



Rhea County Court House, Dayton, Tennessee

THE WORLD'S MOST FAMOUS COURT TRIAL

TENNESSEE EVOLUTION
CASE



THIRD EDITION

A WORD-FOR-WORD REPORT OF THE FAMOUS COURT TEST OF
THE TENNESSEE ANTI-EVOLUTION ACT, AT DAYTON, JULY 10 TO
21, 1925, INCLUDING SPEECHES AND ARGUMENTS OF ATTORNEYS,
TESTIMONY OF NOTED SCIENTISTS, AND BRYAN'S LAST SPEECH.

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TABLE OF CONTENTS

Chapter	Page
I First Day, Friday, July 10—	
Court Opened with Prayer.....	3
Case is Called.....	3
Visiting Counsel Introduced.....	4
Judge's Charge to Grand Jury.....	4
Raulston Reads First Chapter of Genesis.....	5
New Indictment Returned.....	7
Darrow Brings Up Question About Scientists.....	7
State Outlines its Theories.....	8
Selection of the Jury.....	10
II Second Day, Monday, July 13—	
Defense Motion to Quash Indictment.....	47
Judge Retires Jury.....	53
Hays Argues for Motion.....	55
Stewart Answers for State.....	61
Darrow's Arraignment of the Act.....	74
III Third Day, Tuesday, July 14—	
Darrow Objects to Prayer.....	89
Unitarians', Jews' and Congregationalists' Petition on Prayer...	92
Court Tells of News Leak—Withholds Decision on Motion to Quash	92
IV Fourth Day, Wednesday, July 15—	
More Argument Over Prayer in Court.....	95
Deals with News Leak.....	97
Judge Overrules Motion to Quash.....	100
Defense Pleads Not Guilty and States Case.....	112
Testimony of State's Witnesses.....	119
Testimony of Dr. Metcalf for Defense.....	133
V Fifth Day, Thursday, July 16—	
Battle Over Admission of Scientific Testimony.....	144
Bryan's Son Speaks for State.....	150
Hays for Defense.....	153
Sue Hicks for State.....	160
Ben McKenzie, "We have done crossed the Rubicon".....	165
Mr. Bryan on Exclusion of Evidence.....	170
Malone's Fiery Speech in Reply to Bryan.....	183
Stewart Closes Argument on Admission of Expert Testimony....	190
VI Sixth Day, Friday, July 17—	
Judge's Decision Excluding Expert's Testimony.....	201
Defense Excepts	203
Further Argument on Court's Ruling.....	203
Colloquy Which Got Darrow for Contempt.....	206

TABLE OF CONTENTS

Chapter	Page
VII Seventh Day, Monday, July 20—	
Darrow Cited for Contempt.....	211
Governor's Message	213
New Text Books Offered by Defense.....	214
STATEMENTS BY DEFENSE	
Darrow Apologizes—Forgiven.....	225
Rabbi Rosenwasser	227
Rev. W. C. Whitaker.....	228
Dr. H. E. Murkett.....	229
Would Call Burbank.....	230
NOTED SCIENTISTS' STATEMENTS	
Chas. Hubbard Judd.....	231
Jacob L. Lipman.....	232
Dr. Fay Cooper Cole.....	234
Wilber A. Nelson.....	238
Kirtley F. Mather.....	241
Maynard M. Metcalf.....	251
Winterton C. Curtis.....	254
Prof. Horatio H. Newman.....	263
The Sign, "Read Your Bible," Gives Offense.....	280
Other Bibles Introduced.....	283
Bryan on Witness Stand.....	284
VIII Eighth Day, Tuesday, July 21—	
Bryan's Testimony Stricken Out.....	305
Judge Charges Jury.....	309
Jury's Decision	312
Scope's Receives Sentence.....	313
Talk Fest by Lawyers and Visitors.....	313
Court's Farewell Message.....	317
Supplement—Bryan's Last Speech—	
Published After His Death.....	321

CHAPTER I.

FIRST DAY OF DAYTON EVOLUTION TRIAL—
FRIDAY, JULY 10, 1925.

The Court—The court will come to order. The Rev. Cartwright will open court with prayer.

The Rev. Cartwright—Oh, God, our divine Father, we recognize Thee as the Supreme Ruler of the universe, in whose hands are the lives and destinies of all men, and of all the world. We approach unto Thy province this morning, we trust with that degree of reverence that is due unto Thy supreme majesty, and with the consciousness of the fact that every good and every perfect gift comes down from Thee, Father of Lights.

We praise Thy holy and blessed name, that Thou hast made it possible for us to approach Thee at all times and in all places, at the throne of Thy divine grace, with the assurance that we shall find grace and help in our time of need.

We are conscious, our Father, that Thou art the source of our wisdom, and of our power. We are incapable of thinking pure thoughts or performing righteous deeds, unaided by Thee and Thy divine spirit, with the consciousness of our weakness and our frailty, and our ignorance, we come to Thee this morning, our Divine Father, that we may seek from Thee that wisdom to so transact the business of this court in such a way and manner as that Thy name may be honored and glorified among men, and we, therefore, beseech Thee, our Father, that Thou will give to the court this morning a sufficient share of the divine spirit as will enable the court to so administer its affairs as that justice may come to all and that God's standard of purity and holiness may be upheld.

We beseech Thee, our Heavenly Father, that Thou wilt grant unto every individual that share of wisdom that will enable them to go out from this session of the court, with the consciousness of having under

God and grace done the very best thing possible, and the wisest thing possible. And to this end we pray that the power and the presence of the Holy Spirit may be with the jury and with the accused and with all the attorneys interested in this case.

Oh, God, in the midst of all, help us to remember that Thou art on Thy throne and that Thou knowest the secrets of our hearts, and that Thou art acquainted with the motive back of every act and thought; and may we also be conscious of the fact, our Heavenly Father, that there is coming a day in which all of the nations of the earth shall stand before Thy judgment bar and render an accounting for the deeds done in the body, and grant, our Father, that we may have kept in mind the great truth that we are amenable to God, and that Thou wilt search us, and that Thou wilt reward us according to our deeds.

Hear us in our prayers, our Father, this morning, for the cause of truth and righteousness, throughout the length and breadth of the earth, and Oh, God, grant that from the President of the United States down to the most insignificant officer thereof, that the affairs of church and state may be so administered that God may beget unto Himself the greatest degree of honor and glory.

Hear us in these our prayers. God help us to be loyal to God, and loyal to truth, and in the end of life's tremendous trouble, may we so have lived and so have wrought in this world, that we may be admitted into the grace of Thy kingdom and honor, and there, amongst the resplendent glories of a living God, offer praise to Thy glory and grace for ever more. Amen.

Judge Calls Case.
State of Tennessee vs. John Thomas Scopes.

The Court—Seat everyone you can, Mr. Sheriff, and those that can't get seats, let them stand around the wall.

The Court—Mr. Attorney-General, come right up here, please. Let me have my docket, Mr. Clerk.

9:22 A.M.—Mr. Attorney-General I am calling the case of the State vs. John Thomas Scopes.

The Attorney-General—May I have the papers, Mr. Clerk?

The Court—Hand the papers to the Attorney-General.

The Attorney-General—If the court please, in this case we think it is proper that a new indictment be returned.

The Court—Do you want a grand jury empaneled?

The Attorney-General—Yes, sir, and a new indictment.

The Court—Yes, sir.

The Attorney-General—This indictment has been returned by agreement on both sides, but both sides are anxious that the record be kept straight and regular, that no technical objection may be made to it in the appellate courts.

The Court—Very well.

The Court—Gentlemen: The lawyers that are interested in this case will please have their places behind the tables. Have you any further requests to make Mr. Attorney-General?

The Attorney-General—If the court please, some of the gentlemen interested in this case on both sides, of course, are not entirely familiar with our procedure. I understand the defense wants a little time to consult on some matters, an hour or an hour and a half.

The Court—That shouldn't interfere with the making up of a jury.

The Attorney-General—Not at all. I simply wanted to ask the court as a courtesy to them that they might have a recess for that length of time.

Judge Neal—There are a number of counsel on both sides from out of the state and I would like to have these men introduced to the court.

The Court—Yes, I will be glad to have them.

Visiting Lawyers Introduced.

Judge Neal—Gen. Stewart, I suggest that now would be the time to introduce the outside counsel.

Gen. Stewart—Mr. William Jennings Bryan and his son, both of whom need no introduction, are the only outside lawyers with the state.

The Court—Who are here for the defense?

Judge Neal—Mr. Darrow, Arthur Hays, Mr. Malone and Mr. Thompson.

The Court—Gentlemen: I desire to assure you that we are glad to have you. The foreign lawyers for both the state and the defendant. I shall accord you the same privileges that are accorded the local counsel and assure you again that we are delighted to have you with us.

The Court—Now let's proceed to draw the jury, gentlemen.

The following grand jury was empaneled: J. B. Leuty, A. F. Odom, T. A. Odom, H. R. Thomas, R. M. Green, Lee Parham, L. N. Rogers, E. C. Byron, Dr. W. T. Green, T. H. Evans, John Rose, foreman; S. P. Hood, T. E. Benson.

After being duly empaneled and sworn, the usual oath being administered, the court gave the following charge to the grand jury:

Judge's Charge to Grand Jury.

Gentlemen of the grand jury, on May 25, 1925, John T. Scopes was indicted in this county for violating what is generally known as the anti-evolution statute. There is some uncertainty as to whether or not this indictment is valid, and, in order to avoid a possibility of it being invalid, I have determined to convene this grand jury for the purpose of reinvestigating these charges. I now use substantially the same charge I gave the first grand jury.

The statute, which it is alleged the said Scopes violated, is Chapter 27 of the acts of 1925, which makes it unlawful to teach in the universities, normals and all other public schools of the state, which are supported in whole or in part by the public school funds of the state, any theory that denies the

story of Divine creation of man as taught in the Bible and teach instead thereof that man descended from a lower order of animals.

This act became the law in Tennessee on March 21, 1925.

This act in part reads as follows:

Section 1. Be it enacted by the general assembly of the state of Tennessee, that it shall be unlawful for any teacher in any of the universities, normals and all other public schools of the state, which are supported in whole or in part by the public school funds of the state, to teach any theory that denies the story of the Divine creation of man as taught in the Bible, and to teach instead that man has descended from a lower order of animals.

Since the act involved in this investigation provides that it shall be unlawful to teach any theory that denies the divine creation of man as taught in the Bible, it is proper that I call your attention to the account of man's creation as taught in the Bible, it is proper that I call your attention to the first chapter of Genesis, reading as follows:

Reads First Chapter of Genesis.

"In the beginning, God created the heaven and earth.

Second—"And the earth was without form, and void; and darkness was upon the face of the deep. And the spirit of God moved upon the face of the waters.

Third—"And God said, let there be light: and there was light.

Fourth—"And God saw the light, that it was good: And God divided the light from the darkness.

Fifth—"And God called the light day, and the darkness he called night. And the evening and the morning were the first day.

Sixth—"And God said let there be a firmament in the midst of the waters, and let it divide the waters from the waters.

Seventh—"And God made the

firmament, and divided the waters which were under the firmament from the waters which were above the firmament; And it was so.

Eighth—"And God called the firmament heaven. And the evening and the morning were the second day.

Ninth—"And God said, Let the waters under the heavens be gathered together unto one place, and let the dry land appear, and it was so.

Ten—"And God called the dry land earth; and the gathering together of the waters called He seas: And God saw that it was good.

Eleventh—"And God said, let the earth bring forth grass, the herb yielding seed, and the fruit trees yielding fruit after his kind, whose seed is in itself, upon the earth: And it was so.

Twelfth—"And the earth brought forth grass, and herb yielding seed after his kind, and the tree yielding fruit, whose seed was in itself, after his kind; and God saw that it was good.

Thirteenth—"And the evening and the morning were the third day.

Fourteenth—"And God said let there be lights in the firmament of the heavens to divide the day from the night; and let them be for signs, and for seasons, and for days, and years.

Fifteenth—"And let them be for lights in the firmament of the heavens to give light upon the earth; and it was so.

Sixteenth—"And God made two great lights: The greater light to rule the day and the lesser light to rule the night: He made the stars also.

Seventeenth—"And God set them in the firmament of the heaven to give light upon the earth.

Eighteenth—"And to rule over the day and over the night and to divide the light from the darkness: and God saw that it was good.

Nineteenth—"And the evening,

and the morning were the fourth day.

Twentieth—"And God said, let the waters bring forth abundantly the moving creature that hath light, and fowls that may fly above the earth in the open firmament of heaven.

Twenty-first—"And God created great whales, and every living creature that moveth, which the waters brought forth abundantly, after their kind, and every winged fowl after his kind; and God saw that it was good.

Twenty-second—"And God blessed them, saying, Be fruitful, and multiply, and fill the waters in the seas, and let fowl multiply in the earth.

Twenty-third—"And the evening and the morning were the fifth day.

Twenty-fourth—"And God said, let the earth bring forth the living creature after his kind, cattle and creeping thing, and beasts of the earth after his kind: And it was so.

Twenty-fifth—"And God made the beasts of the earth after his kind, and cattle after their kind, and everything that creepeth upon the earth after his kind: and God saw that it was good.

Twenty-sixth—"And God said, Let us make man in our image, after our likeness: And let them have dominion over the fish of the sea and over the fowl of the air, and over the cattle, and over all the earth, and over every creeping thing that creepeth upon the earth.

Twenty-seventh—"So God created man in His own image, in the image of God, created He him; male and female created He them.

Twenty-eighth—"And God blessed them, and God said unto them, be fruitful and multiply, and replenish the earth, and subdue it; and have dominion over the fish of the sea and over the fowl of the air and over every living thing that moveth upon the earth.

Twenty-ninth—"And God said, Behold, I have given you every

herb bearing seed, which is upon the face of all the earth and every tree, in which is the fruit of a tree yielding seed; to you it shall be for meat.

Thirtieth—"And to every beast of the earth, and to every fowl of the air, and to every thing that creepeth upon the earth, wherein there is life, I have given every green herb for meat; and it was so.

Thirty-first—"And God saw everything that he had made, and behold, it was very good. And the evening and the morning were the sixth day."

Therefore, the vital question now involved for your consideration is, has the statute been violated by the said John T. Scopes or any other person by teaching a theory that denies the story of the Divine Creation of man as taught in the Bible, and in Rhea County since the passage of this act and prior to this investigation.

If you find the statute has been thus violated, you should indict the guilty person or persons, as the case may be.

You will bear in mind that in this investigation you are not interested to inquire into the policy or wisdom of this legislation.

Both our state and federal governments are divided into three distinct and separate departments or branches and each has its functions and responsibilities independent of the other and there should be no interference, infringement or encroachment by the one upon the rights, duties, responsibilities and functions of the other.

The policy and wisdom of any particular legislation address itself to the legislative branch of government, provided the proposed legislation is within constitutional limitations.

Our constitution imposes upon the judicial branch the interpretation of statutes and upon the executive branch the enforcement of the law.

The statute involved in this investigation provided that a violation constitutes only a misdemeanor, but there are degrees involved in mis-

demeanors (not by expressed provision of statute, but in reality), as well as in felonies, and in the very nature of things I regard a violation of this statute as a high misdemeanor, and in making this declaration I make no reference to the policy or constitutionality of the statute, but to the evil example of the teacher disregarding constituted authority in the very presence of the undeveloped mind whose thought and morals he directs and guides.

To teach successfully we must teach both by precept and example.

The school room is not only a place to develop thought, but also a place to develop discipline, power of restraint, and character.

If a teacher openly and flagrantly violates the laws of the land in the exercise of his profession (regardless of the policy of the law) his example cannot be wholesome to the undeveloped mind, and would tend to create and breed a spirit of disregard for good order and the want of respect for the necessary discipline and restraint in our body politic.

Now, gentlemen of the jury, it is your duty to investigate this alleged offense without prejudice or bias and with open minds, and if you find that there has been a violation of the statute you should promptly return a bill, otherwise you should return "no bill."

You may proceed with your investigation.

Whereupon, the grand jury retired and court adjourned to 11 o'clock.

New Indictment Returned.

The Court—Call the grand jury, Mr. Clerk. Whereupon the clerk called the list of the grand jurors.

The Court—Have you a report to make, Mr. Foreman?

Mr. Rose—Yes, sir.

The Court—All right. Is this the final report, Mr. Foreman?

Mr. Rose—Yes, sir.

The Court—I thank you, Mr. Foreman. You gentlemen may be seated.

Gen. Stewart—Now, if your honor

please, in No. 5231, I want to quash that indictment.

The Court—You want to move to quash the indictment? In No. 5231? Gen. Stewart—Yes, sir.

The Court—Let the indictment be quashed. Draw the order, Mr. Attorney-General.

Gen. Stewart—Yes, sir, I will do that, judge.

The Court—Will you please change the number here? Mr. Clerk file this indictment and number it, please. Mr. Clerk number the indictment please and put in on my docket. And put a number on it.

Gentlemen and Mr. Attorney-General, I am calling now for trial Case No. 5232, the State of Tennessee vs. John Thomas Scopes.

Darrow Brings Up Question of Scientists' Testimony.

Mr. Darrow—Your honor, before that I want to have a little talk with the counsel on the other side and the court on the questions of witnesses here, before we do anything else. It is rather informal. Now we have arranged for a considerable number of scientists who will—who are all busy men and we do not want to take them away from their work any longer than we need to, so I thought we ought to get an idea of just how soon we would need them after we start.

The Court—Let me make an inquiry, colonel. You gentlemen are, perhaps, more familiar—you are more familiar with the lines of defense than I. How long do you think it might take to make up the jury? I will inquire from the attorney-general.

Gen. Stewart—Just a minute.

The Court—I just want to—

Gen. Stewart—Of course we cannot anticipate what we might have to contend with. I don't know whether any of these men might not qualify. If we do not have any trouble in the qualifications of the jurors so far as the state is concerned, it will only take a short time. By that I mean to say that it won't consume a day.

The Court—You say a day?

Gen. Stewart—So far as we are concerned it will take, perhaps, not a half a day to select the jury.

Mr. Darrow—Your honor, this case had a great deal of publicity, as the court knows, and in any case of this sort—I am not speaking of the locality, but in any locality, with all the publicity it has had, it is very hard to get impartial juries that the law prescribes, and we may get it quickly, but we feel, so far as the defense is concerned, we ought to have pretty full—a reasonable liberty of examination, to see that we do get an impartial jury as it possible. As people generally have some general opinions on such subjects and I apprehend it might take some little time to get a jury.

The Court—Colonel, is there any reason why we should not proceed with making up the jury? When the jury is made the state, of course, introduces their proof first, then couldn't you notify your witnesses to be here after the jury is made?

Mr. Darrow—I think so. I assume that your honor and counsel on the other side will be fairly lenient with us at times, if we need it.

The Court—Sure, we will extend you any reasonable courtesy we can.

Mr. Darrow—We are going to try to co-operate with the court and do it expeditiously. Now I am not—I don't suppose the court has considered the question of competency of evidence. My associates and myself have fairly definite ideas as to it, but I don't know how counsel on the other side feel about it. I think that scientists are competent evidence—or competent witnesses here, to explain what evolution is, and that they are competent on both sides.

The Court—Colonel, when the jury is made I will expect you gentlemen—the lawyers for both sides—to outline your theories in an opening statement and in that way the court can have some ideas as to what the issues are going to be, and, of course, after the issues are made up and the evidence is offered, then the court will promptly rule as to the competency of any evidence that is offered.

Mr. Darrow—Of course, your hon-

or, all I am doing at this time is because our witnesses are generally from a long distance. They get no pay for their time and are busy men, and I don't want to impose on them any more than I need to and, perhaps, if there is to be any question of competency of evidence that could be disposed of some time before we get them here.

The Court—Yes, we could. I take it you might raise the question by a motion, perhaps.

Mr. Darrow—Yes, we could raise it by agreement. I don't think that there is any disposition on the part of either of us to not be perfectly frank with each other about these matters.

The Court—Why not get an announcement from the state as to whether or not they are ready for trial and then I will call on you for an announcement and if you think you will be ready by tomorrow, some time soon, we could proceed in making the jury and when the jury is made, then, of course, if the defense asks for a little delay, I will give it.

Mr. Darrow—Well, just a minute now.

The Court—Yes, sir.

Whereupon the attorneys conferred informally in the presence of the court.

The Court—Have you any announcement for the state, Mr. Attorney-General?

Stewart Outlines State's Attitude.

Gen. Stewart—Yes, your honor. We have just been holding a conversation here for a few minutes, as has been evident. If the court please, in this case, as Mr. Darrow stated, the defense is going to insist on introducing scientists and Bible students to give their ideas of certain views of this law and that, I am frank to state, will be resisted by the state as vigorously as we know how to resist it. We have had a conference or two about that matter, and we think that it isn't competent as evidence; that is, it isn't competent to bring into this case scientists who testify as to what the theory of evolution is

or interpret the Bible or anything of that sort. On the other hand, these gentlemen are just as earnest in their insistence that they are entitled to it. Now in order that we may not disqualify a number of jurors in the discussion of this matter, and further in order and for the purpose of accommodating these gentlemen, and accommodating perhaps the witnesses whom they anticipate bringing here, and whom they do not want to bring here if the court should hold that matter not competent, we have agreed to take that matter up out of order, but we prefer to select a jury before that is done. Now we are willing to take that up most any time, and we have agreed, if it meets with the approval of the court, that we adjourn until in the morning. These gentlemen are tired and they haven't gotten acclimated yet, and we are willing to give them a half a day.

The Court—May I inquire how many regular veniremen have you, Mr. Sheriff?

Mr. McKenzie (Gordon)—Twenty-nine, your honor.

The Court—Twenty-nine, excluding the grand jury?

Mr. McKenzie—No, sir.

The Court—Including the grand jury?

Mr. McKenzie—Yes, sir.

The Court—The grand jury would not be competent.

Mr. McKenzie—Sixteen.

The Court—Mr. Attorney-General, how many jurors would you anticipate we might need to make the panel? Mr. Attorney-General, I don't like to lose this afternoon. A great many people are here and I am willing to adjourn until 1:30, and I can have the sheriff to have us 100 men here at that time.

Gen. Stewart—Judge, these gentlemen, of course—I want to show all the courtesy I can to these visiting lawyers—these gentlemen have come in here on trains from a long distance last night, and they are tired and not feeling very well.

The Court—Well, it wouldn't require any great amount of energy to select a jury, would it?

Mr. Malone—Your honor, I think I am the only one who wanted it to go over until Monday, and since nobody else wants it, I believe we ought to continue and go on right now.

Mr. Darrow—I think we ought to have the afternoon on it.

The Court—Well, colonel, we will only hold about two hours, and then I will give you a good rest. Of course, I have a great regard for the lawyers, but I have some regard for others.

Mr. Darrow—Yes, I know; certainly you do have, but that doesn't seem that is hardly an unreasonable request, let it go over until morning.

The Court—I would prefer to proceed with getting the jury. I wouldn't expect you to enter on the trial this afternoon. What do you say, gentlemen, to ordering 100 extra jurors? What do you think for the state?

Mr. Darrow—May we get the court to tell us just what the law is as to—you say you have sixteen here. Suppose those are exhausted?

The Court—Well, you would be entitled, Col. Darrow, to exhaust those first, if you saw proper, and then the court would order an extra panel from bystanders, under the law. Usually by agreement of counsel in cases of this sort, we anticipate that we may perhaps need 100 men, and by agreement of counsel we would send the sheriff out and have 100 extra jurors summoned and brought in, and if we didn't get the panel out of that—get the jury out of that panel—we would send him out to get another panel.

Mr. Darrow—That is, drawn from a regular box?

The Court—No, sir, we have no regular jury box in this county—it is drawn if you want it—in a felony case it is drawn out of the box, yes, sir, if you require it, but in a misdemeanor it isn't.

Mr. Darrow—That is if you agree?

The Court—Yes, sir, if you rather, the names will go through a hat. It would be in the discretion of the court and it will be perfectly agreeable with me. I will give you any

information, colonel, I can—anything you want to ask me.

Mr. Darrow—Thank you.

The Court—I do not mean that I know it all, but I will tell you anything I know.

Gen. B. G. McKenzie—If the court please, about the only thing I know is that Col. Darrow and I are the only two suspender men in the court room.

The Court—What do you say to ordering the extra jurors, summoning them here, and let the names go into a box and be drawn out until the jury is made?

Mr. Darrow—I suppose that would be the regular way, wouldn't it?

The Court—That would be regular, by agreement. Under the law strictly, you would be entitled to a panel—each side is entitled to three challenges in this case—peremptory challenges—that would be six, and twelve men would be eighteen on the regular panel. The regular panel under the law would be eighteen men, and usually, to save time, we put in more names and proceed until we get the jury.

Mr. Darrow—We have got local counsel that doesn't seem to be present. I think I ought to consult him about it.

The Court—Suppose I order 100 men to be here at 1:30 and we can take them out a panel at a time—eighteen at a time, and adjourn until 1:30 and we will proceed at that hour?

Mr. Darrow—Hadh't you better make that 2?

The Court—Court will adjourn until 1:30.

Thereupon court adjourned until 1:30 p. m.

AFTERNOON SESSION.

Court—Mr. Attorney-General, are you ready to proceed with the selection of this jury?

Gen. Stewart—Yes, sir.

Court—Are you ready, gentlemen?

Mr. Darrow—Yes, sir.

The Court—Do you want the names drawn from the box?

Mr. Darrow—Yes, sir.

The Court—Call them as they are drawn from the box.

Mr. Darrow—Just the panel?

The Court—Examine them, Mr. Darrow, when they are drawn from the hat.

Mr. Darrow—That's all right.

The Court—All right. Let the sheriff draw them?

Mr. Darrow—Yes, sir.

The Court—You may proceed, Mr. Sheriff.

Jury Is Selected.

Sheriff Harris—W. F. Roberson, number twelve.

Court—Come around, Mr. Roberson.

(The venireman was sworn by the court.)

Court—Are you a householder or freeholder in Rhea county?

Juror—Yes, sir.

Court—You are a householder?

Juror—Yes, sir.

Court—Have you formed or expressed an opinion as to the guilt or innocence of this defendant, John T. Scopes?

Juror—Well, to some extent, judge.

Court—What do you base that opinion on, Mr. Roberson?

Juror—Rumor.

Court—From some witness? Information from some witness, some of them who profess to know?

Juror—No, sir.

Court—General rumor?

Juror—Yes, sir.

Court—And do you think you can wholly disregard your opinion and go into the jury box, and try the case on the law and the evidence, and render a fair and impartial verdict?

Juror—Yes, sir.

Court—I think he is a competent juror, gentlemen. I will pass him to the state first.

Gen. Stewart—The state will take him.

Mr. Darrow—We have the right to examine him?

Court—Ask him anything you desire.

This talesman, W. F. Roberson, was examined as follows by Mr. Darrow, for the defense:

Q—What is your business, what do you do?

A—A farmer.

Q—Do you own a farm of your own?

A—I am a renter.

Q—What is your age?

A—I am 30.

Q—Have you ever given any special attention to this case?

A—Well, no more than just reading the newspapers.

Q—Are you satisfied that you could try it with perfect fairness to both sides?

A—Yes, sir, I think I could.

Mr. Darrow—All right, we will take him.

Court—All right. Have a seat, Mr. Roberson. Call the next man.

Sheriff Harris—Number 34, J. W. Dagley.

Court—Mr. Roberson, I intended to ask you, are you related by blood or marriage to Mr. Walter White, the prosecutor, or to John T. Scopes, the defendant?

Mr. Roberson—No, sir.

Court—Have you any interest at all in the case?

Mr. Roberson—No, sir.

The court swears Talesman J. W. Dagley.

Court—Mr. Dagley, are you a householder or freeholder of Rhea county?

Juror—Yes, sir.

Court—Are you related by blood or marriage, to Walter White, the prosecutor, or to John T. Scopes, the defendant?

Juror—No, sir.

Court—Have you formed or expressed an opinion as to the guilt or innocence of the defendant, John T. Scopes, on the charge of violating the antievolution statute?

Juror—Well, I can't hardly say that I have.

Court—Have you any fixed opinion, Mr. Dagley, any definite opinion as to his guilt or innocence?

Juror—No, sir.

Court—Have you heard rumors about the case?

Juror—Rumor.

Court—Have you talked to any

person who is a witness in the case, or who professed to know the facts?

Juror—No, sir.

Court—You would wholly disregard any impression you have regarding to the matter, Mr. Dagley, and go into the jury box—the case wholly upon the law and the evidence and render an impartial verdict to both sides?

Juror—Yes, sir.

Court—He is a competent juror.

Gen. Stewart—We pass him to the defendant.

Examination by Mr. Darrow, for the defense:

Q—You are a farmer?

A—Yes, sir.

Q—Near here?

A—What is that?

Q—Do you live near here, near the town?

A—Twelve or fourteen miles.

Q—Have you lived in Tennessee most of your life?

A—I was born and raised here.

Q—In this community?

A—Yes, sir.

Q—Have you ever known anything about evolution, or read about it?

A—I have not.

Q—You don't know anything about it at this time?

A—No, sir.

Q—Are you a church member?

A—Yes, sir.

Q—Of what church?

A—Methodist.

Q—You have been for a good many years?

A—Yes, sir, a number of years.

Q—Have you ever heard it discussed in church?

A—No, sir.

Q—Did you ever hear your minister express himself on it?

A—No, sir.

Q—Did you ever hear your neighbors say what they thought about this case?

A—Well, no, sir, I don't know that I have.

Q—Did you ever hear anybody? I am not asking you now what you heard, but did you ever hear anybody say what they thought about it?

A—Well, not directly, I don't believe.

Q—Well, you have an opinion now, at this time, I believe you said?

A—No, sir.

Q—You have an opinion as to how this case should be decided at this time? I believe you said you did have? Did you?

A—I don't believe I did.

Q—Well, I might have misunderstood you. But you haven't, now, any opinion, one way or another?

A—Well, really, I haven't, no, sir.

Q—You haven't?

A—I haven't, no, sir.

Q—You don't know Mr. Scopes?

A—Do not. Outside of I have seen him here about town.

Q—You have never expressed an opinion as to what you thought ought to be done in this case, now?

A—I have not.

Q—You have a family, I suppose?

A—I have a family.

Q—Are your children going to school?

A—They go to school during school time.

Q—And at this time you haven't any idea about evolution at all?

A—No, sir, I have not.

Q—You don't know what it is, do you?

A—Well, I—I think I know what it is.

Q—Well, have you any prejudice against it?

A—Well, I don't believe I am competent to say. I understand it well enough; to say I have any prejudice either way—

Q—Well, you know your own mind, and we are entitled to a fair trial, by men who can be perfectly fair. You could tell whether you could be or not, couldn't you?

A—I think I would be fair, yes, sir.

Q—And you would give this man a fair trial, would you?

A—Yes, sir, I would.

Mr. Darrow—Have a seat.

Jim Riley, sworn by the court and examined on his voir dire:

Questions by the court:

Q—Mr. Riley, are you a house-

holder or a freeholder in Rhea county?

A—Yes, sir.

Q—Are you related by blood or marriage to Walter White, the prosecutor, or to John T. Scopes, the defendant, in this case?

A—No, sir.

Q—Have you formed or expressed an opinion as to the guilt or innocence of the defendant?

A—No.

Q—And you have no definite opinion about it?

A—No, not anything about the facts at all; no, sir—not only just what I heard.

Q—Just rumor talk?

A—Yes, sir.

Q—You did not talk to any witness that undertook to tell you what the facts were?

A—No, sir.

Q—And you can go into the jury box and try the case wholly on the law and the evidence, disregarding any impression or opinion that you might have and render a fair and impartial verdict to both sides?

A—Yes, sir.

Court—Competent juror.

Mr. McKenzie—Pass him to you, colonel.

Questions by Mr. Darrow:

Q—Mr. Riley, you are a farmer?

A—Yes, sir.

Q—How far from Dayton do you live?

A—Just at the lower edge of town.

Q—You have lived in Dayton—you have lived here in this county for many years?

A—Yes, sir.

Q—Do you know Mr. Scopes?

A—I just know him—I just saw him once—just one time.

Q—Are you a member of any church?

A—Yes, sir.

Q—What one?

A—Baptist.

Q—You have been a member of the Baptist church for a long while?

A—Yes, sir.

Q—Do you know anything about evolution?

A—No, not particularly.

Q—Heard about it?

A—Yes, I have heard about it.

Q—Know what it is?

A—I don't know much about it.

Q—Have you any opinion about it—prejudice? Have you any prejudice against the idea of evolution? You understand my question—what I mean by prejudice, don't you? If you don't I will make it easier.

A—No, I have no prejudice.

Q—And you have heard that Scopes here has been indicted for teaching evolution?

A—Yes, sir, I have heard that.

Q—And you have no prejudice against it?

A—I don't know the man—wouldn't know him if I was to meet him out on the road at all—just saw him one time.

Q—I mean have you any prejudice on account of his having taught evolution, if he did teach it?

A—Well, I couldn't tell you about it because I don't know what he taught.

Q—Have you any feeling that it is a wrong teaching at this time?

A—Well, I haven't studied very much about it.

Q—Ever talk to anybody about it?

A—None to amount to anything; no, sir.

Q—Ever heard anybody preach any sermons on it?

A—No, sir.

Q—Ever hear Mr. Bryan speak about it?

A—No, sir.

Q—Ever read anything he said about it?

A—No, sir; I can't read.

Q—Well, you are fortunate. You can be a perfectly fair juror, can you?

A—Yes, sir.

Q—And you will be if taken as a juror?

A—Yes, sir.

Q—What do you say for the state?

Mr. McKenzie—Sit down, Mr. Riley.

Court—Have a seat, Mr. Riley. No. 20, J. P. Massingill, duly sworn by the court and examined on his voir dire, testified as follows:

Q—Mr. Massingill, you are a householder or freeholder in Rhea county?

A—Householder.

Q—Mr. Massingill, are you related by blood or marriage to Walter White, the prosecutor, or John T. Scopes, the defendant?

A—Not at all that I know of.

Q—Have you formed or expressed an opinion as to the guilt or innocence of the defendant in this case?

A—From rumors and newspapers—of course, I read. I don't know anything about the evidence.

Q—You haven't talked with any person who professed to know the facts?

A—No, sir.

Q—Have you read any detailed account of the charge, Mr. Massingill, undertaking to give the details of the charge and what the evidence was?

A—Yes, sir, I have read a sketch of it.

Q—Did you read what the evidence was, given before the magistrate's court, or wherever it has been tried, or not?

A—I don't recall.

Q—Now, Mr. Massingill, could you go into the jury box and wholly disregard any impression or opinion you have?

A—Yes, sir.

Q—And try the case wholly on the law and the evidence, rendering a fair and impartial verdict to both sides?

A—I think so; yes, sir.

Court—He seems to be competent, gentlemen.

Mr. McKenzie—Pass him to you, Colonel.

Mr. Darrow—Your honor, if we exercise peremptory challenges, must we do it as we go along?

Court—Yes, sir, you have three.

Mr. Darrow—That is a different practice to what I am familiar with. In Illinois you can do it at any time.

Court—No, do it as we go along.

Mr. Darrow—If that is true, of course, you never know which one to challenge.

Court—Yes, I can see the difference, but the practice is different here.

Mr. Darrow—May I consider just a moment on the last one?

Court—Yes, sir, you may.

Mr. Darrow—May I ask Mr. Riley one question, your honor?

Court—Yes, sir.

Mr. Darrow's question to Mr. Riley:

You said you couldn't read. Is that due to your eyes?

Mr. Riley (A) No, I am uneducated.

Q—That is because of your eyes?

A—I say I am uneducated.

Q—Have your eyes bothered you?

A—No, I am uneducated.

Q—You have worked always on a farm?

A—Not all the time. I have worked in the mines a good deal of the time.

Q—Whereabouts?

A—Right up here at Nelson's.

Q—How long did you work in the mines?

A—Some four or five years.

Q—When did you leave the mines?

A—Well, it has been twenty years ago.

Gen. Stewart—I presume, of course, that the defense know, since they ask about the peremptory challenges, that they have three.

Mr. Darrow—Yes, sir, I had already found that out.

Court—What do you say to Mr. Massingill?—for the state?

Mr. McKenzie—I pass him to you, Colonel.

Questions by Mr. Darrow:

Q—What is your business?

A—I am a minister.

Q—Whereabouts?

A—How is that?

Q—Where?

A—I live in Rhea county.

Q—What part of it?

A—I live in the second district of Rhea county, twenty miles north of this place.

Q—Where do you preach?

A—I preach over the county in the rural sections.

Q—You mean you haven't any regular church?

A—I have. I am pastoring four

churches—have four appointments.

Q—Ever preach on evolution?

A—I don't think so, definitely; that is, on evolution alone.

Q—Now, you wouldn't want to sit on this jury unless you were fair, would you?

A—Certainly, I would want to be fair; yes, sir.

Q—Did you ever preach on evolution?

A—Yes. I haven't as a subject; just taken that up; in connection with other subjects. I have referred to it in discussing it.

Q—Against it or for it?

A—I am strictly for the Bible.

Q—I am talking about evolution, I am not talking about the Bible. Did you preach for or against evolution?

A—Is that a fair question, judge?

Court—Yes, answer the question.

A—Well, I preached against it, of course! (Applause).

Q—Why, "of course?"

Court—Let's have order.

Mr. Darrow—Your honor, I am going to ask to have anybody excluded that applauds.

Court—Yes, if you repeat that, ladies and gentlemen, you will be excluded. We cannot have applause. If you have any feeling in this case you must not express it in the courtroom, so don't repeat the applause. If you do, I will have to exclude you.

Q—You have a very firm conviction—a very strong opinion against evolution, haven't you?

A—Well, some points in evolution.

Q—Are you trying to get on this jury?

A—No, sir.

Q—Have you formed a strong conviction against evolution?

A—Well, I have.

Q—You think you would be a fair juror in this case?

A—Well, I can take the law and the evidence in the case, I think, and try a man right.

Q—I asked if you think you thought you could be a fair juror?

A—Yes, sir.

Q—Have you heard about Mr. Scopes?

A—Yes, sir; yes.

Q—You have heard that he is an evolutionist, haven't you?

A—Yes, sir, I have heard that.

Q—And in your opinion he has been teaching contrary to the Bible?

General Stewart—If your honor please, I except to that. The question involved here will be whether or not—not, I apprehend if Mr. Scopes taught anything that is contrary to the Bible—that isn't the question. He has asked him whether or not he has prejudged the guilt of the defendant.

Court—He has a right to know that.

Gen. Stewart—The man has already stated to him that he had no opinion in the case.

Mr. Darrow—Do you think he would be a fair juror in the case?

Gen. Stewart—Yes, I do, if he says so.

Mr. Darrow—I don't.

Court—I think the lawyers have the right to get all the information they can on the subject, and I will treat both sides alike.

Mr. Darrow—What was that question? (question read).

Court—You may answer that.

A—Yes, sir.

Q—You have that opinion now?

A—I have no opinion to convince me otherwise.

Court—Questions by the court:

Q—Have you, in your mind now, Mr. Massingill, a fixed opinion that he has taught a theory contrary to the theory of the Bible as to the creation of man?

A—Yes, sir.

Q—Would that have any weight with you or any bearing with you in the trial of this case if you were selected as a juror?

A—I think I am fair and honest enough to lay aside things and give a man justice.

Q—Could you disregard any opinion you have and go in the jury box and render a fair verdict to both sides regardless of any impression you now have?

A—The opinion I have is from the public press and what I heard. Of course, I could surrender that.

Q—You don't know whether it was

true or not? What I want to be sure of is this, if you were selected on the jury, could you go in the box and wholly disregard any impression or opinion you have and try the case wholly on the law and the evidence, rendering a fair verdict to both sides?

A—You mean in regard to this particular case?

Q—In regard to the charges here?

A—Sure, I would do that, too.

Court—You may proceed, gentlemen. He seems to be competent.

Mr. Darrow—You now have an opinion that evolution is contrary to the Bible and that my client has been teaching evolution; as you stand there now, that is your opinion?

A—From the information I have in regard to his teaching.

Q—That is your opinion now, isn't it, as you stand there now?

A—Sure it is.

Q—You could change it if you heard evidence enough to change it on?

A—Yes, sir.

Q—Otherwise you couldn't?

A—I have no right to; I don't think.

Mr. Darrow—I challenge for cause.

Court—Well, I want every juror to start in with an open mind. I will excuse you, Mr. Massingill.

J. H. Harrison (29), called and sworn, upon examination testified:

Examination by court:

Q—Are you a householder and freeholder in this county?

A—Yes, sir. I claim my age, too old, I don't want to sit on the jury.

Q—How old are you?

A—Sixty-six.

Q—Claiming exemption on account of your age?

A—Yes, sir.

The court—You may be excused. (W. D. Taylor) (14), sworn and examined on the voir dire, testified:

Questions by the court:

Q—Mr. Taylor, are you a householder and freeholder of this county?

A—Yes, sir; householder.

Q—Are you related by blood or marriage to Walter White, the prosecutor, or John T. Scopes, the defendant?

A—No, sir.

Q—Have you formed or expressed an opinion as to the guilt or innocence of this defendant?

A—Well, I have to a certain extent.

Q—Have you talked to any witness, Mr. Taylor?

A—No, sir; I have not talked to any witness.

Q—Have you talked to any person who professed to know the facts?

A—Yes, I was present during part of the preliminary, I heard a part of the lawyer's talk. I never heard any of the evidence.

Q—You heard some of the argument in the preliminary?

A—Yes, sir.

Q—Mr. Taylor, here is the important thing I am going to ask you, could you wholly disregard any impression that you might have as to his guilt or innocence, and go into the jury box and try this case wholly on the law and the evidence?

A—Yes, I think I can.

Q—And any impression that you have now, would it have any influence on your verdict, do you think?

A—No, sir; I think I could.

Q—You could wholly disregard that?

A—Yes, sir.

Q—Eliminate it from your mind?

A—Yes, sir.

Q—And try the case as if you never heard it before?

A—Yes, sir.

Examination by Gordon McKenzie, Esq.:

Q—Now, Mr. Taylor, you could go into the jury box, and before you went into the jury box you could disregard any opinion you might have and give the defendant a fair trial?

A—You mean before I went into the jury box?

Q—Yes, before you went into the jury box you could disregard any opinion you might have and give the defendant a fair trial?

A—Yes, sir.

Q—In other words, it would not take any evidence to remove the opinion that you have, would it, Mr. Taylor?

A—Well, I have never heard any, that is, I never heard any witness; all I have heard is what I have read.

Q—And it would not take any evidence as I understand you to remove any opinion you might have?

A—Well, that is not strong enough to require that, I don't think.

Q—And you could give the defendant a fair and impartial trial?

A—Yes, sir.

Mr. McKenzie—I pass him to you, Colonel.

Re-examination by the court:

Q—What you mean, is, what you have read, you do not know whether it is true or not?

A—Well, I don't know much about it, just what I have read about it.

Q—Are you sure if you were chosen on the jury, when you sit down in the jury box, you could go in there with an open mind without any leaning or bias or prejudice against either side; could you do that?

A—Yes, sir.

The court—All right.

Examination by Mr. Darrow:

Q—Mr. Taylor, what is your business?

A—Farmer.

Q—How far from Dayton do you live?

A—Ten miles, east.

Q—You have been a farmer here for a good many years?

A—All my life, yes.

Q—Born in Tennessee?

A—Yes, sir.

Q—A member of any church organization?

A—What say?

Q—Are you a member of any church organization?

A—Yes, sir.

Q—What one?

A—Methodist Episcopal, South.

Q—Methodist Episcopal, South, that is what we call the Southern Methodist?

A—Yes, sir.

Q—You were present at the pre-

liminary hearing of Mr. Scopes?

A—I was in town that day, I heard Col. Neal, a part of his talk and a part of the other side.

Q—You just heard the lawyers talk?

A—Yes, sir.

Q—You would not pay much attention to that anyway?

A—I could not hear them, I was not close enough. I would pay attention to what I could hear, but I could not hear it, though.

Q—You have heard, about evolution, I suppose?

A—Oh, yes, I have heard of evolution all my life.

Q—Have you read any of it?

A—No, sir; I never read on evolution at all.

Q—Did you ever hear anybody talk against it or for it?

A—Well, I have heard lots of talk against it, and some talk for it, whether either one knew what they were talking about, I don't know. They might have been like me, did not know.

Q—You have not any opinion as you stand there now, as to whether it is a true doctrine or a false one?

A—No, I do not think I have. I could hear the evidence in the case and then decide.

Mr. Stewart—I submit that is not a proper interrogation, whether evolution is true or not. The correct test is whether or not he has an opinion that the defendant is guilty or not guilty.

Mr. Darrow—I was going to follow with that.

The court—Go ahead.

Mr. Darrow—I did not get up to that.

Mr. Stewart—My objection is, I do not think the other is proper.

The court—Yes, go ahead.

Q—(Mr. Darrow) You have not any opinion now as to whether Mr. Scopes ought to be convicted or discharged?

A—I do not know what he taught. I do not know anything about it, only what I have read.

Q—You have no prejudice against evolution?

A—No, sir; as far as I know evolution, I have not.

Q—You have no prejudice against Mr. Scopes, one way or the other?

A—No, sir.

Q—Mr. Taylor, you would not sit on a jury without you thought you could be perfectly fair?

A—I try to be fair wherever I am at.

Q—And you think your mind is in such shape that you could be perfectly fair?

A—Yes, sir.

Q—You went to the public schools here I suppose?

A—Not in this county.

Q—In Tennessee, I suppose?

A—Yes, sir.

Q—How far did you go?

A—When I went to school they did not grade like we do now, I went through high school.

Q—They taught science in the schools?

A—No, sir.

Q—Do you take many newspapers?

A—I take one, that is, one outside of the county, I take the county paper.

Q—Do you take a religious paper?

A—Yes, sir; I take a religious paper.

Q—How?

A—Yes, sir, one church paper.

Q—Have you read anything about evolution in it?

A—Yes, something about it. I have not read anything about evolution in a church paper. I see the headlines, but have not read it.

Q—Did you ever hear anybody speak on it?

A—Yes, sir; I have heard them speak, preach on it, that is, ministers of the gospel preach on it.

Q—What is that?

A—I have heard ministers of the gospel preach on it one time.

Q—Your own church?

A—Yes, sir; in my own church.

Q—Well, did you form any opinion on that account?

A—I don't know that he told me any more than I knew about it.

Q—Now, you say you are sure you will be fair of mind, I will not

ask any more questions, are you sure?

A—Yes, sir.

Mr. Darrow—All right.

The court—What do you say for the state?

Gen. Stewart—Sit down.

Tom Jackson (23), being duly sworn and examined on the voir dire, testified:

Examination by the court:

Q—Are you a householder and freeholder in Rhea county?

A—Yes, sir.

Q—Are you related by blood or marriage to Walter White, the prosecutor, or John T. Scopes, the defendant?

A—No, sir.

Q—Have you formed or expressed an opinion as to the guilt or innocence of this defendant?

A—Well, I do not know. I expect I have.

Q—Have you talked to any witness that professes to—

A—No, sir.

Q—Any person that professes to give the facts, Mr. Jackson?

A—No, sir.

Q—Do you think you have got an opinion in your mind as to whether or not he is guilty or innocent, a definite opinion?

A—No, sir, I don't know about that.

Q—You have no fixed opinion either way?

A—No, sir.

Q—You have not heard any of the proof?

A—No, sir.

Q—Just heard rumors?

A—Just rumors and newspaper reading, yes.

Q—Newspaper accounts?

A—Yes, sir.

Q—Did you read any account of the evidence that may have been given in the preliminary?

A—I don't think so.

Q—Just read the newspaper comments?

A—Yes, sir; just comments.

Q—You do not know whether they knew what the facts were or not?

A—No, sir.

Q—Don't know?

A—No, sir.

Q—Now, Mr. Jackson, could you go in the jury box, and wholly divest yourself of any impression you have and go in the jury box and try the case wholly upon the law and the evidence, being fair to both sides?

A—Yes, sir.

Q—You think you could?

A—Yes, sir; I think I could.

Q—Now, if you were chosen, Mr. Jackson, on the jury, could you just make up your mind before you hear any proof taken, whatever you read, you do not know whether it was true or not, would you go in the jury box with an open mind without leaning either way?

A—Yes, sir.

Q—You think you could, before hearing any proof?

A—Yes, sir.

The court—All right.

Mr. McKenzie—You live up near Spring City?

A—Yes, sir.

Mr. McKenzie—Pass him to you, Colonel.

Examination by Mr. Darrow:

Q—You are a farmer?

A—Yes, sir.

Q—You have lived most of your life in Tennessee?

A—Well, sir, I have been all over the United States, I suppose, almost.

Q—Where else have you lived?

A—Oh, I have not lived, I have traveled around, just from one state to another.

Q—What is your kind of work?

A—Farmer.

Q—When you traveled around, was that just to see the country, or working?

A—No, sir. I was in the United States army.

Q—And when did you get out of the army?

A—1912; December, 1912.

Q—When did you go in?

A—Oct. 9, or October, 1909.

Q—1909?

A—1909.

Q—What is your age now?

A—Forty-three.

Q—You went to school here in Tennessee?

A—Yes, sir.

Q—Now, whereabouts do you live now?

A—Spring City.

Q—How far is that from here?

A—It is about sixteen or eighteen miles.

Q—And what do you do now for a living?

A—Farming.

Q—A farm of your own?

A—Yes, sir.

Q—Do you belong to the church?

A—Yes, sir.

Q—What one?

A—Methodist, Southern Methodist.

Q—You have belonged to that church most of your life, I suppose?

A—No, sir; six or seven years.

Q—Join it here?

A—I belong at Washington.

Q—Now, have you ever heard anything about evolution?

A—I have read about it, yes, sir.

Q—Do you remember what you read it in?

A—Newspapers.

Gen. Stewart—Talk louder, please.

Q—(Mr. Darrow) If you will face the court, I will hear and my friend will hear you over there. All of us will hear. You have read in the newspapers, anywhere else?

A—I do not know. I may have read in magazines, something like that, just through reading.

Q—You do read magazines, do you?

A—Yes, sir.

Q—Do you take any magazines?

A—No, sir; not now.

Q—Have you ever heard anybody talk about it, make speeches or sermons?

A—No, sir; not public speeches.

Q—You have heard this case talked about?

A—Yes, sir.

Q—By people around town or people in your town?

A—Yes, sir.

Q—You have heard them say what they thought about it?

A—Well, some I have, yes, sir.

Q—Well, now I am not asking what you thought about it, but have you ever expressed your opinion as we call it?

A—Well, I don't know, I might have done so.

Q—How?

A—I might have done so. I don't know.

Q—Well, if you had you don't remember, is that right? If you have, you do not remember. If you know

A—I don't.

Q—What?

A—I don't know, I expect I have. It is the general talk all over the community, all over the county, all over the country since this came up.

Q—You need not tell me now what you said, but do you remember now what you said?

A—No, sir.

Q—Well, have you any opinion now as to what should be done in this case? You need not tell what it is, but have you an opinion?

A—Do you mean as to the guilt or innocence?

Q—Yes.

A—No, sir.

Q—Have you any opinion as to what ought to be done if you are a juror, I mean, at this time?

A—No, sir.

Q—Have you any opinion on evolution at all?

A—I have, yes.

Q—How long have you had it?

A—Well, I have been almost since

Gen. Stewart—We except to that, if the court please?

The court—I am not sure whether that would be competent or not, Colonel. I think the question is whether or not he has an opinion as to the guilt or innocence of this defendant.

Mr. Darrow—That is my—

The court—Of course, for your own information, I might allow you to ask about that, that you might determine whether or not you would wish to peremptorily challenge him.

Mr. Darrow—Yes. Have you got a strong opinion one way of the other on evolution?

A—Yes, I have my opinion on evolution, yes.

Q—Do you know where you got it?

A—I got it from the Bible.
 Q—Have you any opinion from what you have heard, whether Mr. Scopes taught evolution?
 A—No, sir; I do not know anything about that.
 Q—You have a prejudice against evolution, have not you?
 A—Well, to some extent, I suppose I have.
 Q—And against teaching it?
 A—Yes, I am against teaching evolution—evolution of man, not evolution of the mind.
 Q—Of the man?
 A—Of the man, yes.
 Q—But not of the mind?
 A—No, sir.
 Q—Do you think you would be a fair juror in this case, where Mr. Scopes is charged with teaching evolution?
 A—I don't know, I would do the best I could.
 Q—I think I know what kind of a mind you have got. I think you want to be perfectly fair. Mr. Scopes is here charged with teaching evolution. You have told us about your opinion on evolution. Now, you can tell better than the lawyers on either side, and better than I, or better than the judge, as to whether you think you would be a perfectly fair man to try Mr. Scopes.
 The court—Do you think you could be fair?
 A—Yes, sir.
 The court—All right.
 Mr. Darrow:
 Q—If you were unlucky enough to be a defendant, would you think you would get a perfectly fair trial from one who feels as you do?
 A—Yes, sir.
 Q—Have you any feeling or prejudice against a man because he believes in evolution?
 A—No, sir.
 Q—Or because he disagrees with you in religious matters?
 A—No, sir; that is his own affair.
 Q—What?
 A—That is his own affair; no, sir.
 Mr. Darrow—May we have a minute for consultation?
 Q—If you were on a jury, would

you care what anybody else thought about it, so long as you did what you thought was right?

A—Yes, sir. I would just do whatever I thought was right and would be what I would do, if I thought I was right, I would still be right, I would stay right.

Mr. Darrow—We will excuse him.
 The court—Excused by the defendant.

R. L. Gentry, being examined on his voir dire, testified as follows:

Examination by the court:

Q—Mr. Gentry, raise your right hand please. Do you solemnly swear you will make true answers to all such questions as may be asked you in the present inquiry?

A—Yes, sir.
 Q—Are you a householder and freeholder of Rhea County?

A—Yes, sir.
 Q—Are you related to Walter White, the prosecutor in this case?

A—No, sir.
 Q—Have you formed or expressed an opinion as to the guilt or innocence of the defendant in this case?

A—No, sir.
 Q—You don't know anything of the facts, Mr. Gentry?

A—Not only what I have heard.
 Q—Do you know whether that is true or not?

A—Only what I have seen in the papers.

Q—Sometimes you don't know whether everything you read in the papers is true or not?

A—No, sir.
 Q—You have no fixed or definite opinion, present ideas as to his guilt or innocence?

A—No, sir.
 Q—Could you go in the jury box and try the case according to the law and the evidence?

A—Yes, sir.
 The court—Competent juror.

Gen. Stewart—Ask him about his relationship to Mr. Scopes.

The court—I did that.
 Gen. Stewart—You asked him about the prosecutor, but not about Scopes, the defendant.

The court—Are you related to the prosecutor or to J. T. Scopes, the defendant?

A—No, sir.
 Mr. McKenzie—You can ask Prof. Gentry, Col. Darrow. We pass him to you.

Examination by Mr. Darrow:
 Q—Where do you live?

A—I live about two miles from here.

Q—Farm?
 A—Yes, farmer and teacher.

Q—How is that?
 A—Farmer and teacher in the public school.

Q—Been teaching in the public schools here in Tennessee?

A—Yes, sir, in Rhea county.

Q—How long?
 A—About twenty years. I came here in 1901, over twenty years.

Q—Do you own your own farm?

A—Yes, sir.
 Q—How large a farm?

A—Right about 106 acres.
 Q—And for how many years have you been teaching and farming?

A—Several years.
 Q—Are you still teaching?

A—Yes, sir.
 Q—Winters?

A—I teach in the fall. Start in August and teach the winter months.

Q—You have a family, I take it?

A—Yes, sir.
 Q—Belong to some church?

A—Belong to the Baptist.
 Q—Been a Baptist for a good many years?

A—Well, about twenty-five years.
 Q—Never belonged to any other church?

A—No, sir.
 Q—Common school you teach in?

A—Yes, sir.
 Q—Do you teach in the high school?

A—No, sir.
 Q—Do you read the papers?

A—Yes, sir.
 Q—And magazines?

A—Yes, sir.
 Q—Do you go to church in town or out where you live?

A—Go out where I live and come to town some.

Q—You visit around a little?

A—Yes, sir.
 Q—Well now, you have, of course, read and thought some about the theory of evolution, have you?

A—Yes, sir; I read the books and taught evolution.

Mr. Darrow—Read that answer.
 Mrs. McCloskey (court reporter):

A—Yes, sir, I read the books and taught evolution.

Mr. Darrow:
 Q—How long have you been reading?

A—I don't know; a long time.
 Q—I don't ask you to be exact.

A—I started when I was a school boy and read those books. I have read them off and on all my life.

Q—Still read them?

A—Yes, sir, I have and read them once in a while when I want to refer to something. I have read them all my life.

Q—Well, I am asking your opinion, but you have an opinion, haven't you?

A—Of course a person would have an opinion about such as that if he had thought and read about it.

Q—You could not give Mr. Scopes a fair trial?

A—Yes, sir, I think so.
 Q—You know pretty well?

A—Well, I know I could.
 Q—Probably I oughtn't to ask you this question, but if you were sitting here as a juror, of course, you know how important that is, don't you?

A—Yes, sir.
 Q—You know how important this matter is, and that it has caused a great deal of discussion?

A—Yes, sir.
 Q—And you know there are people who feel pretty strong on both sides?

A—Yes, sir, I know that.
 Q—And you are a school teacher?

A—Yes, sir.
 Q—Do you think it would embarrass you in your position as school-teacher, embarrass you any as a juror?

A—Well, not as I know of any.
 Court—Would it have any weight with you in the jury box, Mr. Gentry?

A—No, sir.

Mr. Darrow:

Q—Whatever it meant to you you would decide it the way you think it ought to be?

A—According to the evidence, yes, sir.

Q—Did you ever hear anybody speak against evolution?

A—Yes, sir.

Q—Here?

A—Yes, sir.

Q—Did you ever hear Mr. Brown speak against it?

A—No, sir.

Q—Some of the ministers here?

A—I heard this fellow Martin. I have heard him several times speak against it. I have heard several preachers speak against it.

Q—Did you ever hear anybody speak for it?

A—Yes, sir.

Q—I am not asking you now to express any opinion. I am trying to find out whether you have one. Have you read the Bible lately?

A—Yes, sir, I have read the Bible a great deal.

Q—Have you ever yourself formed any opinion from the theory of evolution that it is in conflict with the Bible? I am not asking you to tell what that opinion is, but have you formed any?

Gen. Stewart—We except to that.

Court—I think he is asking that to see whether or not he should use a peremptory challenge. That is my ruling.

Mr. Darrow—Your Honor ruled my way and I am satisfied. I don't believe there can be any offense in this case unless a jury should find from the evidence that the teaching of the origin of man, as taught by Mr. Scopes, was in conflict with the Bible theory.

Court—I anticipate that question will arise and I have to pass on it later on, perhaps.

Mr. Darrow—I didn't want the court to get set on it. I am satisfied.

Court—I am not going to get set on anything but a chair right now.

Mr. Darrow—You may have to get set on something else later.

Court—Yes.

Mr. Darrow—I want to register with your honor that I consider I have the right to challenge for cause, although I have no such idea now.

Court—Yes, sir.

Mr. Darrow:

Q—Have you read the various books and magazine discussions that bear upon the question of whether there is a conflict between—

A—No, I haven't read very much of that.

Q—Have you read any of them?

A—I have read a little magazine here, a little while ago, called *The Conflict*, that is the name of it, and another one called *The Present Fruit*, that says that the Bible and evolution are contrary. They can't go together.

Q—You have been reading evolution for thirty or thirty-five years, have you, more or less?

A—Yes, sir, something like thirty years.

Q—And have you been reading the Bible that long?

A—Yes, sir.

Q—You have settled in your own mind without reading the little magazine as to whether you think they are in conflict?

A—Yes, yes, sir.

Q—That is something you read lately, that *Conflict*?

A—Yes, sir, a few days ago.

Q—You didn't study evolution under Martin?

A—Under who?

Q—Under Martin?

A—No, sir.

Q—I will just ask you this question. Do you think you would be a perfectly fair juror?

A—Could I have—

Q—Yes?

A—Yes, sir.

Q—That is all.

The Court—What do you say for the state?

Mr. McKenzie—Have a seat, professor.

The Court—Have a seat, professor. Call the next man.

J. C. Dunlap, being examined on his voir dire, testified as follows:

Examination by the court:

Q—Do you solemnly swear you

will true answers make to all questions asked you touching your qualifications as a juror?

A—Yes, sir.

Q—Are you a householder or freeholder of Rhea County?

A—Yes, sir.

Q—Are you related by blood or marriage to the prosecutor, Walter White, or Mr. Scopes, the defendant?

A—No, sir.

Q—Have you formed or expressed an opinion as to the guilt or innocence of Scopes, the defendant?

A—To some extent, yes, sir.

Q—Have you heard any of the proof?

A—No, sir.

The Court—Have you talked with any person who professed to know the facts?

A—I had a conversation with Mr. Scopes way back there. My knowledge of it, just as to his action. I don't know what he taught.

Q—Did he undertake to tell you what the facts were in this case, Mr. Dunlap?

A—No, sir.

Q—That was back before he was arrested or charged with this offense?

A—That was, I believe it was just after he was indicted.

Q—Mr. Dunlap, have you any definite or fixed opinion in your mind as to the guilt or innocence of the defendant?

A—No, sir.

Q—Have not?

A—No, sir.

Q—Did you know whether any of the remarks you heard were true or false, did you have any definite information as to that?

A—No, sir.

Q—Could you go in the jury box, Mr. Dunlap, and wholly disregard any impression or opinion you have and try the case wholly upon the law and evidence and return a fair verdict to both sides?

A—Yes, sir.

Q—You say you could?

Q—Could you go in the jury box before hearing any proof with an

open mind, without any leaning or bias to either side?

A—Did you understand when I said I heard it that I know what he had taught?

The Court—Yes.

A—What he taught I don't know.

Q—Independent of that could you go in the jury box without any bias or leaning, and take your seat in the jury box without hearing any proof and be absolutely fair to both sides?

A—Yes, sir.

The Court—Competent juror.

Examination by Gordon McKenzie:

Q—Mr. Dunlap, have you been on the regular panel in the last two years?

A—No, sir.

Q—Let me see if I understand you. You make the statement that you knew that Mr. Scopes was teaching this in high school, is that right?

A—I knew that he taught this textbook, yes, sir.

Q—And you have read the textbook?

A—No, sir.

Q—Have you read a portion of the textbook it is claimed Prof. Scopes did teach?

A—No, sir.

Q—You never read that?

A—No, sir.

Q—As I understand you, you have got an opinion like the rest of them?

A—Just as I said. I know he taught, and that is far as my knowing goes.

Q—Of course your opinion is made up on what you have heard that he had taught?

A—No, I don't know what he has taught. All I know—

The Court—You just know he is a school-teacher.

Mr. McKenzie:

Q—What is it then you do know in conflict that he has taught?

A—I don't know a thing he has taught. All I know is what the newspapers claimed he taught, evolution.

Q—Now, then, from that did you form an opinion?

A—No, sir.

Q—Didn't form any at all?

A—No, sir.

Q—As to the guilt or innocence of Prof. Scopes?

A—No, sir; that is what I mean.

Q—You talked to Prof. Scopes in regard to the case?

A—At that time, yes, sir.

Q—And heard him say as to what he taught?

A—No, sir.

Q—What did he talk to you in regard to what he taught?

A—He just made the statement, someone asked him—I was in the conversation and I don't remember what the conversation was, someone asked him if he taught evolution and he made the remark that he taught what was in the textbook. That was way back there.

Q—Still you didn't form an opinion?

A—I say I am sure he taught what was in that book. I am confident of that.

Q—You still didn't form any opinion about it, after he said he had taught that?

A—Not as to his guilt or innocence as to this indictment, no, sir.

Mr. McKenzie—I will pass him to you, Colonel. Just a second, please.

Q—Mr. Dunlap, do you know where F. E. Robinson Company place is, where it started?

A—Yes, sir.

Q—I will ask you if you haven't participated in a number of arguments down there time and again in regard to this case?

A—Oh, yes.

Q—And after you have taken the affirmative or negative of this question, then you want the court to understand you have no opinion even though you have argued it down there at the drug store?

A—Mr. McKenzie, the point I am trying to make is if he is guilty of teaching evolution as the law defines it, someone smarter than I am will have to tell you. I know he taught school in the state and we have argued it and everybody else.

Q—As I understand you, Mr. Dunlap, if the statute should say that this man should not teach anything contrary to the Divine Creation of man as taught in the Bible and this

textbook that you have spoken of teaches something contrary to that, then you would still have to have additional evidence before you could arrive at it, as to whether or not he was innocent or guilty?

Mr. Darrow—That question is argumentative.

Mr. McKenzie—I am trying to ascertain what his opinion is in regard to the matter.

The Court—I rather think your question was a little involved, Mr. McKenzie. Ask him again, I didn't get that.

Mr. McKenzie:

Q—I say if this law should state that no theory shall be taught that conflicts with the story of the creation of man as taught in the Bible and then this textbook teaches that man evolved from a one-cell animal, then you think it would take still additional proof?

A—No, sir, if that testimony would come up in the trial my mind would be made up.

Mr. McKenzie—I submit, if the court please, he would not be competent.

The Court—I understand the attorney-general insists that—

Gen. Stewart—I understood this gentleman here to say he had a conversation with Mr. Scopes, in which Scopes told him that he taught evolution and if that is true I think that would disqualify the man as a juror.

The Court—Is that what you said, Mr. Dunlap?

A—I really don't remember what was said, whether he said that or not. I am under the impression he said he taught what was in the textbook.

Q—Is that all he said, you think?

A—That is all I remember.

Gen. Stewart—I understood him to say he told he had taught evolution.

Mr. Darrow—May I object to the question as to whether he told him he taught evolution? They have insisted that under the question here, the question as to whether a man came from some lower form, that that is in conflict with the Bible and

it has got to be proven by them to make the case here.

Gen. Stewart—That is not in order here. I don't think that should be argued before these prospective jurors.

The Court—I think you are correct about that.

Q—Mr. Dunlap, have you any fixed opinion in your mind at all as to the guilt or innocence of this defendant? You know what he is charged with?

A—I have not as far as the indictment is concerned.

Q—In any way have you any fixed opinion that he is guilty or not guilty? I don't want to know what your opinion is, without any modifications.

A—I couldn't say he was guilty without some more evidence.

Q—Have you any fixed opinion now in your mind either way is what I want to know?

A—No, sir.

Q—None at all?

A—No, sir.

Q—You think anything you have heard said about it would have any influence on your verdict at all?

A—Yes, what I have heard would have a little influence on my verdict. The point I am trying to make is this, I can't be fair about it.

Q—That is what I want you to say?

A—I believe his statement that he taught evolution. As it was set down in that textbook. Now if that is a violation and it breaks the law, I have got a fixed opinion.

Q—Do you think now what you have heard or what you have read or what you know might have any weight with you in the jury box?

A—Yes, it is bound to.

The Court—I will excuse you, Mr. Dunlap.

W. A. Ault, on the examination on his voir dire, testified as follows:

Examination by the court:

Q—Do you solemnly swear that you will true answers make to all questions asked you touching your qualifications as a juror?

A—Yes, sir.

Q—Are you related by blood or

marriage to Walter White, the prosecutor or J. T. Scopes, the defendant?

A—No, sir.

Q—Are you a freeholder or householder of Rhea county?

A—Yes, sir.

Q—Have you formed or expressed an opinion as to the guilt or innocence of the defendant?

A—No, sir.

The Court—Let's have order in court. I am going to have to exclude someone if you don't keep quiet, and if we put you out you will have to stay out.

Q—Mr. Ault, have you heard something of the case?

A—Yes, sir.

Q—Could you go in the jury box and wholly disregard whatever you have heard and try the case and be fair to both sides?

A—Yes, sir.

Mr. McKenzie—Pass him to you, Colonel.

Examination by Mr. Darrow:

Q—Mr. Ault, are you a married man?

A—Yes, sir.

Q—You are a merchant here?

A—Yes, sir.

Q—Have been for a good many years?

A—Yes, sir.

Q—Born in Tennessee?

A—Yes, sir.

Q—Member of any church?

A—Yes, sir.

Q—What one?

A—Baptist.

Q—Been a member a long time?

A—Yes, sir.

Q—Did you ever hear about evolution?

A—Yes, sir, I have read about it.

Q—You have a definite opinion about it?

A—To a certain extent. I believe evolution is progress or whatever you want to call it.

Q—Is that all the belief you have about evolution?

A—Yes, sir.

Gen. Stewart—We except to all that. I don't think it is proper to go into what he believes about it.

The Court—Not except for his information.

Mr. Darrow—Have you any positive opinion as to whether man is the development of a lower section?

A—Yes, sir.

Q—Very decided on that, aren't you?

A—Yes, sir.

Q—You have heard a good many people talk about it?

A—Yes, sir.

Q—Heard Mr. Bryan talk about it?

A—Yes, sir; not on just that subject. I have heard him talking on evolution at the banquet; that is the only time I heard him.

Q—Did you hear anybody else talk about it?

A—Yes, sir. I have heard it on both sides. I think I heard you talk some about it.

Q—Didn't hear me talking about evolution, did you?

A—A little bit.

Q—You didn't believe it if you did, did you?

A—I don't fall out with a man on what he thinks.

Q—You have a very definite and fixed opinion about that question, haven't you?

A—As to a man coming from a lower order?

Q—Yes.

A—Yes, sir.

Q—And you have an opinion as to whether Mr. Scopes taught it, haven't you?

A—No, sir, I haven't. I didn't know about what he had taught. I didn't know he was teaching.

Q—You have heard about it?

A—Heard about him teaching, but didn't know what he taught.

Q—You have heard what he taught?

A—Yes, sir.

Q—You have heard it stated frequently, haven't you?

A—Yes, sir.

Q—Have you formed any opinion about Mr. Scopes' guilt or innocence in this case now?

A—I have not, Colonel.

Q—No opinion of any sort?

A—Not as to guilt or innocence. I have an opinion as to evolution.

Q—Would that opinion prejudice you any in this case?

A—Not a bit.

Mr. Darrow—We will take him.

Mr. McKenzie—Have a seat.

Mr. Darrow—Wait a minute, your honor.

The Court—I thought you said you would take him.

Mr. Darrow—No, not for some time, your honor.

Q—Do you think you would be a fair juror to Mr. Scopes?

A—Yes, sir.

Mr. Darrow—We will excuse him.

No. 2, Will Weir.

Examination by the court:

Q—Mr. Weir, are you a household-er or freeholder of Rhea county?

A—Yes, sir.

Q—Are you related to the prosecu-tor, Walter White, or the defendant, John T. Scopes?

A—No, sir.

Q—Have you formed or expressed an opinion as to the guilt or inno-cence of this defendant?

A—Yes, sir.

Q—From what, Mr. Weir?

A—I am a teacher myself, and have been teaching that book. I have read it very carefully since this case came up, have studied it very closely so as to understand it if it was necessary for me to teach it.

Q—You have a very definite opin-ion as to his guilt or innocence?

A—Yes, sir, I have.

Q—Your opinion would have some weight with you in the jury box?

A—I am afraid it would, sir.

Court—You may be excused.

No. 6, J. R. Thompson.

Being duly sworn, was examined as follows by the court:

Q—Capt. Thompson, are you a household-er or freeholder in this county?

A—Both.

Q—Are you related to Walter White, the prosecutor, or John T. Scopes, the defendant, by blood or marriage?

A—No, sir.

Q—Have you formed or expressed an opinion as to the guilt or inno-cence of this defendant?

A—I don't think I have, Judge.

Q—Well, have you any definite or

fixed opinion, captain; a fixed opin-ion about—?

A—As to whether he is guilty or innocent?

Q—As to whether he is guilty or innocent?

A—No, sir.

Q—Captain, could you go into the jury box and try this case free from passion or prejudice, divesting your-self of any opinion you may have, and try this case according to the law and the evidence?

A—I think I could, sir.

Court—He is a competent juror.

J. G. McKenzie—We pass Capt. Thompson to you.

Examination by Mr. Darrow:

Q—You have lived here a good many years?

A—Yes, sir. I have lived in this county all my life. I haven't been here all my life; I was born in this county and raised here.

Q—You are a United States mar-shal?

A—Yes, sir, I was, for six—or five years during Wilson's administration.

Mr. Darrow—That doesn't prej-udice you with me.

Q—Where were you stationed?

A—Knoxville.

Q—All your life you have lived at Dayton?

A—I didn't live at Dayton; I lived about the center of the county, Gen-eral.

Q—You aren't a farmer, are you?

A—I own a farm; I am no farmer.

Q—That is different. Are you in any other business?

A—No, sir, not at this time.

Q—Do you know Mr. Scopes?

A—I do not. I hardly know the man by sight. I have seen him; I have seen him on the streets since I have been here, but as to knowing him, I don't.

Q—I presume that you belong to the church?

A—I do. I am not a good member, not as good as I ought to be.

Q—Of what church?

A—Methodist.

Q—Do you work at it very hard?

A—Well, no, sir; not as hard as I ought to.

Q—Is that church here at Dayton?

A—No, sir; it is up in the country.

Q—You go sometimes?

A—I beg your pardon?

Q—You go to church sometimes?

A—Yes, I do.

Q—Your wife probably goes more than you do.

A—More than I do.

Q—Well, now, do you read much?

A—I am not an extensive reader, outside of magazines and newspa-pers; I am not a book reader.

Q—You are not a book reader?

A—No, sir.

Q—Do you take a number of maga-zines?

A—No, sir, I can't say that I do; I read a great many magazines, but am not a subscriber.

Q—Have you ever heard evolution argued?

A—Yes, I have read that a good deal, and also in the papers.

Q—Now, Mr. Scopes is charged with violating the law. Have you ever given much, if any, attention to the question of evolution?

A—I never have.

Q—That is one of the things you have not studied?

A—No, sir.

Q—You haven't any opinion about it at the present time?

A—Well, I couldn't say that I have no opinion. I have never—it is a question I have made no study of.

Q—So your opinion would not be worth much?

A—No, I don't think it would be, General.

Q—Most of us have opinions on everything?

A—That is true.

Q—And a good many things of which we don't know a thing about?

A—And ought to know more than I do.

Q—Well, you know yourself; you do not know enough about it to form an opinion at this time, a decided opinion; that is an important ques-tion you haven't studied, and on it your opinion would not be worth much?

A—I don't think my opinion on evolution would be worth very much to the court or to any court or on the outside generally because it is a

question I have never studied, General; I have never made a study of it.

Q—You are perfectly competent to try this case here with fairness, aren't you?

A—Why, I would be on that subject, yes.

Q—You wouldn't want to work in such a case?

A—I had not rather work at all.

Q—You would listen to the evidence and—

A—I certainly would try to listen to it as much as I could. I don't know how much attention I would pay to the lawyers.

Q—Well, perhaps you are right about that, but you would try to inform yourself?

A—I would, yes, sir.

Q—Sincerely and honestly?

A—Yes, sir.

Q—Anyhow, if you were a juror you would want to do right and get it right?

A—I would do that; yes, sir; I wouldn't want to do anything else.

Q—You think you are in a frame of mind to do what is right in this case, don't you?

A—I think so, yes, sir.

Q—And do your duty, would you?

A—I would try.

Q—Anyhow, if you thought you would not be perfectly fair you would tell us, wouldn't you?

A—I would.

Q—You haven't anything against Mr. Scopes?

A—And nobody else.

Q—So you wouldn't hold out on him?

A—No, sir.

Q—You haven't heard anybody talk about evolution?

A—General, it has been talked about, especially in this section, since this case came up. I have heard it talked about pro and con, especially since this case came up in this county.

Q—There has been something about it since this case came up?

A—Seems so, yes, sir.

Q—Do you know whether you have heard anybody talk about it who knew anything about it, that you know of?

A—I don't think I have heard anybody talk about it except just generally. I haven't mixed up with the farmers, and the reason I don't know any more about it than I do is perhaps they didn't know much more about it than I did.

Q—That is probably right. Now, let me ask you a little more.

A—Yes, sir; glad to have it.

Q—You are a church member. Are you much of a Bible student?

A—No, sir.

Q—You don't pretend to be very much posted on the Bible, do you?

A—I do not.

Q—And if it was necessary for you to have kept posted, you would not have permitted it to prejudice you one way or another?

A—I have no prejudice whatever.

Mr. Darrow—I can see no reason why I should not take you for a juror. Of course, they would rather not have you on the other side; we are not prejudiced.

A—That is to be left up to you.

Q—Well, you think you can decide it without prejudice?

A—I wouldn't be willing to go into the jury box unless I could.

Q—But you are willing to go in?

A—I prefer not to go.

Q—We understand that. But you think you could be perfectly fair as a juror?

A—Yes, sir.

Q—Unless you would, you would tell me so readily and openly?

A—I do think so, yes, sir.

Mr. Darrow—All right; have a seat. Venireman No. 1, W. B. Smith, was duly sworn and examined as follows by the court:

Q—Are you a householder or freeholder in this county?

A—Yes, sir.

Q—Are you related to the prosecutor, Walter White, or the defendant, J. T. Scopes, by blood or marriage?

A—No, sir.

Q—Have you formed or expressed an opinion as to the guilt or innocence of the defendant?

A—A kind of one, yes, sir.

Q—The main thing I want to know is whether you have a definite, fixed opinion as to his guilt or innocence?

Have you done so?

A—I don't think so.

Q—You have not?

A—No, sir.

Q—Have you heard of the case?

A—Yes, sir.

Q—Heard some rumor about it?

A—Yes, sir.

Q—You haven't heard any of the proof?

A—No, sir.

Q—Has any one undertaken to detail to you what the facts were?

A—I don't think so; no, sir.

Q—Now, Mr. Smith, if you were a juror, in the jury box, could you go into the box and try the case wholly on the law and the evidence, and render a fair verdict to both sides?

A—I think so.

Court—Competent juror.

Mr. J. G. McKenzie—Ask 'Squire Smith, Col. Darrow.

Talesman—I have been on the regular panel in less than two years.

Mr. Darrow—You have been on the regular panel in less than two years?

Talesman—Yes, sir.

Mr. Darrow—I suppose this entitles him to be excused?

Court—No, sir; it entitles you to challenge him for cause.

Mr. Darrow—Hadn't I better find out whether I like him, first, Judge?

Examination by Mr. Darrow, for defense:

Q—Mr. Smith, do you know anything about evolution?

A—I do not; no, sir.

Q—You would like to find out, would you?

A—I ain't wanting nothing about it.

Q—Are you a member of the church?

A—Yes, sir.

Mr. Darrow—Speak a little louder.

A—Yes, sir.

Q—Of what church?

A—Baptist.

Court Officer—You will have to quit talking over there.

Court—I indorse what you say, captain.

Q—Are you a farmer?

A—Yes, sir.

Q—You really work at it?

A—What did you say?

Q—Do you run your own farm?

A—Yes, sir, but I haven't this year. I have rented it; got it rented out.

Q—You live near here, do you?

A—Nearly six miles.

Q—I don't blame you for being weary. Are you a regular church attendant?

A—About once a month.

Q—That is regular, isn't it? Did you ever hear any preacher talking about evolution?

A—Yes, sir.

Q—Did you find out anything?

A—I don't think I did; I don't know; I didn't know what they were talking about.

Q—You have never heard anything about it, and don't pretend to know anything about it? Is that right?

A—That is right, yes, sir.

Q—You haven't any opinion one way or another?

A—No, sir.

Q—And you don't know Mr. Scopes here, do you?

A—No, sir.

Q—You haven't anything against him, then?

A—No, sir.

Q—You haven't any opinion in the case?

A—No, sir.

Q—Have you been much of a Bible reader?

A—I have read the Bible some.

Q—You have never read it clear through?

A—I guess not.

Q—You have never given a great deal of attention to it, have you? To reading it, I mean.

A—I have read the Bible right smart.

Q—How is that?

A—I have read the Bible right smart, yes, sir.

Q—Did you ever have any opinion, or try to have any opinion on whether the Bible was against evolution or not?

A—I never gave it any thought that way.

Q—You never gave it any thought that way?

A—No, sir.

Q—You have thought about both of them, to be sure, haven't you?

Is there any reason why you could not be a fair juror?

A—Which?

Q—There is not any reason why you could not be a fair juror, is there?

A—No, sir, I believe not.

Q—Did you ever hear many people talk about this case?

A—Yes, I have heard a heap of talk about it in the past three or four months.

Q—Have you paid much attention to it?

A—Yes, I guess I have.

Q—You have heard talk on both sides, haven't you?

A—Yes, sir.

Q—You haven't been able to make up your mind yet, have you?

A—I have not, no, sir; I haven't decided myself.

Q—What?

A—I have not decided myself, except I have heard people talking about it.

Q—You don't know whether anybody who talked about it knew anything about it, do you?

A—No, sir.

Q—Nobody but the lawyers know anything about it? You just let it go and paid no attention to it? You haven't any prejudice? How is that? Do you know what your neighbors think about it?

A—I do not, no, sir.

Q—Do you care?

A—No, sir.

Q—It doesn't make any difference to you what anybody says?

A—No, sir.

Q—You would do what you thought was right, would you?

A—Yes, sir.

Mr. Darrow—I think you would, too. You are a juror.

Court—What do you say, gentlemen?

J. G. McKenzie—Have a seat.

Mr. Darrow—I wasn't through.

Court—I beg your pardon; I thought you said, "You are a juror."

J. G. McKenzie—I thought so, too, or I would have waited.

Mr. Darrow—I agree, but the state had not challenged, as I understand it. Your practice is different.

Venireman J. T. Leuty was duly sworn and replied as follows to questions asked by the court:

Q—Are you a householder or freeholder in this county?

A—Yes, sir.

Q—Are you related to Walter White, the prosecutor, or to J. T. Scopes, the defendant?

A—No, sir.

Q—Have you formed or expressed an opinion as to the guilt or innocence of this defendant?

A—No, sir.

Q—Have you no opinion about his guilt or innocence?

A—Rumor.

Q—Just due to rumor?

A—Yes, sir.

Q—You have had no definite information?

A—No, sir.

Q—If chosen on the jury, could you go into the box without prejudice or bias either way, and try the case on the law and the evidence?

A—Yes, sir.

Court—He is a competent juror.

J. G. McKenzie—Col. Darrow, did you accept 'Squire Smith?

Mr. Darrow—Oh, yes.

Examination by J. G. McKenzie:

Q—Mr. Leuty, you say you have been hearing about this case?

A—No, sir, just talk.

Q—And the first fact discussed was in regard to the arrest of Mr. Scopes?

A—Well, I think that—

Q—When he was arrested?

A—Yes, sir.

Q—And of course everybody formed an opinion, and naturally would? That's right?

Mr. Darrow—Did he answer that?

A—No, I didn't exactly form an opinion or anything about it.

Q—Did you form any opinion at all? You didn't form any opinion at all?

A—No, sir; I didn't hear any evidence in this case, and didn't form any opinion at all.

Q—You didn't form any opinion from what you heard other people say?

A—No, sir.

Q—And haven't an opinion now?

A—No, sir.

Q—You have not been on the regular jury panel in the last two years?

A—No, sir.

Q—You have no suit against you up here?

A—No, sir.

Mr. J. G. McKenzie—We pass him to you.

Examination by Mr. Darrow:

J. G. McKenzie—I want to ask one question: What church do you belong to?

A—None.

Mr. McKenzie—What orders?

A—K. P.

(Examination resumed by Mr. Darrow):

Q—Have you ever been a member of a church?

A—No, sir.

Q—How long have you lived here?

A—All my life.

Q—What is your business?

A—Well, I am a kind of a farmer now.

Q—Have you ever been in any other business?

A—Yes, sir; I have been clerking in a store.

Q—Here in Dayton?

A—Sir?

Q—Here in Dayton?

A—No, sir; I live in Rhea Springs.

Q—That is in this county?

A—Yes, sir.

Q—You have never studied evolution?

A—No, sir.

Q—Are you much of a reader?

A—I read some. I used to read a great deal.

Q—Books?

A—Yes, and magazines and newspapers. Used to read books.

Q—You used to read books. And you went to school here, I suppose, rather than where you live now?

A—I went to the public schools in Rhea county.

Q—Did you ever hear anybody talk about evolution?

A—Oh, well, I have heard it talked about when they got this question up.

Q—I didn't get your answer.

A—I say I have heard them talking about evolution since this question has been up.

Q—They never talked about it before down here, did they?

A—Well, they might in a general way, but people never paid much attention to it.

Q—Well, you have not heard it talked about; nobody else has talked about it, and all the information you have has been since this case came up?

A—Yes, sir.

Q—You have not any prejudice against the doctrine or idea of evolution?

A—No, sir.

Q—Have you ever heard of Mr. Scopes?

A—I have heard of him, yes, sir.

Q—You don't know him?

A—No, sir.

Q—You are not prejudiced against him?

A—No, sir.

Q—You have never made any comment on this case?

A—No, sir.

Q—You will be perfectly fair in dealing with it?

Q—I just want to ask you this—you are a farmer, now?

A—Yes, sir.

Q—You have a family, I suppose?

A—Yes, sir.

Q—You don't know what your neighbors think about this case?

A—I suppose some of them have thought about it.

Q—You wouldn't care what they thought if you were on this jury?

A—No, it wouldn't make any difference to me if I was on this jury.

Q—If you were on the jury it would not make any difference to you what your neighbors thought?

A—No, sir.

Mr. J. G. McKenzie—Challenge by the state.

The Court—Mr. Leuty, we will excuse you.

Mr. Darrow—Have they got a right to do that?

The Court—Colonel, perhaps you don't understand our practice.

The Court—They examine a juror. They pass him to you, and you can examine him and say that you pass him back; then they have the right to challenge him. They

have a right to pass him back and then you take him or reject him. That is our practice.

Mr. Darrow—I thought they were trying to put something over on us.

The Court—No, if they tried to I would not let them.

Mr. Darrow—Don't let them. Venireman No. 6, Jess Goodrich, being duly sworn, was examined as follows by the court:

Q—Mr. Goodrich are you a householder or freeholder of Rhea county?

A—Yes, sir.

Q—Are you related to Mr. Walter White, the prosecutor, or Mr. J. T. Scopes, the defendant, in this case?

A—Yes, sir.

Q—Have you formed or expressed an opinion as to the guilt or innocence of this defendant?

A—No, sir.

Q—You have not?

A—No, sir.

Q—Have you heard of this case, Mr. Goodrich?

A—Yes, sir, I have heard rumors of it.

Q—You didn't hear any evidence?

A—No, sir.

Q—You have no bias or leaning or prejudice either way, you say?

A—No, sir.

Q—You think you would be absolutely free from prejudice?

A—Yes, sir.

Q—And could try the case on the law and the evidence?

A—Yes, sir.

J. G. McKenzie—Pass him to you, Colonel.

Mr. Darrow—You mean we may examine him?

The Court—You can ask him any question you wish and pass him back to him.

Examination by Mr. Darrow:

Q—What is your name?

A—Goodrich.

Q—What?

A—Goodrich.

Q—How do you spell it?

A—G-O-O-D-R-I-C-H.

Q—What is your business?

A—Shipping clerk.

Q—What is it?

A—Shipping clerk in a wholesale house.

Q—Here in Dayton?

A—Yes, sir.

Q—Have you been in that business long?

A—A year and a half.

Q—What did you do before that?

A—Sold goods for ten years or so.

Q—Here in this town?

A—In this county.

Q—That was in a store, working as a clerk?

A—No, not inside.

Q—Where was that?

A—Eleven miles from here, north.

Q—Did you ever farm here?

A—Farm? Oh! I have done a little side farming.

Q—Are you a member of the church?

A—Yes, sir.

Q—Of what church?

A—The Christian church.

Q—That is what some of us up north call Disciples?

A—Well, yes.

Q—Or Campbellites?

A—Yes.

Q—Is there a church of that sort here?

A—Yes, sir.

Q—I haven't been around long enough to know about it. Has your minister, so far as you know, taken any hand in this evolution case?

Mr. J. G. McKenzie—Colonel, would you mind letting us in on your conversation over there, for we can't hear a word of it.

Mr. Darrow—I asked him whether or not his minister had taken any hand in this evolution case.

Q—Have you been a member of the Christian church for a good while?

A—About eight years.

Q—That was the first church you joined?

A—Yes, sir.

Q—You are a regular attendant, are you?

A—Yes, sir.

Q—Did you ever hear anything about evolution?

A—A good deal.

Q—In what way have you heard about it?

A—Oh, just hearing them talking about it here, and reading the papers.

Q—How long since you have been hearing about it?

A—Just since this came up.

Q—You never heard of it before?

A—Yes.

Q—But you paid no attention to it before?

A—No, sir.

Q—And didn't pay much attention to it since?

A—No, sir.

Q—Just listened to what they said, without attempting to form any opinion on it? Is that right?

A—Yes, sir.

Q—Have you heard talk on both sides?

A—I heard much talk about it.

Q—Anybody say anything to you about it?

A—I have not heard it, except just what is rumored around; I haven't heard it discussed much.

Q—You really have not taken any interest in it?

A—No, sir.

Q—Well, you had no interest, one way or the other?

A—No, sir.

Q—Or any prejudice in the matter?

A—None whatever.

Q—No prejudice against the defendant?

A—No, sir.

Q—Do you know Mr. Scopes?

A—When I see him, yes, sir.

Q—You have never known him in any other way?

A—No, sir.

Q—You have nothing against him?

A—No, sir.

Q—You know of no reason why you could not be perfectly fair as a juror here?

A—No, sir.

Q—If you have had any prejudice about it before, you would throw it aside?

A—Yes, sir.

Q—You will be perfectly fair about it?

A—Yes, sir.

Q—Are you a married man?

A—Yes, sir.

Q—Have you any children?

A—No, sir.

Q—You would not care what anybody else thinks about this case, would you?

A—No, sir.

Q—You would do what was right in it?

A—Yes, sir.

Mr. Darrow—We will accept him. J. H. Bowman (28) being duly sworn and examined on the voir dire, testified as follows:

Question by the court:

The Court—I want to announce here that the court's hours will be from 9 in the morning to 11:30 and from 1:30 in the afternoon to 4:30.

Mr. Bowman, are you a householder or freeholder of Rhea county?

A—Yes, sir.

Q—Are you related to Walter White, the prosecutor, or the defendant John T. Scopes?

A—No, sir.

Q—Have you formed or expressed an opinion as to the guilt or innocence of this defendant?

A—I have not.

Q—You have not?

A—I have not. No, sir.

Q—You have not heard any proof?

A—No, sir.

Q—You have not talked to any person who professed to know the facts?

A—I believe not.

Q—And you could go into the jury box and try the case wholly on the law and the evidence free from any prejudice passion or bias either way?

A—Yes, sir.

The Court—He is a competent juror.

Mr. J. G. McKenzie—Pass him to you.

Mr. Darrow—If I am right about this we will just pass him back.

The Court—If you do not care to examine him. You do not care to examine him?

Mr. Darrow—I will a little.

Examination by Mr. Darrow:

Q—Where do you live, Mr. Bowman?

A—I live in Graysville.

Q—What is your business?

A—Well, I am here as a farmer. I have been working at cabinet work until this summer.

Q—In the cattle business?

A—No, sir; cabinet.

Q—A cabinet maker?

A—Yes, sir.

Q—What has been your business, generally?

A—Farming.

Q—Where did you learn the trade of cabinet maker?

A—At Dayton.

Q—You have lived at Dayton the most of your life?

A—What?

Q—You have lived at Dayton the most of your life?

A—I have lived at Graysville the most of my life.

Q—How far is that from here?

A—Five miles from Dayton.

Q—Have you a farm of your own?

A—Well, not entirely my own.

Q—Well, I don't mean to be inquisitive about it, but you do not live on a rented farm?

A—No, sir; I live in my own home.

Q—Are you a member of the church?

A—Yes, sir.

Q—Of what church?

A—The Methodist church.

Q—Have you been a Methodist for quite a while?

A—I became connected through my father and mother, and I have been a good while.

Q—You were born, then, in the church?

A—Yes, sir.

Q—How often do you go; pretty regular?

A—No, sir.

Q—Is that Southern Methodist?

A—No, sir, M. E.

Q—Did you ever know anything about evolution?

A—Nothing especially.

Q—You never paid any attention to it especially?

A—No, sir.

Mr. Darrow—You will have to

talk a little louder so we can hear you.

Q—You never paid any attention to it especially?

A—Well, no, I never did read on it much; I just paid a little attention to it since this trial came up.

Q—You never heard it spoken of at all before the trial came up?

A—Well, I have heard it spoken of; and I have read books about it.

Q—Have you ever heard any addresses on it?

A—Well, I have one, probably?

Q—When was that?

A—About two weeks ago.

Q—Who was that?

A—I am not sure, but I think W. J. Abernathy.

Q—Well, that did not make any difference in your opinion?

A—No, sir.

Q—You really have no special opinion on the truth or falsity of the theory of evolution; is that right? At this time?

A—Well, I don't know whether I could say I don't have any opinion or not.

Q—Well, let me put it a little different. I guess, or I reckon we all have opinions, whether they are good for anything or not, but we have got to have opinions. Have you got any opinion that would influence you any if you were trying to find out the truth here, or would you lay it aside and try for the truth?

A—I am always open to truth.

Q—Well, you have not made an investigation, and you are not sure what you know about it, so far, have you?

A—Well, I really don't know.

Q—Have you been quite a Bible reader?

A—Well, I read the Bible a good deal.

Q—Well, you do read it; have you read it all through?

A—No, sir.

Q—Have you tried to discover whether there is anything conflicting between the Bible and the doctrine of evolution?

A—No, sir.

Q—You have not any information on that?

A—No, sir.

Q—And no opinion?

A—No, sir.

Q—Have you had it fixed strong enough to affect your judgment in a case?

A—No, sir.

Q—That is right, is it?

A—Yes, sir.

Q—You have no fixed opinion on that question, anyhow, have you?

A—I don't really understand your question.

Q—I asked you whether you had any opinion on the subject, on the conflict between the Bible and evolution?

A—Why, no, I am sure about that.

Q—And your mind is open to what you may hear? Is that right?

A—Yes, sir.

Q—You can be fair, if you are put on the jury, can't you?

A—I think so.

Q—You are not prejudiced against a man because he is an evolutionist?

A—No, I don't hold prejudice against any one.

Q—You will be fully fair as a juror?

A—Yes, sir.

Q—To the best of your knowledge?

A—Yes, sir.

Mr. Darrow—We will take him.

Mr. J. G. McKenzie—Sit down, Mr. Bowman.

Mr. Bill Day being duly sworn by the court and examined on his voir dire, testified as follows:

Questions by the court:

Q—Mr. Day, you are a householder or freeholder of Rhea county?

A—Yes, sir.

Q—Are you related by blood or marriage to Walter White, the prosecutor, or to John T. Scopes, the defendant?

A—No, sir.

Q—Have you heard of the case?

A—Yes, I have heard of it.

Q—You haven't heard any of the proof?

A—No, sir; I haven't read it.

Q—You have no bias, or leaning, or prejudice, either way?

A—No, sir.

Q—Haven't read any of the proof?

A—No, sir.

Q—You would go in the jury box and try the case wholly upon the law and the evidence, being fair to both sides?

A—Yes, sir.

Court—Competent juror.

Mr. McKenzie—You may ask Mr. Day, Colonel.

Court—Colonel, he is unloading on you again.

Mr. Darrow—What is your business—farmer?

A—I have been a farmer.

Q—Really work at it?

A—No, sir, I don't.

Q—Rent your farm?

A—Yes, sir.

Q—You live in the city here?

A—No, sir, not here.

Q—Where do you live?

A—Spring City.

Q—That is a bigger place?

A—No, it is a little place.

Q—You have heard a lot about this case?

A—Yes, I have heard a little about it.

Q—You think you can be a fair juror here?

A—I think so.

Q—You wouldn't say so if you couldn't, would you—you wouldn't say that you could?

A—No, sree, I wouldn't.

Q—That is what I mean. If you thought you couldn't you would say you wouldn't.

A—I would do what I think was right.

Q—Do you belong to the church, do you?

A—Yes, sir.

Q—Which one?

A—Baptist.

Q—Baptist?

A—Yes, sir.

Q—Been a Baptist always?

A—Yes, sir.

Q—Where is your church?

A—Yellow Creek.

Q—Well, I have never been down there. Is that near here?

A—It is about eighteen miles of here—fifteen or eighteen.

Q—Has a minister ever talked to you about evolution down there?

A—I haven't heard him. The fact of the thing, I haven't been down there—I have been sick.

Q—Been going anywhere else?

A—Yes, sir.

Q—Whereabouts?

A—Spring City.

Q—Baptist?

A—Yes, and others.

Q—How is that?

A—Yes, and other churches there.

Q—Did you ever hear any of the preachers talk evolution?

A—No, I don't know as ever I have in the pulpit.

Q—Have you out of the pulpit?

A—How is that?

Q—Have you outside of the pulpit?

A—Yes, I have heard people talk. I don't know just who I have heard—very often hear somebody say something about it.

Q—It wouldn't necessarily make you for or against a thing because a preacher said so, would it?

A—No, sir.

Q—You reserve your right to decide for yourself, don't you?

A—Yes, sir.

Q—Your own conscience and your own judgment?

A—Yes, sir.

Q—Have you ever been interested in evolution?

A—No, I have never paid very much attention to it to tell you the truth.

Q—Ever read a book on it?

A—No, I have never read no book on it.

Q—Never read a lecture on it?

A—I noticed a little in the newspapers.

Q—Never went to hear anybody speak on it?

A—No, I haven't. I haven't been interested in it that much.

Q—You have no prejudice against it?

A—No, sir.

Q—You are willing to try to find out what the truth is, if you get interested?

A—Yes, sir.

Q—Been quite a Bible reader all your life?

A—I haven't read it like I ought to.

Q—How is that?

A—I haven't read it like I should have.

Q—Well, you never have studied the Bible to see whether there is anything against evolution in it or not?

A—No, I haven't studied it as I should.

Q—Well, I don't know about that. That is, have you—you have not studied it enough to find out whether it is against evolution or not?

A—No, sir.

Q—You haven't any opinion on that?

A—No, sir.

Q—There really isn't any reason why you would not be perfectly fair to our client?

A—Perfectly fair.

Q—You probably heard people talk about this case—neighbors and friends?

A—Yes, sir.

Q—They probably didn't know any more about it than you do—they might say more about it without knowing?

A—I haven't been interested in it.

Q—If you were a juror in this case you wouldn't care what anybody thought about it—you would do what you thought?

A—I would do what I think; yes, sir.

Mr. Darrow—We will take the juror.

Mr. McKenzie—Have a seat, Mr. Day.

H. A. Davis was called and did not respond.

F. S. Collins was called and did not respond.

R. L. West, being duly sworn by the court, and examined on his voir dire, testified as follows:

Questions by the court:

Q—You are a householder or a freholder in Rhea county?

A—Yes, sir.

Q—Are you related by blood or marriage to Walter White, the prosecutor, or John T. Scopes, the defendant?

A—No, sir.

Q—Have you formed or expressed an opinion as to the guilt

or innocence of the defendant?

A—No, sir.

Q—Have you any leaning or prejudice either way?

A—Well, I don't know that I have.

Q—Well, could you go into the jury box and be perfectly fair to both sides and try the case wholly on the law and the evidence?

A—Yes, sir.

Court—Competent juror.

Questions by Mr. McKenzie:

Q—What church are you a member of?

A—Baptist.

Mr. McKenzie—Pass him to you, Colonel.

Questions by Mr. Darrow:

Q—You are a Baptist.

A—Yes, sir.

Q—How long have you been a Baptist?

A—About eighteen years.

Q—Were you a member of the church before?

A—No, sir.

Q—Do you go pretty regularly?

A—Well, I haven't—I haven't been for a little while. I used to go pretty regularly.

Q—Have an automobile?

A—No, sir.

Q—Well, you are a farmer?

A—Yes, sir.

Q—Always been a farmer?

A—Most of the time; yes, sir.

Q—Ever work at anything else?

A—Yes, sir.

Q—What?

A—Carpenter trade.

Q—Whereabouts?

A—I worked in Ohio.

Q—How long did you work there?

A—I worked about three years.

Q—Belong to the union?

A—Yes, sir.

Q—Then you came to Dayton, Tenn.?

A—Hear this—I don't live in Dayton.

Q—Well, you think you could be a fair juror here?

A—Yes, sir—I don't know.

Q—Heard much about the case?

A—Well, I have heard a right smart about it; yes, a little all around.

Q—Heard much about evolution.

A—Not until this came up—not very much.

Q—Never knew about it until this?

A—Well, nothing to amount to anything.

Q—Have you read any books on it?

A—No, sir.

Q—Ever listened to any speeches?

A—No, sir.

Q—Ever hear your minister make any speeches?

A—Well, no, I don't think so.

Q—On evolution?

A—No, sir.

Q—If he did, you would probably make up your mind for yourself, wouldn't you?

A—Yes, sir.

Q—You don't pretend to know much about it?

A—No, sir.

Q—And you haven't any opinion that you call an opinion, have you?

A—Oh, I don't know whether I could say I don't have any opinion about it or not—not at all.

Q—Well, you don't think it is worth much, do you?

A—The opinion?

Q—On evolution?

A—Well, I don't know about that.

Q—Where did you get it?

A—Well, the opinion I have—you mean whether it is true or untrue?

Q—Yes.

A—Why, nothing more than only just rumors of what I have heard talk and the newspapers.

Q—Do you think that gave you an opinion of whether evolution is true or not?

A—No, I couldn't say that it did.

Q—You do know that it's quite an interesting question, don't you?

A—Well, I don't know about that. I don't know just what it is.

Q—Well, do you think it is a question upon which you could form an intelligent opinion without some study?

A—Yes, sir; I think so.

Q—You think you could form it without any study.

A—Well, I don't know about not studying it. I think I would have to study something about it or know

something about it, or hear something about it.

Q—Do you think you have heard or studied enough about it to know or have an opinion of any values on it?

A—No, I haven't.

Q—That is, if evolution was of any importance in the case, you would want to learn the truth of the case the best you could about it, wouldn't you?

A—Why, sure.

Q—Your mind would be open for anything you could receive?

A—Yes.

Q—And just as much open to one side or the other?

A—Yes.

Q—You haven't any desire to be wrong or not to learn just what the truth is?

A—To be right.

Q—You want to know what the truth is? There are lots of things that may be important that we don't any of us study enough to form an intelligent opinion, I suppose, and this is one of the things that you have regarded in that way?

A—Yes, sir.

Q—Have you been quite a Bible reader?

A—Well, I have read the Bible some, not so awful much—I have read it some.

Q—Have you read it to find out whether there is any conflict between the Bible and evolution?

A—No, I never reached that point; I don't know as I have. I don't know whether I am just following up what you mean.

Q—All right, I will make it plainer. I know you will tell me, if you have—you haven't any opinion that you yourself think of any value on evolution?

A—No, sir.

Q—I don't mean casual opinion like a man may form on a thing without any study, but I mean something that is substantial and amounts to something—you haven't any such opinion?

A—No, sir.

Q—You haven't any opinion as to whether evolution as you under-

stood it would be contrary to the Bible, if you have studied the Bible carefully or not, have you?

A—Well, I have a slight opinion on that line, but not—I don't know—I couldn't say whether—as I already have told you, I don't understand what is meant by evolution, or really what—I don't know just exactly what your idea is.

Q—Have you paid any special attention to what the Bible says about how man came?

A—Yes, sir, I have.

Q—Is that from your reading or what you heard?

A—From my reading.

Q—Well, what is your judgment as to whether you would be a fair and impartial juror in this case and can decide it without any opinions or bias?

A—Yes, sir.

Q—You think you can?

A—Yes, sir.

Q—Did you ever read much about the Bible and how it came into being, outside of the Bible itself—did you ever read much about that?

A—Let's see that question.

Q—Did you ever read much about the Bible outside the Bible itself?

A—Well, yes, I have read something.

Q—Ever made any study of it outside the reading of the book—outside of the Bible?

A—What do you mean?

Q—Read what people have written about it—it's history and all that?

A—Yes, I have read some—books, you mean, on the Bible?

Q—Yes.

A—Yes, I have read some few; not much though—very little.

Q—And do you think you have no fixed opinion as to whether evolution is contrary to the Bible?

A—Well, I don't know whether I could say that or not.

Q—You mean you don't know whether it is contrary or not?

A—Yes, sir, that is what I mean.

Q—What I am getting at—have you any opinion on the subject or are you ready for argument—open for it?

A—I am open for it.

Q—You are a man who wants to find out the truth?

A—I certainly do.

Q—And want to do right and would not be influenced by any consideration outside of getting at what the truth is?

A—No, sir.

Q—If you are a juror here and the question of evolution is put up to you, would you try to find out whether evolution is true amongst other things, won't you?

A—Yes, sir.

Q—At this time you have no prejudice against Mr. Scopes?

A—No, sir.

Q—No desire to convict him?

Gen. Stewart—What was that question, Colonel?

Court—Whether he had any desire to convict him. He said he had no prejudice against him and no desire to convict him.

Mr. Darrow—Desire, I said.

Mr. Stewart—We want to except to that question unless he makes it explicit.

Court—The witness says he has none.

Venireman West—If I understand the question, I am not disposed to convict him unless he is guilty—the truth is what I am for.

Mr. Darrow—The question was perfectly competent.

Court—I am allowing you to go right on.

Q—You understand that he is presumed to be innocent don't you, in this case?

A—Yes, sir.

Q—And every presumption goes to his innocence—every doubt goes to his innocence—every reasonable doubt you entertain, and if you hear no evidence you would acquit him of course?

A—Yes, sir.

Q—He is presumed to be innocent like everybody else in court and you have no desire to find him guilty?

A—No, sir, if he is not guilty.

Q—You have no desire to find him guilty?

Gen. Stewart—I except to his arguing with the prospective juror. I don't think he has a right to do

that and deliver a lecture to him on what he should do or not do.

Q—What do you say—whether you are accepted or not—you know, before you can convict him—convict anybody—you must find that he is guilty beyond a reasonable doubt?

A—Yes, sir.

Q—And you would not convict anybody unless the evidence convinced you that he was guilty beyond a reasonable doubt?

A—No, sir, according to the law and the evidence.

Mr. Darrow—We will take him.

W. P. Ferguson, examined on the voir dire, being duly sworn and examined, testified:

Questions by the court:

Q—Are you a householder and freeholder in this county?

A—Freeholder.

Q—Are you related by blood or marriage to Walter White, the prosecutor, or John T. Scopes, the defendant?

A—No, sir.

Q—Have you formed or expressed an opinion as to the guilt or innocence of the defendant in this case?

A—I cannot say that I have.

Q—You say you cannot say that you have?

A—No, sir.

Q—Have you heard any of the evidence, Mr. Ferguson?

A—I do not remember that I have heard the evidence, just what I saw in the papers.

Q—Just what you have read?

A—Yes.

Q—You do not know whether it was true or not?

A—No, sir.

Q—Now, have you definitely made up your mind in any way, at any time, Mr. Ferguson, as to whether he is guilty or not guilty?

A—Well, sir, I could not say.

Q—You mean you cannot say that you have?

A—No, sir.

Q—Have you any fixed opinion, now? Any definite opinion now that he is guilty or not guilty?

A—No, sir.

Q—Could you go in the jury box, Mr. Ferguson, and try the case wholly on the law and the evidence, disregarding anything you have heard or know about it?

A—I think I could, yes, sir.

Q—You can go in there and free from any leaning or bias before you hear any proof, without any leaning in either way?

A—I think so.

The Court—I think you could. He seems to be competent.

Mr. McKenzie—Pass him to you, Colonel.

Examination by Col. Darrow:

Q—Where do you live?

A—I live in this county.

Q—Where?

A—I live out in the Third district in this county.

Q—How far from Dayton?

A—Two and a half miles.

Q—A farmer?

A—Yes, sir.

Q—Own a farm and run it yourself?

A—Yes, sir.

Q—Has that been your business for a long time?

A—All my life.

Q—Are you a member of the church?

A—Yes, sir.

Q—Baptist?

A—Yes, sir.

Q—And you have been a Baptist for a long time?

A—Yes, sir.

Q—A pretty regular church attendant?

A—Constant.

Q—Sir?

A—Yes, sir.

Q—Go every Sunday?

A—Not every Sunday.

The Court—Talk louder, please.

A—Not every Sunday.

Q—Do you read much?

A—Yes, sir, a right smart.

Q—What do you read, books?

A—Well, mostly, no I read the Bible some. I read newspapers.

The Court—Louder. They complain they cannot hear you.

A—My voice there seems to be something the matter. Yes, my voice, I read the Bible some, news-

papers mostly. I don't read much books.

Q—Magazines?

A—Well, some.

Q—Did you ever read about evolution?

A—Well, nothing only just what I have seen in the papers.

Q—What papers do you take?

A—Well, I am taking the Tri-Weekly Constitution, an Atlanta paper, now, I have taken the Chattanooga News, I am not taking it now.

Q—Any church papers?

A—Not now, I have taken the Baptist Reflector, but not now.

Q—Ever hear anybody talk on evolution?

A—Yes, sir; some.

Q—Who have you heard?

A—Well, it has been general talk, since this case came up.

Q—Ever hear anybody lecture on it?

A—No, sir.

Q—Hear any preachers talk about it?

A—Yes, sir; some.

Q—In church?

A—Yes, sir.

Q—Your preacher?

A—Yes, sir. Yes.

Q—Do you think he is an authority on evolution; do you?

A—Well, I don't dispute it at all, anything he said, no.

Q—He talked against it, didn't he?

A—Well, I think so, yes, sir.

Q—Well, you know he is against it, don't you, are you against it too?

A—Well, if evolution is what I have heard, I would have to say I am.

Q—What you have heard from the preacher?

A—Well, preachers and others, just talking.

Q—You are against evolution as you understand evolution?

A—Yes, sir.

Q—And you think it is against the Bible?

A—I think so.

Q—You have that opinion now?

A—That is the way I understand it.

Q—It would take evidence to challenge it?

A—Yes, sir.

Q—A good deal of it, would not it?

A—Well, I suppose it would.

Mr. Darrow—Challenge him for cause.

Mr. Stewart—Challenge for cause.

The Court—Let me ask him? Yes.

Q—Would that opinion of evolution have any weight with you in determining whether or not this defendant is guilty or innocent?

A—No, sir.

Q—It would not?

A—No sir.

The Court—I do not want to pre-judge a question that I may have to pass on tomorrow. I believe I will excuse Mr. Ferguson.

Mr. Stewart—We except to that, if the court please.

The Court—I want to hear you on that, before I pass on it, it looks like it is up to them.

Mr. Stewart—We have some authorities we will be glad to submit to the court. Of course, if your honor is to excuse a man, we will not do that.

The Court—That is the very question you are to argue before me tomorrow. I take it, at great length.

Mr. Stewart—No, sir, a different matter. Of course, if a man is subject to a challenge by the defendant because he believes the Bible conflicts with the theory of evolution as he understands it, if that gives them a ground to challenge for cause, then, for the converse reason the state would have ground to challenge for cause and the result would be everybody on earth who could be brought here, would be challenged.

The Court—Let me see, the statute says it shall be unlawful to teach any theory that conflicts with the story of the Divine creation of man, as taught by the Bible.

Mr. Stewart—Yes, the result is, the defense will challenge every man who does not believe in evolution, if the court's ruling is correct. That would given the state the right to challenge every man who does believe in the theory of evolution; we would have the same right to

challenge that the defense would. The result is, everybody who was capable of having an opinion at all, would be subject to challenge by one side or the other.

Mr. Darrow—I think, your honor, that statement is hardly correct. If you can find one that believes in it we will promptly challenge him.

J. S. Wright, being duly sworn and examined on the voir dire testified:

Examination by the court:

Q—Are you a householder or freeholder of this county?

A—Yes, sir.

Q—Are you related to Walter White, the prosecutor, or John T. Scopes, the defendant?

A—No, sir.

Q—Have you formed or expressed an opinion as to the guilt or innocence of this defendant?

A—No, sir.

Q—You have no opinion as to the guilt or innocence, at all, Mr. Wright?

A—No, sir.

Q—You have heard of the case?

A—Yes, sir.

Q—You have not heard any of the proof?

A—No, sir.

Q—Have no bias or leaning either way?

A—No, sir.

Q—Have not studied evolution at all?

A—No, sir.

Q—So you have no opinion in any way about it?

A—No, sir.

The Court—Competent.

Mr. McKenzie—What church do you belong to, Mr. Wright?

A—Belong to the Baptist.

Mr. McKenzie—Pass him to you, Colonel.

Examination by Col. Darrow:

Q—You are a farmer?

A—Yes, sir.

Q—Live near here?

A—No, sir; live at Spring City.

Q—How far away is Spring City, five miles about?

A—Yes, sir; about sixteen.

Q—Have a farm of your own?

A—Yes, sir.

Q—You lived in this county most of your life, I presume, or all of it?

A—Most all my life.
 Q—How long have you been a Baptist?
 A—Sir?
 Q—How long have you been a Baptist?
 A—About eight years.
 Q—You are a regular attendant?
 A—Yes, sir.
 Q—On church, I mean?
 A—I attend church.
 Q—Have you ever belonged to any other before that?
 A—No, sir.
 Q—You told the court you did not know much about evolution; that is correct, I suppose, never paid much attention to it?
 A—No, sir.
 Q—You are a Baptist, did you ever hear your preacher say anything about evolution?
 A—Well, I do not believe I have heard the preacher where I belong at say anything about it.
 Q—If you did hear your preacher speak about it, you would still think you had a right to use your own judgment on the question, regardless of your preacher?
 A—Sure, I would.
 Q—You would make up your mind for yourself, would you?
 A—What is that?
 Q—You would still make up your own mind for yourself.
 A—Yes, sir; sure.
 Q—You have not any opinion one way or the other as to whether evolution is correct doctrine or not, or a correct theory?
 A—I do not know that I have ever read any or studied any.
 Q—And you would not form an opinion on a subject without some study.
 A—No, sir.
 Q—Did you ever hear anybody talk about it?
 A—Yes, sir; I have heard it talked about.
 Q—Lately?
 A—Yes, sir.
 Q—Since this case came up?
 A—Yes, sir.
 Q—But, you have not given enough attention to it yet to form an opinion?
 A—Well, no, I have not.

Q—Have you heard both sides talk about it?
 A—Well, yes, I have heard it talked from both sides.
 Q—Have you been much of a bible reader?
 A—Yes, I read the Bible.
 Q—Have you not formed any opinion as to whether evolution is in conflict with the Bible or not?
 A—I never did read anything about it.
 Q—And if evolution should cut any figure in this case you would try to find out, amongst other questions, whether it was true, whether it should be taught, and make up your mind on those points yourself, so far as your opinion goes?
 A—Yes, sir.
 Q—You know perfectly well whether you can give this defendant a perfectly fair trial, don't you?
 A—I think I could.
 Q—Are you sure of it? You would not sit in the jury box if you did not think you could?
 A—I do not think I would.
 Q—You will give him a fair trial?
 A—Yes, I think I could.
 Q—You won't care what anybody else thinks if you are a juror, you will do what you think is right?
 A—Yes, sir.
 The Court—Take him, Colonel?
Darrow Asks First Juror if He is a Church Member.
 Col. Darrow—Judge, there is one, the first juror, I did not ask the question as to whether he belongs to a church. I will not challenge him, but I would like to ask him.
 The Court—Do you take this man?
 Col. Darrow—Yes, sir.
 W. F. Roberson, the first juror, recalled, testified:
 Col. Darrow—Are you a member of the church?
 A—No, sir.
 Col. Darrow—That is all.
 Court—That makes the jury. Now, did you want to read your indictment, Mr. Attorney-General, and have the jury sworn tonight?
 Gen. Stewart—Your honor, it has been discussed here that perhaps an adjournment to Monday would be

asked by the defense, and not seriously objected to by the state.

Court—Let me ask a question. Is there some preliminary matter to be threshed out before the court?

Gen. Stewart—Yes, there will in all probability be. That is the matter with reference to the competency of evidence that will be introduced by the bringing here of these scientists, that was mentioned this morning.

Court—Might not it be better for me to hear you in the morning so they will have the advantage over Sunday to arrange for witnesses or not?

Gen. Stewart—I take it that they can get them here on short call. That is wholly immaterial to me.

Mr. Neal—May it please your honor that is a matter that is very serious to the defense. The defense would like tomorrow, we would like extremely the opportunity of having a consultation and conference.

The Court—Is the state insisting on court tomorrow?

Gen. Stewart—Your honor, we realize these gentlemen have not had an opportunity to confer very much together. While I would prefer to go right on with the trial and get the matter disposed of, we think we understand their position, and want to be courteous to them, and do not seriously object to it, that is the opinion of all of us.

The Court—In other words, you agree to it?

Gen. Stewart—Yes, your honor, if you see fit.

The Court—What do you say, Colonel?

Col. Darrow—We in the time have not had a chance to be together and take up the different subjects, as we are from the different cities.

The Court—Would you rather present the legal questions to the court Monday morning instead of Saturday?

Col. Darrow—We would like to do that.

Gen. Stewart—Tomorrow is Saturday, the last day of the week.

Mr. Hicks—I believe if we could

get together and discuss the matters, we would be able to eliminate matters in that way, and could save time.

The Court—I believe you could save time.

Mr. Hicks—I think so.

Gen. Stewart—Your Honor, I prefer that they not be sworn and the indictment read until Monday morning. If the jury is sworn, if any of the jury got sick, or something happened, I think it might be better to leave it open. It makes no particular difference, except it affects the record.

The Court—Whether sworn or unsworn, gentlemen of the jury, you have been selected here as the jurors to try the issues in this case and it would be highly improper for any of you gentlemen to talk to any person about the facts of this case, or allow any person to talk in your presence about the facts of the case, and if any person or persons want to begin a discussion in your presence about these issues, it is your duty to say to them you are on the jury. You have to pass on the issues and it is not proper for them to discuss the issues in your presence. If they persist in such conduct report to me and I will deal with them as the law directs.

You gentlemen will not be kept together in a case of this character. I prefer that you gentlemen not attend any meeting or any debate or any service where these issues would probably be discussed by any person. What I want you to do is to keep your minds open and free from anything that might prejudice your opinion or your minds in any manner, so you can take up and try these issues absolutely without prejudice or bias, and try the case solely upon the law and the evidence. So, I give you that instruction.

Darrow Insists on Jury Being Sworn

Col. Darrow—I want to insist on their being sworn, tonight! this jury has been accepted by both sides, they are under no obligation as jurors until they are sworn. I think it

is their duty to be sworn and accepted.

Gen. Stewart—Of course, when they are sworn, they are only sworn to truly try the issues of the case. That is all the oath covers.

Mr. Darrow—But, it means jeopardy.

Gen. Stewart—I see, but they are only sworn to well and truly try the issues, that covers more than that; suppose one juror becomes sick in the morning, have to select a man to take his place Monday.

Mr. Darrow—I will let you sweat about it.

Mr. Stewart—We would have to enter a mistrial, is all there is to it.

Mr. Neal—What we want is to put the man in jeopardy.

The Court—Let me state to you gentlemen, lawyers who are not familiar with our practice. Before the jury is sworn, the issues are made up, and in making up the issues, I would expect you both to outline your theories in an opening statement. That would take some thirty minutes, now, to read the indictment and have the opening statements from both sides. That

would make a little late adjournment.

Mr. Darrow—May I save the record? I presume you are entirely right, but may I make my request to have them sworn?

The Court—Yes, let the record show that.

Mr. Darrow—You understand I do not know.

The Court—Yes, I am giving you the benefit of all the information I can.

Mr. Darrow—Yes, sir.

The Court—Gentlemen, you will heed my instructions, I am sure. Now, by agreement of counsel for both sides, I rather think we will have to let the court go over until Monday morning. They think they can save time. All the other jurors that have been here will be discharged, except the twelve gentlemen. I can appreciate these issues are profound and the lawyers are in need and entitled to have opportunity to make such investigation as they see proper.

Court thereupon adjourned until 9 o'clock Monday morning, July 13, 1925.



Judge John T. Raulston



John T. Scopes
Defendant



Clarence Darrow
of Defense Counsel