

### Ape Law's Author Tells Why He Made It

By CLARK KINNAIRD  
(Central Press Correspondent.)  
DAYTON, Tenn., July 10.—John Washington Butler, the author of Tennessee's "anti-evolution" law, is also something of a poet. The lines given here are his. They reflect

If the Bible theory of creation is set aside by investigation, And Evolution takes its place, There's no hope left for Adam's race.

So by the Bible we will abide, And in its truths always confide; Being content with the "old, old story" Of divine creation and eternal glory.

exactly his views regarding the issue being contested here.

"This evolution law of which he is the proud but humble father, is merely the expression of his belief in the law that governs his daily life, and it is a result of his early religious training and his later religious life and work in the 'primitive Baptist' church.

John Butler carried this religion with him down to a seat in the house of representatives in Nashville and wrote it into a law.

"I believe the evolution theory is dangerous," he says simply. "I believe that it threatens the Christian life of our homes and has a tendency to lower the standards of morality. . . . That is why I wanted a law passed to prevent such ideas being taught our children in the schools."

"The attack on this bill is only an effort to destroy the law," he says. "It looks to me like the spirit of infidelity and disrespect for the Bible is behind the attack. I cannot believe that it will succeed."

"All this may lead you to think John Butler is a dour, austere, forbidding man. He isn't. To him a Christian life must be full of the joy of living and serving, and he is known among his friends as a good natured, companionable man. He has always liked outdoor sports and played baseball when he was a boy—but not on Sunday.

#### What About Huber?

He is content with his lot in life, which is that of a farmer whose years are alternately lean and fat, according to the weather. He and his three sons sweeten meat and bread from seventy-five acres of corn and tobacco land three miles from Lafayette, which is about 100 miles from here.

To a little frame house built by his grandfather John Butler brought his bride, Magnolia McDonald, 28 years ago, and in this house they still live, with their three grown sons, Huber, Goldson

### Father of Anti-Evolution Law.



CENTRAL PRESS PHOTO

So sure is John Washington Butler, farmer, that the Bible is the literal word of God that he framed a bill for Tennessee, forbidding any other version of man's origin to be taught in the schools. The bill became a law, and he now is a silent witness to the battle over it resulting from the trial of John T. Scopes, first to violate the act.

John Butler doesn't believe in biology's teachings. Yet when Huber Butler enters the University of Tennessee to study medicine, it will be the realization of a dream

the prosecution's staff of attorneys walked within the bar of the court he was greeted cordially by Clarence Darrow and Dudley Field Malone, leader in the defense group of lawyers.

Prayer Opens Court. After the prayer by Mr. Cartwright, Judge John T. Raulston rapped for "order in the court" at 9:14. Sheriff R. B. Harris announced that court was duly in session.

Activities of the court were held up for a few minutes while counsel for both sides posed with the judge on the stand. A dozen photographs were made. Clarence Darrow was in his shirt sleeves. The others were in coats. Judge Raulston posed holding his gavel aloft.

The judge instructed the sheriff to seat all spectators and permit others to stand against the walls.

"Mr. Attorney-General, I am calling the case of the state of Tennessee against John Thomas Scopes," called Judge Raulston.

The attorney-general asked that the grand jury be drawn and in the meantime counsel from outside the state were introduced to the court and welcomed in the courts of Tennessee by Judge Raulston. The judge assured them that they would be accorded all privileges by the resident lawyers.

#### Grand Jury Called.

The calling of the names of grand jurors proceeded with frequent suggestions of "let's have order" from Judge Raulston. The judge broke his eyeglasses and was forced to leave the bench to get Mrs. Raulston's assistance in repairing the damage. The operation was successful.

When the grand jury box was filled, the judge asked if any were so situated at home that they could not serve on the jury. The judge suggested that not more than two hours would be necessary. Attorney-General Stewart amended this by a suggestion that 45 minutes would be sufficient time. At this assurance one reluctant grand juror withdrew his objection to serving.

Judge Raulston then administered the formal oath. The judge laid down the law against sitting on standing in windows. The windows he said were needed for ventilation.

#### Reads From Bible.

Proceeding to charge the grand jury, Judge Raulston said that some question had arisen as to the legality of the previous meeting of a special grand jury and he decided to reconvene the grand jury and charge its members again. The judge announced that he would use substantially the same charge he used at the previous meeting of the grand jury. He read the act of the previous assembly prohibiting the teaching of evolution, and then read the first chapter of Genesis, as he did at the meeting of the grand jury May 25.

After he had read from the Bible, the judge pointed out to the grand jury that if it was found that the law was violated, it was the duty of the jury to indict the guilty person or persons. He added that the question of the wisdom of the law did not enter into the equations so far as consideration by the body was concerned. He said that although a misdemeanor it might be considered a "lunch" misdemeanor. He dwelt as some length on the possibility of harm resulting from the disregard of limitations of the responsibility in the school room.

The grand jury retired to consider the case submitted by the state and a recess of one hour was ordered.

#### ADMISSION SCIENTIFIC EVIDENCE IS DEBATED.

COURT ROOM, Dayton, Tenn., July 10.—During the first conference of the attorneys on both sides of the Scopes case in court here today, the question of admission of scientific testimony as competent was missed, the conference of the attorneys on both sides from Clarence Darrow as to the position of the prosecution on this question.

Attorneys for the state informed the defense counsel that they would contest the introduction of extraneous evidence, insisting that

scientific evidence in the case would be incompetent. The question would probably be decided only after argument in court, it was indicated. Attorney-General A. T. Stewart and former Attorney-General D. G. McKenizey represented the state in the discussion which was participated in by all defense counsel.

#### GODSEY ADMITS HE WITHDREW HIS AID

COURT ROOM, Dayton, Tenn., July 10.—John L. Godsey, local counsel for the defense of John Thomas Scopes, who is facing trial on charges of violating the Tennessee anti-evolution teaching statute, admitted today that he had withdrawn from the case.

The admission came when he was questioned concerning his non-appearance in the court room at the opening session and his failure to attend a conference of defense attorneys last night.

The action was not unexpected, however, since Godsey had indicated several weeks ago that he was not in favor of the publicity the case has received and believed it should be tried on the constitutional questions involved, instead of delving into the scientific and religious phases of the case.

Arundel, piano tuner. Phone 159-L.

#### CROWD SWARMS COURT TO HEAR TRIAL OPENED

(Continued from page 1.)

troubling the entry of spectators. Judge Raulston indicated that regulations to check the overflow would be perfected.

Dudley Field Malone of defense counsel, followed by Scopes, Darrow, Hays, Neal and the defendant's father, entered at 8:50 and too seats at the counsel table.

All the principals in the case passed through a group of photographers at the entrance to the court house grounds. Judge Raulston, with a Bible and a dictionary under his arm, posed for them for several minutes.

Scopes, entering the grounds with Darrow, Malone, Hays, Neal and Rappleyea, was held for several minutes. When they finally pushed their way through the crowd disappointed cameramen scamped ahead and posted themselves upon the court house steps.

George W. Rappleyea took his seat by the defendant. Clarence Darrow took off his coat. It was hot.

William O. Thompson of Chicago and New York joined defense attorneys. He announced he was associated with Darrow in the case. Appense burst forth as Bryan entered, pushing his way through the throng. He shook hands with Darrow and the cheering redoubled. He greeted other defense lawyers who stood with him in front of the judicial desk.

The crowd rose as the judge's gavel fell. All stood during the opening prayer. Cameramen focused their machines. Photographers were given their inning. Visiting courts ranged behind the judge and gazed into an amazing battery of picture makers. The crowd considered itself at ease, and discussed the situation audibly. Cameramen retired and the judge hammered for order.

#### Police Squadron On Job.

Darrow left the court room, saying he was going to the hotel. Bryan was restless, but kept his collar on. It got hotter and Judge Raulston cleared the windows of spectators.

A squad of uniformed police from Chattanooga entered the court room and took positions where they could best maintain order. Captain Marion Perkins was in charge.

Mr. Bryan returning to the court room was shown a caricature representing him as an ape. He laughed heartily and exclaimed: "It's a bit of art."

Judge Raulston was shown the picture and called to Bryan: "Colonel, they certainly have you." Bryan inquired if the artist had not skillfully portrayed Darrow. The cartoon was passed from hand to hand around the counsel tables and aroused general merriment.

Mr. Bryan said he did not regard it as "a perfect likeness."

While attorneys for both sides were discussing informally in front of the desk, Scopes sat quietly in his place between his father and Rappleyea. He seemed unconcerned. Bryan and Malone, opposing counsel, put their heads together while the court discussed adjournment.

Announcement that photographic artists wished to make a panoramic picture of the court scene "for ten million readers," did not check the stampede for the door when noon recess was taken.

During the noon interval hundreds of the visitors took lunch at the numerous concessions while many families spread picnic meals under the trees. Everywhere the focus of the trial were discussed. Shifting groups, barbecue stands and laughing young folks created a holiday atmosphere. But underneath of serious thought and concern for the outcome of the case were felt among the older groups. The judicial hall was filled again before the hour of reconvening. Scopes read a newspaper which his father, careless like the defendant, stirred the humid air with a fan.

Packed along the walls the spectators frequently were moved from the windows by deputies. The auditorium was without artificial means of ventilation and hundreds complained of oppressive heat. Two negroes, a man and a woman, were noted among the listening throng.

Two uniformed officers of police, took positions on either side of the judge's stand as Raulston, swung

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31x4 S. S. ....	15.65	21.45
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#### SCOPES JURY IS SELECTED TODAY

(Continued from page 1.)

Attorney-General Stewart stated to the court that the state would resist vigorously evidence attempting to reconcile evolution and the Bible, and the defense was just as insistent that such testimony was competent.

The attorney-general suggested that an adjournment be taken until 9 o'clock tomorrow when the discussion of this case would be renewed.

Mr. Stewart suggested some of the visiting attorneys in the defense camp had not "become acclimated." "We are willing to give them half a day," he said.

Judge Raulston said he was reluctant to lose an afternoon and suggested that a recess be taken with the possibility of proceeding at once to the selection of a jury. The court proceeded to adjourn until 10:30 o'clock, the judge instructing the sheriff to have 100 men in court then to insure the completion of the panel.

COURT ROOM, Dayton, Tenn., July 10.—The case of John T. Scopes, charged with violation of the Tennessee law against the teaching of evolution in the public schools was placed in the hands of a three county grand jury for the second time here today. When

court convened for the trial of the 25-year-old school teacher, Attorney-General A. T. Stewart asked that the grand jury be summoned.

Judge Raulston informed the grand jury that some question had arisen as to the legality of the indictment against Scopes and the case would be given grand jury consideration again. The point at issue was the contention that 20 days has not elapsed after the call for the special session of the grand jury and the meeting of the body.

A last minute change in counsel for the defense was indicated by the failure of John L. Godsey, Dayton attorney, to appear with the other lawyers in court after his absence from a conference of defense attorneys last night had been regarded as significant.

The withdrawal of John L. Godsey, local member of the defense counsel from the case, was indicated as the array of defense attorneys filed into the court room and he was absent. Mr. Godsey did not attend the conference of defense counsel last night.

While Judge Godsey told The Associated Press he had no statement to make at this time, he said, he would not appear in court with other defense counsel. He said, however, that he did not wish to harm the defense case. He declined to discuss his reason for the action, although it is known that Mr. Godsey has de-

sired from the beginning to have the trial of the case confined to the constitutional questions involved.

During the first two hours of today's court session one outburst of cheering came from the hundred or so spectators crowded into the court room. It marked the arrival of William Jennings Bryan to begin his work in connection with the prosecution of Scopes.

"Several school boys, former students of Scopes, were called before the grand jury to testify. They were followed by the presentation as evidence of Hunter's biology, the text book used by the defendant, and the testimony of Walter White, superintendent of the Rhea county schools and prosecutor of the case.

COURT ROOM, Dayton, Tenn., July 10.—With a prayer by the Rev. W. M. Cartwright, pastor of the Dayton Methodist Episcopal Church, South, a special term of the county circuit court was convened here this morning at 9:10 o'clock for the trial of John Thomas Scopes, charged with violating the anti-evolution law of Tennessee.

The opening of the court was marked by what was expected to be the first of many demonstrations when the entrance of William Jennings Bryan provoked a burst of handclapping from the spectators, packing the court room. As the leading member of

#### Scopes' Prosecutors



Members of the prosecution counsel in the Scopes trial are shown. Above: (l. to r.) Judge J. G. McKenizey, Harry M. Lawrence, S. K. Hicks. Below: (l. to r.) H. E. Hicks, William Jennings Bryan, W. C. Haggard.

#### For the Defense



These are the lawyers defending Scopes. Above: Judge John R. Neal (left), chief counsel, and Clarence Darrow. Below: (l. to r.) Bainbridge Colby, C. E. Thomas, Dudley Field Malone.

the gavel. Mr. Bryan this afternoon, contrary to his Dayton custom, wore a coat. His son was seated at the "companion's" side. Bryan greeted the Raulston family. Mr. William Jennings Bryan came into the court room and was seated before the railing with Judge Raulston's family.

A baby began to squeal and caused the exit of himself and his mother. Children under 12 years of age were not to be seen in the auditorium.

As soon as court convened for the afternoon session, names of the prospective jurors were ordered placed in a hat. The first name drawn by the sheriff was W. F. Robinson. He said he had formed an opinion to some extent of the guilt or innocence of the defendant, but under questioning he said he could disregard his opinion and bring in a verdict from the evidence. He was accepted by both sides and took the first seat in the jury box. He is a school teacher and farmer.

J. W. Bagley, a farmer, was the second called and said he had heard rumors of the guilt or innocence of the defendant, but could disregard these rumors. He was accepted by the state. Clarence Darrow questioned the prospective jurymen about his knowledge of evolution. Bagley replied that he had "no ideas about evolution."

After saying that he could be perfectly fair he was accepted. Jim Riley another farmer, pushed his way through the crowd to be questioned. He said he had not formed a definite opinion and knew nothing of the facts in the case. Darrow asked him if he was a member of the church, the reply being in the affirmative, a Baptist. He was accepted after saying that he had not read of evolution, had not heard a sermon on it and had not heard Mr. Bryan speak on the subject.

After J. T. Massengale, a Baptist minister, was called for questioning, Mr. Riley was asked if his inability to read was caused by poor eyesight. His reply was that he was uneducated. Mr. Massengale, when he said he was a minister with four charges, was asked by Darrow if he had ever preached on evolution. He said he had. "On which side" asked the lawyer. "I'm strictly with the Bible" was the reply. This caused an outburst of applause and drew a sharp reprimand from the judge and a threat to exclude every one. Under further question from the court and Darrow the Baptist minister said he thought Scopes taught a theory of evolution in conflict with the divine story of creation. Judge Raulston finally excused him with the statement "I want every juror to start with an open mind, so I will excuse you."

Brother Massengale". J. M. Harrison was called, but claimed exemption on account of his age. W. G. Taylor, farmer, said he had formed or expressed "to a certain extent," an opinion about this case. He said he could give a fair verdict on the evidence. Replying to a question from Mr. Darrow, he said he was a Methodist. He said he had heard evolution discussed. He was accepted. Tom Packson "expected he had formed an opinion," as to the case. Pressed for the extent of his opinion it was not fixed. He gave his occupation as farming and his church membership as Baptist. He had heard about evolution, but had never heard a speech on it.

Heat with gas.

TWO THOUSAND ARE HOMELESS IN TYPHOON

(Associated Press Local Wire.)  
MANILA, July 10.—More than 2,000 persons were made homeless by a typhoon which wrecked hundreds of small houses in Causarines province. On the strength of reports received here the Red Cross today sent assistance to the stricken area.