

**ON THE PURSUIT OF TRUTH AS
EXEMPLIFIED IN THE PRINCIPLES
OF EVIDENCE, THEOLOGICAL,
SCIENTIFIC AND JUDICIAL. A
DISCOURSE**

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On the Pursuit of Truth as Exemplified in the Principles of Evidence, Theological, Scientific and Judicial. A Discourse by A. Elley Finch

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A. ELLEY FINCH

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A DISCOURSE
ON
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A DISCOURSE

Delivered before the Sunday Lecture Society

MARCH 2, 1873,

BY

A. ELLEY FINCH.

WITH NOTES AND AUTHORITIES.

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SYLLABUS.

Man distinguished from the lower animals by his intellectual faculty for acquiring Knowledge through the medium of Testimony—Improvement of his social condition mainly dependent upon the right use of such faculty.

Modern meaning of the Apophthegm of Archimedes—'If the Educational Fulcrum were possessed by Science, it would move the World.'

Extremes of Credulity and Scepticism alike irrational—Basis of sound Belief—Faith in the constancy and uniformity of the Order of Nature, and in the teaching and analogy of Human Experience.

Harmony of Religion and Science—Antagonism of Science and Theology.

Principle of Theological Proof (*anticipatio mentis*)—Appeal to the intuitive consciousness, through Deductive inference from (assumed) inspired human assertion.

Principle of Scientific Proof (*interpretatio naturæ*)—Appeal to the facts of external Nature, through Inductive experience, from Observation and Experiment.

Illustrations—Evidence of the dogma of the Trinity (theological)—Evidence of the composition of Water (scientific).

Principle of Judicial Proof (*lex terræ*¹)—Correspondence of the rules of legal evidence with the intelligence of the community, and standard of belief of the age.

Improvement of legal evidence parallel to the progress of Scientific Discovery and the decline of Theological Dogma.

Illustrations—Belief in Witchcraft—Culminates under the theology

¹ This barbarous latin phrase, coined by our unscholarly ancestors in their struggles to preserve the law of the land against the usurpations of ecclesiastics (striving to impose upon the national tribunals the slavish maxims of the civil and canon laws), is classical with the lover of English liberty; and the talisman '*lex terræ*,' enshrined in Magna Charta, remains a permanent memorial of their signal success.

of the Puritans—Extinguished by the scientific scepticism of the 18th century—Trial of Sir Walter Raleigh, A.D. 1603—(Theology supreme, Science in its dawn)—Laxity of the Law of Evidence sacrifices the life of Sir Walter Raleigh—Trial of William Hone, A.D. 1817—(Science ascendant Theology on the wane)—Strictness of the Law of Evidence restores William Hone to liberty, and vindicates the freedom of the British Political Press.

Primary purpose of Judicial Inquiry, the Discovery of Truth—English Criminal Law of Evidence, in silencing the accused, violates the fundamental axiom of Science—'Interrogation of Nature.'

Supreme importance of the Canons of Judicial Proof, as disposing of Property, Life, and Liberty—The Law of the land as the Moral Code of the Community.

Connexion of the Physical and Moral Laws—Moral Beliefs sifted of superstitions, purified from prejudices, and placed paramount to theological dogmas, through diffused knowledge of the Truths and Methods of the Physical Sciences.