

gift is unconditional. The new building will be known as the James Ward Packard laboratory. This is the largest gift ever made to Lehigh University by a single individual since its establishment in 1865 by Asa Packer.

Preliminary plans for the James Ward Packard laboratory have been prepared by Visscher and Burley, architects, of New York. It will have an overall width of 225 feet and a depth of 184 feet, designed in the collegiate Gothic style with exterior walls of native stone trimmed with cut limestone. The main laboratories will be provided with electrical and mechanical equipment of the most modern and efficient type for experiment and instruction purposes. From the heaviest boilers, prime movers and generators to the most delicate known devices for precise measurement, every type of equipment needed for the study of mechanical and electrical engineering will be the finest obtainable. Special laboratories for research in radio, high voltage work, fuels, refrigeration and other special branches of technology are planned. Drafting rooms, an engineering library, an auditorium seating 500 and equipped with stereopticon and motion picture projectors and an engineering museum are also included in the plans.

THE TENNESSEE ANTI-EVOLUTION LAW

THE Supreme Court of Tennessee on January 15 handed down a decision upholding the constitutionality of the law prohibiting the teaching in state supported schools that man is descended from a lower order of animals. Before reading the opinions, Chief Justice Green made a statement in summary of the results of the court's deliberations, saying, according to an Associated Press dispatch:

The majority of the court holds the act to be constitutional—Judge Cook, Judge Chambliss and myself. Judge McKinney believes the act invalid and will state his reasons.

Judge Cook and I think the act prohibits broadly the teaching in the schools of the state that man descended from a lower order of animals. Judge Chambliss thinks the act only prohibits the teaching of the materialistic theory of evolution, which denies the hand of God in the creation of man. He will state his reasons.

All of us agree that the judgment herein must be reversed on account of the error of the trial judge in attempting himself to fix a fine of \$100 upon Scopes. Under the constitution of Tennessee a fine in excess of \$50 can only be assessed by a jury. The jury in this case returned a verdict of guilty, but did not assess the fine and the judge undertook to do this himself.

Since the minimum punishment authorized by the statute is a fine of \$100 and no tribunal except a jury can levy such a fine in this state, the error pointed out can only be corrected by awarding a retrial.

All of us agree that nothing is to be gained by prolonging the life of this bizarre case. On the contrary, we think that the peace and dignity of the state, which all criminal prosecutions are brought to redress, will be subserved by the entry of a *nolle prosequi* herein. Such a course is suggested to the Attorney General.

Regarding the effect of the ruling the majority opinion said:

As the law thus stands, while the theory of evolution of man may not be taught in the schools of the state, nothing contrary to that theory is required to be taught. It could scarcely be said that the statutory scriptural reading would amount to teaching of a contrary theory.

Our school authorities, are, therefore, quite free to determine how they shall act in this state of the law, and this course of study may be entirely omitted from the curriculum of our schools.

The opinion declares it seems plain that the Legislature only intended "to forbid teaching that man descended from a lower order of animals. The denunciation of any theory denying the Bible story of creation is restricted by the caption and by the final clause."

Justis Chambliss asserted in his separate opinion concurring with the majority decision that the teaching of materialistic evolution only was forbidden by the act:

It follows that to forbid the teaching of the biblical account of divine creation does not expressly or by fair implication involve acceptance or approval of instantaneous creation held to by some literalists.

One is not prohibited by teaching, either "days" as used in the book of Genesis, means days of twenty-four hours, the literalist view, or days of "a thousand years" or more, as held by liberalists, so long as the teaching does not exclude God as the author of human life.

Justice McKinney's dissenting opinion declared his belief that the statute is invalid "for uncertainty of meaning." He quoted in support of his belief the opinion of the Supreme Court of the United States in the case of *Connally versus General Construction Company* as follows:

That the term of a penal statute creating a new offense must be sufficiently explicit to inform those who are subject to it what conduct on their part will render them liable to its penalties is a well recognized requirement, consonant alike with ordinary notions of fair play and the settled rules of law; and a statute which either forbids or requires the doing of an act in terms so vague that men of common intelligence must necessarily guess at its meaning and differ as to its application violates the first essential of due process of law.