very small advance would carry us on to the amphibians. We have seen that birds and reptiles were once intimately connected together; and the Monotremata now connect mammals with reptiles in a slight degree. But no one can at present say by what line of descent the three higher and related classes, namely, mammals, birds and reptiles, were derived from the two lower vertebrate classes, namely, amphibians and fishes. In the class of mammals the steps are not difficult to conceive which led from the ancient Monotremata to the ancient Marsupials; and from these to the early progenitors of the placental mammals. We may thus ascend to the Lemuridae; and the interval is not very wide from these to the Simiadae. The Simiadae then branched off into two great stems, the New World and Old World monkeys; and from the latter, at a remote period, Man, the wonder and glory of the universe, proceeded. Thus we have given to man a pedigree of prodigious length, but, not, it may be said, of noble quality." (Ed. 1874, Hurst.)

Note the words implying uncertainty; "obscure glance," "apparently," "resembling," "must have been," "slight degree," and "conceive."

Darwin, on page 171 of the same book, tries to locate his first man—that is, the first man to come down out of the trees—in Africa. After leaving man in company with gorillas and chimpanzees, he says, "But it is useless to speculate on this subject." If he had only thought of this earlier the world might have been spared much of the speculation that his brute hypothesis has excited.

On page 79 Darwin gives some fanciful reasons for believing that man is more likely to have descended from the chimpanzee than from the gorilla. His speculations are an excellent illustration of the effect that the evolutionary hypothesis has in cultivating the imagination. Prof. J. Arthur Thomson says that the "idea of evolution is the most potent thought economizing formula the world has yet known." It is more than that; it dispenses with thinking entirely and relies on the imagination.

On page 141 Darwin attempts to trace the mind of man back to the mind of lower animals. On pages 113 and 114 he endeavors to trace man's moral nature back to the animals. It is all animal, animal, animal, with never a thought of God or of religion.

Our first indictment against evolution is that it disputes the truth of the Bible account of man's creation and shakes faith in the Bible as the Word of God. This indictment we prove by comparing the processes described as evolutionary with the text of Genesis. It not only contradicts the Mosaic record as to the beginning of human life, but it disputes the Bible doctrine of reproduction according to kind—the greatest scientific principle known.

Our second indictment is that the evolutionary hypothesis, carried to its logical conclusion, disputes every vital truth of the Bible. Its tendency, natural, if not inevitable, is to lead those who really accept it, first to agnosticism and then to atheism. Evolutionists attack the truth of the Bible, not openly at first, but by using weasel-words like "poetical," "symbolical" and "alle-

gorical" to suck the meaning out of the inspired record of man's creation.

We call as our first witness Charles Darwin. He began life a Christian. On page 39, Vol. 1 of the *Life and Letters of Charles Darwin*, by his son, Francis Darwin, he says, speaking of the period from 1828 to 1831, "I did not then in the least doubt the strict and literal truth of every word in the Bible." On page 412 of Vol. II of the same publication, he says, "When I was collecting facts for 'The Origin' my belief in what is called a personal God was as firm as that of Dr. Pusey himself." It may be a surprise to your honor and to you, gentlemen of the jury, as it was to me, to learn that Darwin spent three years at Cambridge studying for the ministry.

This was Darwin as a young man, before he came under the influence of the doctrine that man came from a lower order of animals. The change wrought in his religious views will be found in a letter written to a German youth in 1879, and printed on page 277 of Vol. I of the *Life and Letters* above referred to. The letter begins: "I am much engaged, an old man, and out of health, and I cannot spare time to answer your questions fully—nor indeed can they be answered. Science has nothing to do with Christ, except insofar as the habit of scientific research makes a man cautious in admitting evidence. For myself, I do not believe that there ever has been any revelation. As for a future life, every man must judge for himself between conflicting vague probabilities."

Note that "science has nothing to do with Christ, except insofar as the habit of scientific research makes a man cautious in admitting evidence." Stated plainly, that simply means that "the habit of scientific research" makes one cautious in accepting the only evidence that we have of Christ's existence, mission, teaching, crucifixion and resurrection, namely the evidence found in the Bible. To make this interpretation of his words the only

possible one, he adds, "For myself, I do not believe that there ever has been any revelation." In rejecting the Bible as a revelation from God, he rejects the Bible's conception of God and he rejects also the supernatural Christ of whom the Bible, and the Bible alone, tells. And, it will be observed, he refuses to express any opinion as to a future

Now let us follow with his son's exposition of his father's views as they are given in extracts from a biography written in 1876. Here is Darwin's language as quoted by his son:

"During these two years (October, 1838, to January, 1839) I was led to think much about religion. Whilst on board the *Beagle* I was quite orthodox and I remember being heartily laughed at by several of the officers (though themselves orthodox) for quoting the Bible as an unanswerable authority on some point of morality. When thus reflecting, I felt compelled to look for a first cause, having an intelligent mind in some degree analogous to man; and I deserved to be called an atheist. This conclusion was strong in my mind about the time, as far as I can remember, when I wrote the 'Origin of Species'; it is since that time that it has very gradually, with many fluctuations, become weaker. But then arises the doubt, can the mind of man, which has, as I fully believe, been developed from a mind as low as that possessed by the lowest animals, be trusted when it draws such grand conclusions?

"I cannot pretend to throw the least light on such abstruse problems. The mystery of the beginning of all things is insoluble by us; and I for one must be content to remain an agnostic."

#### Darwin Used Bible As Early Arguments.

When Darwin entered upon his scientific career he was "quite orthodox and quoted the Bible as an unanswerable authority on some point of morality." Even when he wrote "The Origin of Species," he thought of "a first cause, having an intelli-

gent mind in some degree analogous to man" was strong in his mind. It was after that time that "very gradually, with many fluctuations," his belief in God became weaker. He traces this decline for us and concludes by telling us that he cannot pretend to throw the least light on such abstruse problems—the religious problems above referred to. Then comes the flat statement that he "must be content to remain an agnostic"; and to make clear what he means by the word, agnostic, he says that "the mystery of the beginning of all things is insoluble by us"—not by him alone, but by everybody. Here we have the effect of evolution upon its most distinguished exponent; it led him from an orthodox Christian, believing every word of the Bible and in a personal God, down and down and down to helpless and hopeless agnosticism.

But there is one sentence upon which I reserved comment—it throws light upon his downward pathway. "Then arises the doubt, can the mind of man which has, as I fully believe, been developed from a mind as low as that possessed by the lowest animals, be trusted when it draws such grand conclusions?"

Here is the explanation: he drags man down to the brute level, and then, judging man by brute standards, he questions whether man's mind can be trusted to deal with God and immortality?

How can any teacher tell his students that evolution does not tend to destroy his religious faith? How can an honest teacher conceal from his students the effect of evolution upon Darwin himself? And is it not stranger still that preachers who advocate evolution never speak of Darwin's loss of faith, due to his belief in evolution? The parents of Tennessee have reason enough to fear the effect of evolution on the minds of their children. Belief in evolution cannot bring to those who hold such a belief any compensation for the loss of faith in God, trust in the Bible, and belief in the supernatural character of Christ. It is belief in evolution that has caused

so many scientists and so many Christians to reject the miracles of the Bible, and then give up, one after another, every vital truth of Christianity. They finally cease to pray and sunder the tie that binds them to their Heavenly Father.

#### Miracle Should Not Become Stumbling Block.

The miracle should not be a stumbling block to any one. It raises but three questions: First, could God perform a miracle? Yes, the God who created the universe can do anything He wants to with it. He can temporarily suspend any law that He has made or He may employ higher laws that we do not understand.

Second—Would God perform a miracle? To answer that question in the negative one would have to know more about God's plans and purposes than a finite mind can know, and yet some are so wedded to evolution that they deny that God would perform a miracle merely because a miracle is inconsistent with evolution.

If we believe that God can perform a miracle and might desire to do so, we are prepared to consider with open mind the third question, namely, Did God perform the miracles recorded in the Bible? The same evidence that establishes the authority of the Bible establishes the truth of the record of miracles performed.

Now, let me read to the honorable court and to you, gentlemen of the jury, one of the most pathetic confessions that has come to my notice. George John Romanes, a distinguished biologist, sometimes called the successor of Darwin, was prominent enough to be given extended space in both the *Encyclopedia Britannica* and *Encyclopedia Americana*. Like Darwin, he was reared in the orthodox faith, and like Darwin, was led away from it by evolution (see "Thoughts on Religion," page 180.) For twenty-five years he could not pray. Soon after he became an agnostic, he wrote a book entitled, "A Candid Examination of

Theism," publishing it under the assumed name, "Physicus." In this book (see page 29, "Thoughts on Religion"), he says:

"And forasmuch as I am far from being able to agree with those who affirm that the twilight doctrine of the 'new faith' is a desirable substitute for the waning splendor of 'the old,' I am not ashamed to confess that with this virtual negation of God the universe to me has lost its soul of loveliness; and although from henceforth the precept to 'work while it is day' will doubtless but gain an intensified force from the terribly intensified meaning of the words that 'the night cometh when no man can work,' yet when at times I think, as think at times I must, of the appalling contrast between the hallowed glory of that creed which once was mine, and the lonely mystery of existence as now I find it—at such times I shall ever feel it impossible to avoid the sharpest pang of which my nature is susceptible."

Do these evolutionists stop to think of the crime they commit when they take faith out of the hearts of men and women and lead them out into a starless night? What pleasure can they find in robbing a human being of "the hallowed glory of that creed" that Romanes once cherished, and in substituting "the lonely mystery of existence" as he found it? Can the fathers and mothers of Tennessee be blamed for trying to protect their children from such a tragedy?

If anyone had been led to complain of the severity of the punishment that hangs over the defendant, let him compare this crime and its mild punishment with the crimes for which a greater punishment is prescribed. What is the taking of a few dollars from one in day or night in comparison with the crime of leading one away from God and away from Christ?

Shakespeare regards the robbing one of his good name as much more grave than the stealing of his purse. But we have a higher authority than Shakespeare to invoke in this con-

nection. He who spake as never man spake, thus describes the crimes that are committed against the young. "It is impossible but that offences will come; but woe unto him through whom they come. It were better for him that a millstone were hanged about his neck, and he cast into the sea, than that he should offend one of these little ones."

Christ did not overdraw the picture. Who is able to set a price upon the life of a child—a child into whom a mother has poured her life and for whom a father has labored? What may a noble life mean to the child itself, to the parents, and to the world?

And it must be remembered that we can measure the effect on only that part of life which is spent on earth; we have no way of calculating the effect on that infinite circle of life of which existence here is but a small arc. The soul is immortal and religion deals with the soul; the logical effect of the evolutionary hypothesis is to undermine religion and thus affect the soul. I recently received a list of questions that were to be discussed in a prominent eastern school for women. The second question in the list read, "Is religion an obsolescent function that should be allowed to atrophy quietly, without arousing the passionate prejudice of outworn superstition?" The real attack of evolution, it will be seen, is not upon orthodox Christianity, or even upon Christianity, but upon religion—the most basic fact in man's existence and the most practical thing in life.

But I have some more evidences of the effect of evolution upon the life of those who accept it and try to harmonize their thought with it.

#### Over Half of Scientists Deny Existence of God.

James H. Leuba, a professor of psychology at Bryn Mawr college, Pennsylvania, published a few years ago a book entitled "Belief in God and Immortality." In this book he relates how he secured the opinions of scientists as to the existence of a personal God and a personal immor-

tality. He used a volume entitled "American Men of Science," which, he says, included the names of "practically every American who may properly be called a scientist." There were 5,500 names in the book. He selected 1,000 names as representative of the 5,500, and addressed them personally. Most of them, he said, were teachers in schools of higher learning. The names were kept confidential. Upon the answers received, he asserts that over half of them doubt or deny the existence of a personal God and a personal immortality, and he asserts that unbelief increases in proportions to prominence, the percentage of unbelief being greatest among the most prominent. Among biologists, believers in a personal God numbered less than 31 per cent., while believers in a personal immortality numbered only 37 per cent.

He also questioned the students in nine colleges of high rank and from 1,000 answers received, 97 per cent. of which were from students between 18 and 20, he found that unbelief increased from 15 per cent. in the freshman class up to 40 to 45 per cent. among the men who graduated. On page 280 of this book, we read, "The students' statistics show that young people enter college, possessed of the beliefs still accepted, more or less perfunctorily, in the average home of the land, and gradually abandon the cardinal Christian beliefs." This change from belief to unbelief he attributes to the influence of the persons "of high culture under whom they studied."

The people of Tennessee have been patient enough; they have acted none too soon. How can they expect to protect society, and even the church, from the deadening influence of agnosticism and atheism if they permit the teachers employed by taxation to poison the minds of the youth with this destructive doctrine? And remember that the law has not heretofore required the writing of the word "poison" on poisonous doctrines. The bodies of our people are so

valuable that druggists and physicians must be careful to properly label all poisons; why not be as careful to protect the spiritual life of our people from the poisons that kill the soul?

There is a test that is sometimes used to ascertain whether one suspected of mental infirmity is really insane. He is put into a tank of water and told to dip the tank dry while a stream of water flows into the tank. If he has not sense enough to turn off the stream, he is adjudged insane. Can parents justify themselves if, knowing the effect of belief in evolution, they permit irreligious teachers to inject skepticism and infidelity into the minds of their children?

Do bad doctrines corrupt the morals of students? We have a case in point. Mr. Darrow, one of the most distinguished criminal lawyers in our land, was engaged about a year ago in defending two rich men's sons who were on trial for as dastardly a murder as was ever committed. The older one, "Babe" Leopold, was a brilliant student, 19 years old. He was an evolutionist and an atheist. He was also a follower of Nietzsche, whose books he had devoured and whose philosophy he had adopted. Mr. Darrow made a plea for him, based upon the influence that Nietzsche's philosophy had exerted upon the boy's mind. Here are extracts from his speech:

"Babe took to philosophy. . . . He grew up in this way; he became enamoured of the philosophy of Nietzsche. Your honor, I have read almost everything that Nietzsche ever wrote. A man of wonderful intellect; the most original philosopher of the last century. A man who made a deeper imprint on philosophy than any other man within a hundred years, whether right or wrong. More books have been written about him than probably all the rest of the philosophers in a hundred years. More college professors have talked about him. In a way, he has reached more people, and still he has been a phil-

osopher of what we might call the intellectual cult.

"He wrote one book called 'Beyond the Good and Evil,' which was a criticism of all moral precepts, as we understand them, and a treatise that the intelligent man was beyond good and evil, that the laws for good and the laws for evil did not apply to anybody who approached the superman. He wrote on the will to power.

"I have just made a few short extracts from Nietzsche that show the things that he (Leopold) has read, and these are short and almost taken at random. It is not how this would affect you. It is not how it would affect me. The question is how it would affect the impressionable, visionary, dreamy mind of a boy—a boy who should never have seen it—too early for him."

#### Mr. Bryan Quotes From Nietzsche's Books.

Quotations from Nietzsche: "Why so soft, oh, my brethren? Why so soft, so unresisting and yielding? Why is there so much disavowal and abnegation in your hearts? Why is there so little fate in your looks? For all creators are hard and it must seem blessedness unto you to press your hand upon millenniums and upon wax. This new table, oh, my brethren, I put over you; Become hard. To be obsessed by moral consideration presupposes a very low grade of intellect. We should substitute for morality the will to our own end, and consequently to the means to accomplish that. A great man, a man whom nature has built up and invented in a grand style, is colder, harder, less cautious and more free from the fear of public opinion. He does not possess the virtues which are compatible with respectability, with being respected, nor any of those things which are counted among the virtues of the herd."

Mr. Darrow says, that the superman, a creation of Nietzsche, has permeated every college and university in the civilized world.

"There is not any university in the world where the professor is

not familiar with Nietzsche, not one. . . . Some believe it and some do not believe it. Some read it as I do and take it as a theory, a dream, a vision, mixed with good and bad, but not in any way related to human life. Some take it seriously. . . . There is not a university in the world of any high standing where the professors do not tell you about Nietzsche and discuss him, or where the books are not there.

"If this boy is to blame for this, where did he get it? Is there any blame attached because somebody took Nietzsche's philosophy seriously and fashioned his life upon it? And there is no question in this case but what that is true. Then who is to blame? The university would be more to blame than he is; the scholars of the world would be more to blame than he is. The publishers of the world . . . are more to blame than he is. Your honor, it is hardly fair to hang a 19-year-old boy for the philosophy that was taught him at the university. It does not meet my ideas of justice and fairness to visit upon his head the philosophy that has been taught by university men for twenty-five years."

#### Transformed Into Murderer By Philosophy of Atheist.

In fairness to Mr. Darrow, I think I ought to quote two more paragraphs. After this bold attempt to excuse the student on the ground that he was transformed from a well-meaning youth into a murderer by the philosophy of an atheist, and on the further ground that this philosophy was in the libraries of all the colleges and discussed by the professors—some adopting the philosophy and some rejecting it—on these two grounds he denies that the boy should be held responsible for the taking of human life. He charges that the scholars in the universities were more responsible than the boy, because they furnished such books to the students, and then he proceeds to exonerate the universities and the scholars, leav-

ing nobody responsible. Here is Mr. Darrow's language:

"Now, I do not want to be misunderstood about this. Even for the sake of saving the lives of my clients, I do not want to be dishonest and tell the court something that I do not honestly think in this case. I do not think that the universities are to blame. I do not think they should be held responsible. I do think, however, that they are too large, and that they should keep a closer watch, if possible, upon the individual.

"But you cannot destroy thought because, forsooth, some brain may be deranged by thought. It is the duty of the university, as I conceive it, to be the great storehouse of the wisdom of the ages, and to have its students come there and learn and choose. I have no doubt but what it has meant the death of many; but that we cannot help."

This is a damnable philosophy, and yet it is the flower that blooms on the stalk of evolution. Mr. Darrow thinks the universities are in duty bound to feed out this poisonous stuff to their students, and when the students become stupefied by it and commit murder, neither they nor the universities are to blame. I am sure, your honor and gentlemen of the jury, that you agree with me when I protest against the adoption of any such philosophy in the state of Tennessee. A criminal is not relieved from responsibility merely because he found Nietzsche's philosophy in a library which ought not to contain it. Neither is the university guiltless if it permits such corrupting nourishment to be fed to the souls that are entrusted to its care. But, go a step farther, would the state be blameless if it permitted the universities under its control to be turned into training schools for murderers? When you get back to the root of this question, you will find that the legislature not only had a right to protect the students from the evolutionary hypothesis but was in duty bound to do so.

While on this subject, let me call your attention to another proposi-

tion embodied in Mr. Darrow's speech. He said that Dickey Loeb, the younger boy, had read trashy novels, of the blood and thunder sort. He even went so far as to commend an Illinois statute which forbids minors reading stories of crime. Here is what Mr. Darrow said; "We have a statute in this state, passed only last year, if I recall it, which forbids minors reading story of crime. Why? There is only one reason; because the legislature in its wisdom thought it would have a tendency to produce these thoughts and this life in the boys who read them."

If Illinois can protect her boys, why cannot this state protect the of Illinois any more precious than boys of Tennessee? Are the boys yours?

#### Quotes Darrow's Plea For Richard Loeb's Life.

But to return to philosophy of an evolutionist. Mr. Darrow said: "I say to you seriously that the parents of Dickey Loeb are more responsible than he, and yet few boys had better parents." \* \* \* Again, he says, "I know that one of two things happened to this boy; that this terrible crime was inherent in his organism, and came from some ancestor, or that it came through his education and his training after he was born." He thinks the boy was not responsible for anything; his guilt was due, according to his philosophy, either to heredity or to environment.

But let me complete Mr. Darrow's philosophy based on evolution. He says: "I do not know what remote ancestor may have sent down the seed that corrupted him, and I do not know through how many ancestors it may have passed until it reached Dickey Loeb. All I know is, it is true, and there is not a biologist in the world who will not say I am right."

Psychologists who build upon the evolutionary hypothesis teach that man is nothing but a bundle of characteristics inherited from brute ancestors. That is the philosophy which Mr. Darrow applied in this celebrated

criminal case. "Some remote ancestor"—he does not know how remote—"sent down the seed that corrupted him." You cannot punish the ancestor—he is not only dead but, according to the evolutionists, he was a brute and may have lived a million years ago. And he says that all the biologists agree with him. No wonder so small a per cent of the biologists, according to Leuba, believe in a personal God.

This is the quintessence of evolution, distilled for us by one who follows that doctrine to its logical conclusion. Analyze this dogma of darkness and death. Evolutionists say that back in the twilight of life a beast, name and nature unknown, planted a murderous seed and that the impulse that originated in that seed throbs forever in the blood of the brute's descendants, inspiring killings innumerable, for which the murderers are not responsible because coerced by a fate fixed by the laws of heredity! It is an insult to reason and shocks the heart. That doctrine is as deadly as leprosy; it may aid a lawyer in a criminal case, but it would, if generally adopted, destroy all sense of responsibility and menace the morals of the world. A brute, they say, can predestine a man to crime, and yet they deny that God incarnate in the flesh can release a human being from this bondage or save him from ancestral sins. No more repulsive doctrine was ever proclaimed by any man; if all the biologists of the world teach this doctrine—as Mr. Darrow says they do—then may heaven defend the youth of our land from their impious babblings.

#### Minds Are Diverted to Trifling Speculation.

Our third indictment against evolution is that it diverts attention from pressing problems of great importance to trifling speculation. While one evolutionist is trying to imagine what happened in the dim past, another is trying to pry open the door of the distant future. One recently grew eloquent over ancient worms, and another predicted that 75,000 years hence every one will be bald

and toothless. Both those who endeavor to clothe our remote ancestors with hair and those who endeavor to remove the hair from the heads of our remote descendants ignore the present with its imperative demands. The science of "How to Live" is the most important of all the sciences. It is desirable to know the physical sciences, but it is necessary to know how to live. Christians desire that their children shall be taught all the sciences, but they do not want them to lose sight of the Rock of Ages while they study the age of rocks; neither do they desire them to become so absorbed in measuring the distance between the stars that they will forget Him who holds the stars in His hand.

While not more than two per cent of our population are college graduates, these, because of enlarged powers, need a "heavenly vision" even more than those less learned, both for their own restraint and to assure society that their enlarged powers will be used for the benefit of society and not against the public welfare.

Evolution is deadening the spiritual life of a multitude of students. Christians do not desire less education, but they desire that religion shall be entwined with learning so that our boys and girls will return from college with their hearts aflame with love of God and love of fellowmen, and prepared to lead in the altruistic work that the world so sorely needs. The cry in the business world, in the industrial world, in the professional world, in the political world—even in the religious world—is for consecrated talents; for ability plus a passion for service.

Our fourth indictment against the evolutionary hypothesis is that, by paralyzing the hope of reform, it discourages those who labor for the improvement of man's condition. Every upward-looking man or woman seeks to lift the level upon which mankind stands, and they trust that they will see beneficent changes during the brief span of their own lives. Evolution chills their enthusiasm by substituting aeons for years. It obscures all beginnings in the mists of endless



ages. It is represented as a cold and heartless process, beginning with time and ending in eternity, and acting so slowly that even the rocks can not preserve a record of the imaginary changes through which it is credited with having carried an original germ of life that appeared sometime from somewhere. Its only program for man is scientific breeding, a system under which a few supposedly superior intellects, self-appointed, would direct the mating and the movements of the mass of mankind—an impossible system! Evolution, disputing the miracle, and ignoring the spiritual in life, has no place for the regeneration of the individual. It recognizes no cry of repentance and scoffs at the doctrine that one can be born again.

#### Prodigal Son Story Contradicts Evolution.

It is thus the intolerant and unrelenting enemy of the only process that can redeem society through the redemption of the individual. An evolutionist would never write such a story as the Prodigal Son; it contradicts the whole theory of evolution. The two sons inherited from the same parents and, through their parents, from the same ancestors, proximate and remote. And these sons were reared at the same fireside and were surrounded by the same environment during all the days of their youth; and yet they were different. If Mr. Darrow is correct in the theory applied to Loeb (namely, that his crime was due either to inheritance or to environment, how will he explain the difference between the elder brother and the wayward son? The evolutionist may understand from observation, if not by experience, even though he cannot explain, why one of these boys was guilty of every immorality, squandered the money that the father had laboriously earned, and brought disgrace upon the family name; but his theory does not explain why a wicked young man underwent a change of heart, confessed his sin, and begged for forgiveness. And because the evolutionists cannot understand this fact,

one of the most important in the human life, he cannot understand the infinite love of the heavenly Father, who stands ready to welcome home any repentant sinner, no matter how far he has wandered, how often he has fallen, or how deep he has sunk in sin.

Your honor has quoted from a wonderful poem written by a great Tennessee poet, Walter Malone. I venture to quote another stanza which puts into exquisite language the new opportunity which a merciful God gives to every one who will turn from sin to righteousness.

"Though deep in mire, wring not  
your hands and weep;  
I lend my arm to all who say, 'I  
can.'  
No shame-faced outcast ever sank so  
deep  
But he might rise and be again a  
man."

There are no lines like these in all that evolutionists have ever written. Darwin says that science has nothing to do with the Christ who taught the spirit embodied in the words of Walter Malone, and yet this spirit is the only hope of human progress. A heart can be changed in the twinkling of an eye and a change in the life follows a change in the heart. If one heart can be changed, it is possible that many hearts can be changed, and if many hearts can be changed, it is possible that all hearts can be changed—that a world can be born in a day. It is this fact that inspires all who labor for man's betterment. It is because Christians believe in individual regeneration and in the regeneration of society through the regeneration of individuals that they pray, "Thy kingdom come, Thy will be done in earth as it is in heaven." Evolution makes a mockery of the Lord's Prayer!

#### Evolution Only Defers Hope of All Mankind.

To interpret the words to mean that the improvement desired must come slowly through unfolding ages—a process with which each genera-

tion could have little to do—is to defer hope, and hope deferred maketh the heart sick.

Our fifth indictment of the evolutionary hypothesis is that, if taken seriously and made the basis of a philosophy of life, it would eliminate love and carry man back to a struggle of tooth and claw. The Christians who have allowed themselves to be deceived into believing that evolution is a beneficent, or even a rational process, have been associating with those who either do not understand its implications or dare not avow their knowledge of these implications. Let me give you some authority on this subject. I will begin with Darwin, the high priest of evolution, to whom all evolutionists bow.

On pages 149 and 150, in "The Descent of Man," already referred to, he says:

"With savages, the weak in body or mind are soon eliminated; and those that survive commonly exhibit a vigorous state of health. We civilized men, on the other hand, do our utmost to check the process of elimination; we build asylums for the imbecile, the maimed and the sick; we institute poor laws; and our medical men exert their utmost skill to save the life of everyone to the last moment. There is reason to believe that vaccination has preserved thousands who, from a weak constitution, would formerly have succumbed to smallpox. Thus the weak members of civilized society propagate their kind. No one who has attended to the breeding of domestic animals will doubt that this must be highly injurious to the race of man. It is surprising how soon a want of care, or care wrongly directed, leads to the degeneration of a domestic race; but, excepting in the case of man himself, hardly anyone is so ignorant as to allow his worst animals to breed.

"The aid which we feel impelled to give to the helpless is mainly an incidental result of the instinct of sympathy, which was originally acquired as part of the social instincts, but subsequently rendered in the manner previously indicated

more tender and more widely diffused. Nor could we check our sympathy, even at the urging of hard reason, without deterioration in the noblest part of our nature. . . . We must, therefore, bear the undoubtedly bad effects of the weak surviving and propagating their kind."

#### Barbarous Sentiment Expressed by Darwin.

Darwin reveals the barbarous sentiment that runs through evolution and dwarfs the moral nature of those who become obsessed with it. Let us analyze the quotation just given. Darwin speaks with approval of the savage custom of eliminating the weak so that only the strong will survive and complains that "we civilized men do our utmost to check the process of elimination." How inhuman such a doctrine as this! He thinks it injurious to "build asylums for the imbecile, the maimed, and the sick," or to care for the poor. Even the medical men come in for criticism because they "exert their utmost skill to save the life of everyone to the last moment." And then note his hostility to vaccination, because it has "preserved thousands who, from a weak constitution would, but for vaccination, have succumbed to smallpox!" All of the sympathetic activities of civilized society are condemned because they enable "the weak members to propagate their kind." Then he drags mankind down to the level of the brute and compares the freedom given to man unfavorably with the restraint that we put on barnyard beasts.

The second paragraph of the above quotation shows that his kindly heart rebelled against the cruelty of his own doctrine. He says that we "feel impelled to give to the helpless," although he traces it to a sympathy which he thinks is developed by evolution; he even admits that we could not check this sympathy "even at the urging of hard reason, without deterioration of the noblest part of our nature." "We must therefore bear" what he regards as "the undoubtedly bad effects of the weak

surviving and propagating their kind." Could any doctrine be more destructive of civilization? And what a commentary on evolution! He wants us to believe that evolution develops a human sympathy that finally becomes so tender that it repudiates the law that created it and thus invites a return to a level where the extinguishing of pity and sympathy will permit the brutal instincts to again do their progressive (?) work.

#### Darrow Says Nietzsche Was Gloriously Wrong.

Let no one think that this acceptance of barbarism as the basic principle of evolution died with Darwin. Within three years a book has appeared whose author is even more frankly brutal than Darwin. The book is entitled, "The New Decalogue of Science" and has attracted wide attention. One of our most reputable magazines has recently printed an article by him defining the religion of a scientist. In his preface he acknowledges indebtedness to twenty-one prominent scientists and educators, nearly all of them "doctors" and "professors." One of them, who has recently been elevated to the head of a great state university, read the manuscript over twice "and made many invaluable suggestions." The author describes Nietzsche who, according to Mr. Darrow, made a murderer out of Babe Leopold, as "the bravest soul since Jesus." He admits that Nietzsche was "gloriously wrong," not certainly, but "perhaps," "in many details of technical knowledge," but he affirms that Nietzsche was "gloriously right in his fearless questioning of the universe and of his own soul."

In another place, the author says, "Most of our morals today are jungle products," and then he affirms that "it would be safer, biologically, if they were more so now." After these two samples of his views, you will not be surprised when I read you the following (see page 34):

"Evolution is a bloody business, but civilization tries to make it a

pink tea. Barbarism is the only process by which man has ever organically progressed, and civilization is the only process by which he has ever organically declined. Civilization is the most dangerous enterprise upon which man ever set out. For when you take man out of the bloody, brutal, but beneficent hand of natural selection you place him at once in the soft, perfumed, daintily gloved, but far more dangerous hand of artificial selection. And, unless you call science to your aid and make this artificial selection as efficient as the rude methods of nature, you bungle the whole task."

This aspect of evolution may amaze some of the ministers who have not been admitted to the inner circle of the iconoclasts whose theories menace all the ideals of civilized society. Do these ministers know that "evolution is a bloody business"? Do they know that "barbarism is the only process by which man has ever organically progressed"? And that "civilization is the only process by which he has ever organically declined"? Do they know that "the bloody, brutal hand of natural selection" is "beneficent"? And that the "artificial selection" found in civilization is "dangerous"? What shall we think of the distinguished educators and scientists who read the manuscript before publication and did not protest against this pagan doctrine?

To show that this is a world-wide matter, I now quote from a book issued from the press in 1918, seven years ago. The title of the book is "The Science of Power," and its author, Benjamin Kidd, being an Englishman, could not have any national prejudice against Darwin. On pages 46 and 47, we find Kidd's interpretation of evolution:

"Darwin's presentation of the evolution of the world as the product of natural selection in never-ceasing war—as a product, that is to say, of a struggle in which the individual efficient in the fight for his own interests was always the winning type — touched the profoundest depths of the psychology of the West.

out until the blood is purified. One of the leading universities of the South (I love the state too well to mention its name) publishes a monthly magazine entitled "Journal of Social Forces." In the January issue of this year, a contributor has a lengthy article on "Sociology and Ethics," in the course of which he says:

"No attempt will be made to take up the matter of the good or evil of sexual intercourse among humans aside from the matter of conscious procreation, but as an historian, it might be worth while to ask the exponents of the impurity complex to explain the fact that, without exception, the great periods of cultural efflorescence have been those characterized by a large amount of freedom in sex-relations, and that those of the greatest cultural degradation and decline have been accompanied with greater sex repression and purity."

No one charges or suspects that all or any large percentage of the advocates of evolution sympathize with this loathsome application of evolution to social life, but it is worth while to inquire why those in charge of a great institution of learning allow such filth to be poured out for the stirring of the passions of its students.

Just one more quotation: The Southeastern Christian Advocate of June 25, 1925, quotes five eminent college men of Great Britain as joining in an answer to the question, "Will civilization survive?" Their reply is that:

"The greatest danger menacing our civilization is the abuse of the achievements of science. Mastery over the forces of nature has endowed the twentieth century man with a power which he is not fit to exercise. Unless the development of morality catches up with the development of technique, humanity is bound to destroy itself."

Can any Christian remain indifferent? Science needs religion to direct its energies and to inspire with lofty purpose those who employ the forces that are unloosened

The idea seemed to present the whole order of progress in the world as the result of a purely mechanical and materialistic process resting on force. In so doing it was a conception which reached the springs of that heredity born of the unmeasured ages of conquest out of which the western mind has come. Within half a century the origin of species had become the Bible of the doctrine of the omnipotence of force."

Kidd goes so far as to charge that "Nietzsche's teaching represented the interpretation of the popular Darwinism delivered with the fury and intensity of genius." And Nietzsche, be it remembered, denounced Christianity as the "doctrine of the degenerate," and democracy as "the refuge of weaklings."

Kidd says that Nietzsche gave Germany the doctrine of Darwin's efficient animal in the voice of his superman, and that Bernhardt and the military textbooks in due time gave Germany the doctrine of the superman translated into the national policy of the superstate aiming at world power. (Page 67.)

And what else but the spirit of evolution can account for the popularity of the selfish doctrine, "Each one for himself, and the devil take the hindmost," that threatens the very existence of the doctrine of brotherhood.

In 1900—twenty-five years ago—while an international peace congress was in session in Paris, the following editorial appeared in L'Univers:

"The spirit of peace has fled the earth because evolution has taken possession of it. The plea for peace in past years has been inspired by faith in the divine nature and the divine origin of man; men were then looked upon as children of one Father, and war, therefore, was fratricide. But now that men are looked upon as children of apes, what matters it whether they are slaughtered or not?"

When there is poison in the blood, no one knows on what part of the body it will break out, but we can be sure that it will continue to break

by science. Evolution is at war with religion because religion is supernatural; it is, therefore, the relentless foe of Christianity, which is a revealed religion.

Let us, then, hear the conclusion of the whole matter. Science is a magnificent material force, but it is not a teacher of morals. It can perfect machinery, but it adds no moral restraints to protect society from the misuse of the machine. It can also build gigantic intellectual ships, but it constructs no moral rudders for the control of storm-tossed human vessels. It not only fails to supply the spiritual element needed but some of its unproven hypotheses rob the ship of its compass and thus endangers its cargo.

#### Science Has Made War More Terrible Than Ever.

In war, science has proven itself an evil genius; it has made war more terrible than it ever was before. Man used to be content to slaughter his fellowmen on a single plane—the earth's surface. Science has taught him to go down into the water and shoot up from below and to go up into the clouds and shoot down from above, thus making the battlefield three times a bloody as it was before; but science does not teach brotherly love. Science has made war so hellish that civilization was about to commit suicide; and now we are told that newly discovered instruments of destruction will make the cruelties of the late war seem trivial in comparison with the cruelties of wars that may come in the future. If civilization is to be saved from the wreckage threatened by intelligence not consecrated by love, it must be saved by the moral code of the meek and lowly Nazarene. His teachings, and His teachings, alone, can solve the problems that vex the heart and perplex the world.

"The world needs a Savior more than it ever did before, and there is only one Name under heaven given among men whereby we must be saved." It is this Name that evolution degrades, for, carried to its logical conclusion, it robs Christ

of the glory of a virgin birth, of the majesty of His deity and mission and of the triumph of His resurrection. It also disputes the doctrine of the atonement.

It is for the jury to determine whether this attack upon the Christian religion shall be permitted in the public schools of Tennessee by teachers employed by the state and paid out of the public treasury. This case is no longer local, the defendant ceases to play an important part. The case has assumed the proportions of a battle-royal between unbelief that attempts to speak through so-called science and the defenders of the Christian faith, speaking through the legislators of Tennessee. It is again a choice between God and Baal; it is also a renewal of the issue in Pilate's court. In that historic trial—the greatest in history—force, impersonated by Pilate occupied the throne. Behind it was the Roman government, mistress of the world, and behind the Roman government were the legions of Rome. Before Pilate, stood Christ, the Apostle of Love. Force triumphed; they nailed Him to the tree and those who stood around mocked and jeered and said, "He is dead." But from that day the power of Caesar waned and the power of Christ increased. In a few centuries the Roman government was gone and its legions forgotten; while the crucified Lord has become the greatest fact in history and the growing figure of all time.

Again force and love meet face to face, and the question, "What shall I do with Jesus?" must be answered. A bloody, brutal doctrine—Evolution—demands, as the rabble did nineteen hundred years ago, that He be crucified. That cannot be the answer of this jury representing a Christian state and sworn to uphold the laws of Tennessee. Your answer will be heard throughout the world; it is eagerly awaited by a praying multitude. If the law is nullified, there will be rejoicing wherever God is repudiated, the Savior scoffed at and the Bible ridiculed. Every unbeliever of every kind and degree will be

happy. If, on the other hand, the law is upheld and the religion of the school children protected, millions of Christians will call you blessed and, with hearts full of gratitude to God, will sing again that grand old song of triumph:

"Faith of our fathers, living still,  
In spite of dungeon, fire and sword;  
O how our hearts beat high with joy  
When'er we hear that glorious  
word—  
Faith of our fathers—holy faith;  
We will be true to thee till death!"