

THE TESTIMONY OF THE EVANGELISTS

by Simon Greenleaf

Greenleaf's legal analysis of the credibility of the Gospel accounts, addressed to lawyers and applying the rules of evidence to examine the reliability of the evangelists' testimony. He argues that legal professionals, trained in evaluating evidence, are uniquely suited to assess the claims of Christianity.

4 Chapters

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0.4-Testimonials

Testimonials The author is a lawyer, very learned in his profession, acute, critical, and used to raising and meeting practical doubts. Author of a treatise on the law of evidence, which has become a classic in the hands of the profession which he adorns, and teacher in one of the Law Seminaries which do honor to our country in the eyes of Europe, he brings rare qualifications for the task he assumes. That he should, with the understanding and from the heart, accept the Gospel as the truth, avow it as his Hope, and seek to discharge a duty to his fellow-men by laying before them the grounds on which he founds this acceptance and this hope, are cheering circumstances to the Christian, and present strong appeals to the indifferent. To his profession, to the lawyers of the country, however, this work makes a strong appeal. They are a very secular profession. Their business is almost wholly conversant with material interests. Their time is absorbed in controversies, of passion, or of interest. Acute, critical, and disputatious, they apparently present a field unpropitious for the acceptance of a religion, spiritual, disinterested, and insisting on perfect holiness. Still, they necessarily need to know and must enforce the rules of finding truth and justice; the principles for ascertaining truth and dispensing justice are the great subjects of all their discussions, so far as they are discussions of any general principle. From this cause it is, that this profession has numbered among its members, in every age, Christians of great eminence, and in our own day and country, we cannot turn to the eminent men of this profession in any large community, without the satisfaction of finding our Faith embraced by those whose habits of practical as well as speculative investigation, render them evidently the best able to appreciate its claims and to detect any imperfections in its proof. So we trust it always may be; and we are assured that the best models of the mode of investigating matters of legal controversy as the proof of facts, are writings on the evidences. Paley's treatise and that of Chalmers, on the oral testimony in favour of Christ's mission, Paley's examination of the writings of the apostle Paul, are, we are assured, the best models extant for forming the habit of examining oral and documentary evidence. These are subjects on which it is of vital importance, in a secular view, that a lawyer's habits should be right: in a spiritual view the importance is unspeakable. Mr. Greenleaf has doubtless felt this truth, and has also felt that his position would give to his labours some authority with his brethren and with the public. He has given himself honourably to the labour, and spread its results before the world. It is long since Infidelity has found its advocates among the truly learned. Among the guesses and speculations of a small portion of unsanctified medical men, she still finds now and then a champion. Historians and philosophers have long since discussed her pretensions. And now from the Jurists and Lawyers, the practical masters of this kind of investigation, works are appearing, whereby not only an earnest reception of the Gospel is manifested, but the mode and means of investigation are pointed out and shown to correspond with those principles of action and of credit by which all human affairs are governed. We lose in respect to our own investigations on this subject by its very sacredness. We have an idle dread, that it is not open to free investigation; to severe practical tests. We need to be invited, to be pressed to examine this subject freely. Dr. Chalmers in one department of this inquiry has led the way. Mr. Greenleaf in another has also presented an example. And it will not be competent, after

these men have thus investigated and taught the rules and laws of investigation, for any man who is not willing to arrogate superior claims to learning and ability, to turn aside superciliously from an examination of the Gospels. Such are our views of this work which we commend to all; to the legal profession, from the character of its topics and the rank of its author to men desirous of knowledge, in every rank in life, because of its presenting this subject under such treatment as is applied to every day practical questions. It does not touch the intrinsic evidences of the Gospel: those which to the believer are, after all, the highest proofs. But it is to be remembered, that these are proofs which are not satisfactory until an examination of the outward evidence has led men to the conviction, that the Gospels cannot be false.

-Extract from the New York Observer, October 24, 1846.

It is the production of an able and profound lawyer, a man who has grown gray in the halls of justice and the schools of jurisprudence; a writer of the highest authority on legal subjects, whose life has been spent in weighing testimony and sifting evidence, and whose published opinions on the rules of evidence are received as authoritative in all the English and American tribunals; for fourteen years the highly respected colleague of the late Mr. Justice Story, and also the honored head of the most distinguished and prosperous school of English law in the world. -North American Review

It is no mean honor to America that her schools of jurisprudence have produced two of the first writers and best esteemed legal authorities of this century-the great and good man, Judge Story, and his worthy and eminent associate, Professor Greenleaf. Upon the existing Law of Evidence (by Greenleaf) more light has shone from the New World than from all the lawyers who adorn the courts of Europe. -London Law Magazine

{eS module note: I wanted to add one more testimonial. This one is from Josh McDowell.... Dr. Simon Greenleaf, in my country, is probably one of the greatest legal minds in the history of America. He was the professor, the famous royal professor of law at Harvard University Law School. He wrote the three great volumes on the Laws of Legal Evidence, which were used to evaluate evidence in the court of law to see if it is credible. He was a skeptic, not a believer and he used to mock and put down the Christians in his law classes at Harvard. Well one year, some Christians in the law class got tired of it so they challenged Greenleaf to take his three volumes on the Laws of Legal Evidence and apply his expertise and these principles to the evidence for the resurrection of Christ. Now that wasn't a bad challenge. After much persuasion, he had to accept it or lose all of his integrity. He started to apply his principles of evaluating evidence to the resurrection. In the process, he became a believer. He went on to write a very large book on testimony – The Four Evangelists, According to the Laws of Legal Evidence Administered in the Courts of Justice [that's what this eS module is!]. And this great legal mind concluded, that the resurrection of Jesus Christ is one of the best established facts of history, now listen – according to the laws of legal evidence administered in the courts of justice.}

0.5-Author's Preface

Author's Preface To the Members of the Legal Profession

Gentlemen, The subject of the following work I hope will not be deemed so foreign to our professional pursuits, as to render it improper for me to dedicate it, as I now respectfully do, to you. If a close examination of the evidences of Christianity may be expected of one class of men more than another, it would seem incumbent on us, who make the law of evidence one of our peculiar studies. Our profession leads us to explore the mazes of falsehood, to detect its artifices, to pierce its thickest veils, to follow and expose its sophistries, to compare the statements of different witnesses with severity, to discover truth and separate it from error. Our fellow men are well aware of this; and probably they act upon this knowledge more generally, and with a more profound repose, than we are in the habit of considering. The influence, too, of the legal profession upon the community is unquestionably great; conversant, as it daily is, with all classes and grades of men, in their domestic and social relations, and in all the affairs of life, from the cradle to the grave. This influence we are constantly exerting for good or ill; and hence, to refuse to acquaint ourselves with the evidences of the Christian religion, or to act as though, having fully examined, we lightly esteemed them, is to assume an appalling amount of responsibility. The things related by the Evangelists are certainly of the most momentous character, affecting the principles of our conduct here, and our happiness forever. The religion of Jesus Christ aims at nothing less than the utter overthrow of all other systems of religion in the world; denouncing them as inadequate to the wants of man, false in their foundations, and dangerous in their tendency. It not only solicits the grave attention of all, to whom its doctrines are presented, but it demands their cordial belief, as a matter of vital concernment. These are no ordinary claims; and it seems hardly possible for a rational being to regard them with even a subdued interest; much less to treat them with mere indifference and contempt. If not true, they are little else than the pretensions of a bold imposture, which, not satisfied with having already enslaved millions of the human race, seeks to continue its encroachments upon human liberty, until all nations shall be subjugated under its iron rule. But if they are well-founded and just, they can be no less than the high requirements of heaven, addressed by the voice of God to the reason and understanding of man, concerning things deeply affecting his relations to his sovereign, and essential to the formation of his character and of course to his destiny, both for this life and for the life to come. Such was the estimate taken of religion, even the religion of pagan Rome, by one of the greatest lawyers of antiquity, when he argued that it was either nothing at all, or was everything. *Aut undique religionem tolle, aut usquequaque conserva.** With this view of the importance of the subject, and in the hope that the present work may in some degree aid or at least incite others to a more successful pursuit of this interesting study, it is submitted to your kind regard, by Your obedient servant,

Simon Greenleaf Harvard University, Dane Hall, May 1, 1846

Notes * Cicero, Philip, II. § 43.

1-An Examination of the Testimony of the Evangelists

An Examination of the Testimony of the Evangelists

§ 1. In examining the evidences of the Christian religion, it is essential to the discovery of truth that we bring to the investigation a mind freed, as far as possible, from existing prejudice, and open to conviction. There should be a readiness, on our part, to investigate with candor, to follow the truth wherever it may lead us, and to submit, without reserve or objection, to all the teachings of this religion, if it be found to be of divine origin. "There is no other entrance," says Lord Bacon, "to the kingdom of man, which is founded in the sciences, than to the kingdom of heaven, into which no one can enter but in the character of a little child."¹ The docility which true philosophy requires of her disciples is not a spirit of servility, or the surrender of the reason and judgment to whatsoever the teacher may inculcate; but it is a mind free from all pride of opinion, not hostile to the truth sought for, willing to pursue the inquiry, and impartially to weigh the arguments and evidence, and to acquiesce in the judgment of right reason. The investigation, moreover, should be pursued with the serious earnestness which becomes the greatness of the subject—a subject fraught with such momentous consequences to man. It should be pursued as in the presence of God, and under the solemn sanctions created by a lively sense of his omniscience, and of our accountability to him for the right use of the faculties which he has bestowed.

§ 2. In requiring this candor and simplicity of mind in those who would investigate the truth of our religion, Christianity demands nothing more than is readily conceded to every branch of human science. All these have their data, and their axioms; and Christianity, too, has her first principles, the admission of which is essential to any real progress in knowledge. "Christianity," says Bishop Wilson, "inscribes on the portal of her dominion 'Whosoever shall not receive the kingdom of God as a little child, shall in nowise enter therein.' Christianity does not profess to convince the perverse and head-strong, to bring irresistible evidence to the daring and profane, to vanquish the proud scorner, and afford evidences from which the careless and perverse cannot possibly escape. This might go to destroy man's responsibility. All that Christianity professes, is to propose such evidences as may satisfy the meek, the tractable, the candid, the serious inquirer."²

§ 3. The present design, however, is not to enter upon any general examination of the evidences of Christianity, but to confine the inquiry to the testimony of the Four Evangelists, bringing their narratives to the tests to which other evidence is subjected in human tribunals. The foundation of our religion is a basis of fact—the fact, of the birth, ministry, miracles, death, resurrection, and ascension of Jesus Christ. These are related by the Evangelists as having actually occurred, within their own personal knowledge. Our religion, then, rests on the credit due to these witnesses. Are they worthy of implicit belief, in the matters which they relate? This is the question, in all human tribunals, in regard to persons testifying before them; and we propose to test the veracity of these witnesses, by the same rules and means which are there employed. The importance of the facts testified, and their relations to the affairs of the soul, and the life to come, can make no difference in the principles or the mode of weighing the evidence. It is still the evidence of matters

of fact, capable of being seen and known and related, as well by one man as by another. And if the testimony of the Evangelist, supposing it to be relevant and material to the issue in a question of property or of personal right, between man and man, in a court of justice, ought to be believed and have weight; then, upon the like principles, it ought to receive our entire credit here. But, if, on the other hand, we should be justified in rejecting it, if there testified on oath, then, supposing our rules of evidence to be sound, we may be excused if we hesitate elsewhere to give it credence.

§ 4. The proof that God has revealed himself to man by special and express communications, and that Christianity constitutes that revelation, is no part of these inquiries. This has already been shown, in the most satisfactory manner, by others, who have written expressly upon this subject.³ Referring therefore to their writings for the arguments and proofs, the fact will here be assumed as true. That man is a religious being, is universally conceded, for it has been seen to be universally true. He is everywhere a worshiper. In every age and country, and in every stage, from the highest intellectual culture to the darkest stupidity, he bows with homage to a superior Being. Be it the rude-carved idol of his own fabrication, or, the unseen divinity that stirs within him, it is still the object of his adoration. This trait in the character of man is so uniform, that it may safely be assumed, either as one of the original attributes of his nature, or as necessarily resulting from the action of one or more of those attributes.

§ 5. The object of man's worship, whatever it be, will naturally be his standard of perfection. He clothes it with every attribute, belonging, in his view, to a perfect character; and this character he himself endeavors to attain. He may not, directly and consciously, aim to acquire every virtue of his deity, and to avoid the opposite vices; but still this will be the inevitable consequence of sincere and constant worship. As in human society men become assimilated, both in manners and in moral principles, to their chosen associates, so in the worship of whatever deity men adore, they "form to him the relish of their souls." To suppose, then, that God made man capable of religion, and requiring it in order to the development of the highest part of his nature, without communicating with him, as a father, in those revelations which alone could perfect that nature, would be a reproach upon God, and a contradiction.⁴

§ 6. How it came to pass that man, originally taught, as we doubt not he was, to know and to worship the true Jehovah, is found, at so early a period of his history, a worshiper of baser objects, it is foreign to our present purpose to inquire. But the fact is lamentably true, that he soon became an idolator, a worshiper of moral abominations. The Scythians and Northmen adored the impersonations of heroic valor and of bloodthirsty and cruel revenge. The mythology of Greece and of Rome, though it exhibited a few examples of virtue and goodness, abounded in others of gross licentiousness and vice. The gods of Egypt were reptiles and beasts and birds. The religion of Central and Eastern Asia was polluted with lust and cruelty, and smeared with blood, rioting in deadly triumph, over all the tender affections of the human heart and all the convictions of the human understanding. Western and Southern Africa and Polynesia are, to this day, the abodes of frightful idolatry, cannibalism, and cruelty; and the aborigines of both the Americas are examples of the depths of superstition to which the human mind may be debased. In every quarter of the world, however, there is a striking uniformity seen in all the features of paganism. The ruling principle of its religion is terror, and its deity is lewd and cruel. Whatever of purity the earlier forms of paganism may have possessed, it is evident from history that it was of brief duration. Every form, which history has preserved, grew rapidly and steadily worse and more corrupt, until the

entire heathen world, before the coming of Christ, was infected with that loathsome leprosy of pollution, described with revolting vividness by St. Paul, in the beginning of his Epistle to the Romans.

§ 7. So general and decided was this proclivity to the worship of strange gods, that, at the time of the deluge, only one family remained faithful to Jehovah; and this was a family which had been favored with his special revelation. Indeed it is evident that nothing but a revelation from God could raise men from the degradation of pagan idolatry, because nothing else has ever had that effect. If man could achieve his own freedom from this bondage, he would long since have been free. But instead of this, the increase of light and civilization and refinement in the pagan world has but multiplied the objects of his worship, added voluptuous refinements to its ritual, and thus increased the number and weight of his chains. In this respect there is no difference in their moral condition, between the barbarous Scythian and the learned Egyptian or Roman of ancient times, nor between the ignorant African and the polished Hindu of our own day. The only method, which has been successfully employed to deliver man from idolatry, is that of presenting to the eye of his soul an object of worship perfectly holy and pure, directly opposite, in moral character, to the gods he had formerly adored. He could not transfer to his deities a better character than he himself possessed. He must forever remain enslaved to his idols, unless a new and pure object of worship were revealed to him, with a display of superior power sufficient to overcome his former faith and present fears, to detach his affections from grosser objects, and to fix them upon that which alone is worthy.⁵ This is precisely what God, as stated in the Holy Scriptures, has done. He rescued one family from idolatry in the Old World, by the revelation of himself to Noah; he called a distinct branch of this family to the knowledge of himself, in the person of Abraham and his sons; he extended this favor to a whole nation, through the ministry of Moses; but it was through that of Jesus Christ alone that it was communicated to the whole world. In Egypt, by the destruction of all the objects of the popular worship, God taught the Israelites that he alone was the self-existent Almighty. At the Red Sea, he emphatically showed them that he was the Protector and Savior of his people. At Sinai, he revealed himself as the righteous Governor, who required implicit obedience for men, and taught them, by the strongly-marked distinctions of the ceremonial law, that he was a holy Being, of purer eyes than to behold evil, and that could not look upon iniquity. The demerit of sin was inculcated by the solemn infliction of death upon every animal, offered as a propitiatory sacrifice. And when, by this system of instruction, he had prepared a people to receive the perfect revelation of the character of God, of the nature of his worship, and of the way of restoration to his image and favor, this also was expressly revealed by the mission of his Son.⁶

§ 8. That the books of the Old Testament, as we now have them, are genuine; that they existed in the time of our Savior, and were commonly received and referred to among the Jews as the sacred books of their religion,⁷ and that the text of the Four Evangelists has been handed down to us in the state in which it was originally written that is, without having been materially corrupted or falsified, either by heretics or Christians; are facts which we are entitled to assume as true, until the contrary is shown. The genuineness of these writings really admits of as little doubt, and is susceptible of as ready proof, as that of any ancient writings whatever. The rule of municipal law on this subject is familiar, and applies with equal force to all ancient writings, whether documentary or otherwise; and as it comes first in order, in the prosecution of these inquiries, it may, for the sake of mere convenience, be designated as our first rule:

Every document, apparently ancient, coming from the proper repository or custody, and bearing on its face no evident marks of forgery, the law presumes to be genuine, and devolves on the opposing party the burden of proving it to be otherwise.

§ 9. An ancient document, offered in evidence in our courts, is said to come from the proper repository, when it is found in the place where, and under the care of persons with whom, such writings might naturally and reasonably be expected to be found; for it is this custody which gives authenticity to documents found within it.⁸ If they come from such a place, and bear no evident marks of forgery, the law presumes that they are genuine, and they are permitted to be read in evidence, unless the opposing party is able successfully to impeach them.⁹ The burden of showing them to be false and unworthy of credit, is devolved on the party who makes that objection. The presumption of law is the judgment of charity. It presumes that every man is innocent until he is proved guilty; that everything has been done fairly and legally, until it is proved to have been otherwise; and that every document, found in its proper repository, and not bearing marks of forgery, is genuine. Now this is precisely the case with the Sacred Writings. They have been used in the church from time immemorial, and thus are found in the place where alone they ought to be looked for. They come to us, and challenge our reception of them as genuine writings, precisely as Domesday Book, the Ancient Statutes of Wales, or any other of the ancient documents which have recently been published under the British Record Commission, are received. They are found in familiar use in all the churches of Christendom, as the sacred books to which all denominations of Christians refer, as the standard of their faith. There is no pretense that they were engraven on plates of gold and discovered in a cave, nor that they were brought from heaven by angels; but they are received as the plain narratives and writings of the men whose names they respectively bear, made public at the time they were written and though there are some slight discrepancies among the copies subsequently made, there is no pretense that the originals were anywhere corrupted. If it be objected that the originals are lost, and that copies alone are now produced, the principles of the municipal law here also afford a satisfactory answer. For the multiplication of copies was a public fact, in the faithfulness of which all the Christian community had an interest; and it is a rule of law, that: In matters of public and general interest, all persons must be presumed to be conversant, on the principle that individuals are presumed to be conversant with their own affairs.

Therefore it is that, in such matters, the prevailing current of assertion is resorted to as evidence, for it is to this that every member of the community is supposed to be privy. ¹⁰ The persons, moreover, who multiplied these copies, may be regarded, in some manner, as the agents of the Christian public, for whose use and benefit the copies were made; and on the ground of the credit due to such agents, and of the public nature of the facts themselves, the copies thus made are entitled to an extraordinary degree of confidence, and, as in the case of official registers and other public books, it is not necessary that they should be confirmed and sanctioned by the ordinary tests of truth.¹¹ If any ancient document concerning our public rights were lost, copies which had been as universally received and acted upon as the Four Gospels have been, would have been received in evidence in any of our courts of justice, without the slightest hesitation. The entire text of the Corpus Juris Civilis is received as authority in all the courts of continental Europe, upon much weaker evidence of its genuineness; for the integrity of the Sacred Text has been preserved by the jealousy of opposing sects, beyond any moral possibility of corruption; while that of the

Roman Civil Law has been preserved by tacit consent without the interest of any opposing school, to watch over and preserve it from alteration.

§ 10 These copies of the Holy Scriptures having thus been in familiar use in the churches, from the time when the text was committed to writing; having been watched with vigilance by so many sects, opposed to each other in doctrine, yet all appealing to these Scriptures for the correctness of their faith; and having in all ages, down to this day, been respected as the authoritative source of all ecclesiastical power and government, and submitted to, and acted under in regard to so many claims of right, on the one hand, and so many obligations of duty, on the other; it is quite erroneous to suppose that the Christian is bound to offer any further proof of their genuineness or authenticity. It is for the objector to show them spurious; for on him, by the plainest rules of law, lies the burden of proof. 12 If it were the case of a claim to a franchise, and a copy of an ancient deed or charter were produced in support of the title, under parallel circumstances on which to presume its genuineness, no lawyer, it is believed, would venture to deny either its admissibility in evidence, or the satisfactory character of the proof. In a recent case in the House of Lords, precisely such a document, being an old manuscript copy, purporting to have been extracted from ancient Journals of the House, which were lost, and to have been made by an officer whose duty it was to prepare lists of the Peers, was held admissible in a claim of peerage.¹³

§ 11 . Supposing, therefore, that it is not irrational, nor inconsistent with sound philosophy, to believe that God has made a special and express revelation of his character and will to man, and that the sacred books of our religion are genuine, as we now have them we proceed to examine and compare the testimony of Four Evangelists, as witnesses to the life and doctrines of Jesus Christ; in order to determine the degree of credit, to which, by the rules of evidence applied in human tribunals, they are justly entitled. Our attention will naturally be first directed to the witnesses themselves, to see who and what manner of men they were; and we shall take them in the order of their writings; stating the prominent traits only in their lives and characters, as they are handed down to us by credible historians.

§ 12. Matthew, called also Levi, was a Jew of Galilee, but of what city is uncertain. He held the place of publican, or tax-gatherer, under the Roman government, and his office seems to have consisted in collecting the taxes within his district, as well as the duties and customs levied on goods and persons, passing in and out of his district or province, across the lake of Genesareth. 'While engaged in this business, at the office or usual place of collection, he was required by Jesus to follow him, as one of his disciples; a command which he immediately obeyed. Soon afterwards, he appears to have given a great entertainment to his fellow-publicans and friends, at which Jesus was present; intending probably both to celebrate his own change of profession, and to give them an opportunity to profit by the teaching of his new Master. 14 He was constituted one of the twelve apostles, and constantly attended the person of Jesus as a faithful follower, until the crucifixion; and after the ascension of his Master he preached the gospel for some time with other apostles, in Judea, and afterwards in Ethiopia, where he died.

He is generally allowed to have written first of all the evangelists; but whether in the Hebrew or the Greek language, or in both, the learned are not agreed nor is it material to our purpose to inquire; the genuineness of our present Greek gospel being sustained by satisfactory evidence.¹⁵ The precise time when he wrote is also uncertain, the several dates given to it among learned men,

varying from A.D. 37 to A.D. 64. The earlier date, however, is argued with greater force, from the improbability that the Christians would be left for several years without a general and authentic history of our Savior's ministry; from the evident allusions which it contains to a state of persecution in the church at the time it was written; from the titles of sanctity ascribed to Jerusalem, and a higher veneration testified for the temple than is found in the other and later evangelists from the comparative gentleness with which Herod's character and conduct are dealt with, that bad prince probably being still in power and from the frequent mention of Pilate, as still governor of Judea.¹⁶

§ 13. That Matthew was himself a native Jew, familiar with the opinions, ceremonies, and customs of his countrymen; that he was conversant with the Sacred Writings, and habituated to their idiom; a man of plain sense, but of little learning, except what he derived from the Scriptures of the Old Testament; that he wrote seriously and from conviction, and had, on most occasions, been present, and attended closely, to the transactions which he relates, and relates, too, without any view of applause to himself; are facts which we may consider established by internal evidence, as strong as the nature of the case will admit. It is deemed equally well proved, both by internal evidence and the aid of history, that he wrote for the use of his countrymen the Jews. Every circumstance is noticed which might conciliate their belief, and every unnecessary expression is avoided which might obstruct it. They looked for the Messiah, of the lineage of David, and born in Bethlehem, in the circumstances of whose life the prophecies should find fulfillment, a matter, in their estimation, of peculiar value: and to all these this evangelist has directed their especial attention.¹⁷

§ 14. Allusion has been already made to his employment as a collector of taxes and customs but the subject is too important to be passed over without further notice. The tribute imposed by the Romans upon countries conquered by their arms was enormous. In the time of Pompey, the sums annually exacted from their Asiatic provinces, of which Judea was one, amounted to about four millions and a half of sterling, or about twenty-two millions of dollars. These exactions were made in the usual forms of direct and indirect taxation; the rate of the customs on merchandise varying from, an eighth to a fortieth part of the value of the commodity; and the tariff including all the principal articles of the commerce of the East, much of which, as is well known, still found its way to Italy through Palestine, as well as by the way of Damascus and of Egypt. The direct taxes consisted of a capitation-tax, and a land-tax, assessed upon a valuation or census, periodically taken, under the oath of the individual, with heavy penal sanctions.¹⁸ It is natural to suppose that these taxes were not voluntarily paid, especially since they were imposed by the conqueror upon a conquered people, and by a heathen, too, upon the people of the house of Israel. The increase of taxes has generally been found to multiply discontents, evasions, and frauds on the one hand, and, on the other, to increase vigilance, suspicion, close scrutiny, and severity of exaction. The penal code, as revised by Theodosius, will give us some notion of the difficulties in the way of the revenue officers, in the earlier times of which we are speaking. These difficulties must have been increased by the fact that, at this period, a considerable portion of the commerce of that part of the world was carried on by the Greeks, whose ingenuity and want of faith were proverbial. It was to such an employment and under such circumstances, that Matthew was educated; an employment which must have made him acquainted with the Greek language, and extensively conversant with the public affairs and the men of business of his time; thus entitling him to our confidence, as an

experienced and intelligent observer of events passing before him. And if the men of that day were, as in truth they appear to have been, as much disposed as those of the present time, to evade the payment of public taxes and duties, and to elude, by all possible means, the vigilance of the revenue officers, Matthew must have been familiar with a great variety of forms of fraud, imposture, cunning, and deception, and must have become habitually distrustful, scrutinizing, and cautious; and, of course, much less likely to have been deceived in regard to many of the facts in our Lord's ministry, extraordinary as they were, which fell under his observation. This circumstance shows both the sincerity and the wisdom of Jesus in selecting him for an eye-witness of his conduct, and adds great weight to the value of the testimony of this evangelist.

§ 15. Mark was the son of a pious sister of Barnabas, named Mary, who dwelt at Jerusalem, and at whose house the early Christians often assembled. His Hebrew name was John; the surname of Mark having been adopted, as is supposed, when he left Judea to preach the gospel in foreign countries; a practice not unusual among the Jews of that age, who frequently, upon such occasions, assumed a name more familiar than their own to the people whom they visited. He is supposed to have been converted to the Christian faith by the ministry of Peter. He traveled from Jerusalem to Antioch with Paul and Barnabas, and afterwards accompanied them elsewhere. When they landed at Perga in Pamphylia, he left them and returned to Jerusalem; for which reason, when he afterwards would have gone with them, Paul refused to take him. Upon this, a difference of opinion arose between the two apostles, and they separated, Barnabas taking Mark with him to Cyprus. Subsequently he accompanied Timothy to Rome, at the express desire of Paul. From this city he probably went into Asia, where he found Peter, with whom he returned to Rome, in which city he is supposed to have written and published his Gospel. Such is the outline of his history, as it is furnished by the New Testament.¹⁹ The early historians add, that after this he went into Egypt and planted a church in Alexandria, where he died.²⁰

§ 16. It is agreed that Mark wrote his Gospel for the use of Gentile converts; an opinion deriving great force from the explanations introduced into it, which would have been useless to a Jew;²¹ and that it was composed for those at Rome is believed, not only from the numerous Latinisms it contains, but from the unanimous testimony of ancient writers, and from the internal evidence afforded by the Gospel itself.

§ 17. Some have entertained the opinion that Mark compiled his account from that of Matthew, of which they supposed it an abridgment. But this notion has been refuted by Koppe, and others, ²² and is now generally regarded as untenable. For Mark frequently deviates from Matthew in the order of time; in his arrangement of facts; and he adds many things not related by the other evangelists; neither of which a mere epitomizer would probably have done. He also omits several things related by Matthew, and imperfectly describes others, especially the transactions of Christ with the apostles after the resurrection; giving no account whatever of his appearance in Galilee; omissions irreconcilable with any previous knowledge of the Gospel according to Matthew. To these proofs we may add, that in several places there are discrepancies between the accounts of Matthew and Mark, not, indeed, irreconcilable, but sufficient to destroy the probability that the latter copied from the former. ²³ The striking coincidences between them, in style, words, and things, in other places, may be accounted for by considering that Peter, who is supposed to have dictated this Gospel to Mark, was quite as intimately acquainted as Matthew with the miracles and discourses of our Lord; which, therefore he would naturally recite in his preaching; and that the

same things might very naturally be related in the same manner, by men who sought not after excellency of speech. Peter's agency in the narrative of Mark is asserted by all ancient writers, and is confirmed by the fact that his humility is conspicuous in every part of it, where anything is or might be related of him; his weaknesses and fall being fully exposed, while things which might redound to his honor, are either omitted or but slightly mentioned; that scarcely any transaction of Jesus is related, at which Peter was not present, and that all are related with that circumstantial minuteness which belongs to the testimony of an eye-witness. 24 We may, therefore, regard the Gospel of Mark as an original composition, written at the dictation of Peter, and consequently as another original narrative of the life, miracles, and doctrines of our Lord.

§ 18. Luke, according to Eusebius, was a native of Antioch, by profession a physician, and for a considerable period a companion of the apostle Paul. From the casual notices of him in the Scriptures, and from the early Christian writers, it has been collected, that his parents were Gentiles, but that he in his youth embraced Judaism, from which he was converted to Christianity. The first mention of him is that he was with Paul at Troas; 25 whence he appears to have attended him to Jerusalem; continued with him in all his troubles in Judea; and sailed with him where he was sent a prisoner from Caesarea to Rome, where he remained with him during his two years' confinement. As none of the ancient fathers have mentioned his having suffered martyrdom, it is generally supposed that he died a natural death.

§ 19. That he wrote his Gospel for the benefit of Gentile converts is affirmed by the unanimous voice of Christian antiquity; and it may also be inferred from its dedication to a Gentile. He is particularly careful to specify various circumstances conducive to the information of strangers, but not so to the Jews; he gives the lineage of Jesus upward, after the manner of the Gentiles instead of downward, as Matthew had done; tracing it up to Adam, and thus showing that Jesus was the promised seed of the woman; and he marks the eras of his birth, and of the ministry of John by the reigns of the Roman emperors. He also has introduced several things, not mentioned by the other evangelists, but highly encouraging to the Gentiles to men to God in the hope of pardon and acceptance; of which description are the parables of the publican and Pharisee, in the temple; the lost piece of silver; and the prodigal son; and the fact of Christ's visit to Zaccheus the publican, and the pardon of the penitent thief.

§ 20. That Luke was a physician appears not only from the testimony of Pau^{1,26} but from the internal marks in his Gospel, showing that he was both an acute observer, and had given particular and even professional attention to all our Savior's miracles of healing. Thus, the man whom Matthew and Mark describe simply as a leper, Luke describes as full of leprosy;²⁷ he, whom they mention as having a withered hand, Luke says had his right hand withered;²⁸ and of the maid, of whom the others say that Jesus took her by the hand and she arose, he adds, that her spirit came to her again.²⁹ He alone, with professional accuracy of observation, says that virtue went out of Jesus, and healed the sick; 30 he alone states the fact that the sleep of the disciples in Gethsemane was induced by extreme sorrow; and mentions the blood-like sweat of Jesus, as occasioned by the intensity of his agony; and he alone relates the miraculous healing of Malchus's ear.³¹ That he was also a man of a liberal education, the comparative elegance of his writings sufficiently shows.³²

§ 21. The design of Luke's Gospel was to supersede the defective and inaccurate narratives then in circulation, and to deliver to Theophilus to whom it is addressed, a full and authentic account of the life, doctrines, miracles, death, and resurrection of our Savior. Who Theophilus was, the learned are not perfectly agreed; but the most probable opinion is that of Dr. Lardner, now generally adopted, that, as Luke wrote his Gospel in Greece, Theophilus was a man of rank in that country. 33 Either the relations subsisting between him and Luke, or the dignity and power of his rank, or both, induced the evangelist, who himself also "had perfect understanding of all things from the first," to devote the utmost care to the drawing up of a complete and authentic narrative of these great events. He does not affirm himself to have been an eye-witness; though his personal knowledge of some of the transactions may well be inferred from the "perfect understanding" which he says he possessed. Some of the learned seem to have drawn this inference as to them all, and to have placed him in the class of original witnesses but this opinion though maintained on strong and plausible grounds, is not generally adopted. If, then, he did not write from his own personal knowledge the question is, what is the legal character of his testimony?

§ 22. If it were "the result of inquiries, made under competent public authority, concerning matters in which the public are concerned,"³⁴ it would possess every legal attribute of an inquisition, and, as such, would be legally admissible in evidence, in a court of justice. To entitle such results, however, to our full confidence, it is not necessary that they should be obtained under a legal commission; it is sufficient if the inquiry is gravely undertaken and pursued, by a person of competent intelligence, sagacity, and integrity. The request of a person in authority, or a desire to serve the public, are, to all moral intents, as sufficient a motive as a legal commission.³⁵ Thus, we know that when complaint is made to the head of a department, of official misconduct or abuse, existing in some remote quarter, nothing is more common than to send some confidential person to the spot, to ascertain the facts and report them to the department; and this report is confidently adopted as the basis of its discretionary action, in the correction of the abuse, or the removal of the offender. Indeed, the result of any grave inquiry is equally certain to receive our confidence, though it may have been voluntarily undertaken, if the party making it had access to the means of complete and satisfactory information upon the subject. 36 If, therefore, Luke's Gospel were to be regarded only as the work of a contemporary historian, it would be entitled to our confidence. But it is more than this. It is the result of careful inquiry and examination, made by a person of science, intelligence, and education, concerning subjects which he was perfectly competent to investigate, and as to many of which he was peculiarly skilled, they being cases of the cure of maladies; subjects, too, of which he already had the perfect knowledge of a contemporary, and perhaps an eye-witness, but beyond doubt, familiar with the parties concerned in the transactions, and belonging to the community in which the events transpired, which were in the mouths of all; and the narrative, moreover, drawn up for the especial use, and probably at the request, of a man of distinction, whom it would not be for the interest nor safety of the writer to deceive or mislead. Such a document certainly possesses all the moral attributes of an inquest of office, or of any other official investigation of facts; and as such is entitled, in *firo conscientiae*, to be adduced as original, competent, and satisfactory evidence of the matters it contains.

§ 23. John, the last of the evangelists, was the son of Zebedee, a fisherman of the town of Bethsaida, on the sea of Galilee. His father appears to have been a respectable man in his calling, owning his vessel and having hired servants. 37 His mother, too, was among those who followed

Jesus, and “ministered unto him;”³⁸ and to John himself, Jesus, when on the cross, confided the care and support of his own mother. ³⁹ This disciple also seems to have been favorably known to the high priest, and to have influence in his family; by means of which he had the privilege of being present in his palace at the examination of his Master, and of introducing also Peter, his friend. ⁴⁰ He was the youngest of the apostles; was eminently the object of the Lord’s regard and confidence; was on various occasions admitted to free and intimate communion with him; and is described as “the disciple whom Jesus loved.” ⁴¹ Hence he was present at several scenes, to which most of the others were not admitted. He alone, in company with Peter and James, was present at the resurrection of Jairus’s daughter, at the transfiguration on the mount, and at the agony of our Savior in the garden of Gethsemane.⁴² He was the only apostle who followed Jesus to the cross, he was the first of them at the sepulcher, and he was present at the several appearances of our Lord after his resurrection. These circumstances, together with his intimate friendship with the mother of Jesus, especially qualify him to give a circumstantial and authentic account of the life of his Master. After the ascension of Christ, and the effusion of the Holy Spirit on the day of Pentecost, John became one of the chief apostles of the circumcision, exercising his ministry in and near Jerusalem. From ecclesiastical history we learn that after the death of Mary the mother of Jesus, he proceeded to Asia Minor, where he founded and presided over seven churches, in as many cities, but resided chiefly at Ephesus. Thence he was banished, in Domitian’s reign, to the isle of Patmos, where he wrote his Revelation. On the accession of Nerva he was freed from exile, and returned to Ephesus, where he wrote his Gospel and Epistles, and died at the age of one hundred years, about A.D. 100; in the third year of the emperor Trajan.⁴³

§ 24. The learned are not agreed as to the time when the Gospel of John was written; some dating it as early as the year 68, others as late as the year 98; but it is generally conceded to have been written after all the others. That it could not have been the work of some Platonic Christian of a subsequent age, as some have without evidence asserted, is manifest from references to it by some of the early fathers, and from the concurring testimony of many other writers of the ancient Christian church.⁴⁴

§ 25. That it was written either with especial reference to the Gentiles, or at a period when very many of them had become converts to Christianity, is inferred from the various explanations it contains, beyond the other Gospels, which could have been necessary only to persons unacquainted with Jewish names and customs ⁴⁵ And that it was written after all the others, and to supply their omissions, is concluded, not only from the uniform tradition and belief in the church, but from his studied omission of most of the transactions noticed by the others, and from his care to mention several incidents which they have not recorded. That their narratives were known to him, is too evident to admit of doubt; while his omission to repeat what they had already stated, or, where he does mention the same things, his relating them in a brief and cursory manner, affords incidental but strong testimony that he regarded their accounts as faithful and true.⁴⁶

§ 26. Such are the brief histories of men, whose narratives we are to examine and compare; conducting the examination and weighing the testimony by the same rules and principles which govern our tribunals of justice in similar cases. These tribunals are in such cases governed by the following fundamental rule: In trials of fact, by oral testimony, the proper inquiry is not whether it is possible that the testimony may be false, but whether there is sufficient probability that it is true.

It should be observed that the subject of inquiry is a matter of fact, and not of abstract mathematical truth. The latter alone is susceptible of that high degree of proof, usually termed demonstration, which excludes the possibility of error, and which therefore may reasonably be required in support of every mathematical deduction. But the proof of matters of fact rests upon moral evidence alone; by which is meant not merely that species of evidence which we do not obtain either from our own senses, from intuition, or from demonstration. In the ordinary affairs of life we do not require nor expect demonstrative evidence, because it is inconsistent with the nature of matters of fact, and to insist on its production would be unreasonable and absurd. And it makes no difference, whether the facts to be proved relate to this life or to the next, the nature of the evidence required being in both cases the same. The error of the skeptic consists in pretending or supposing that there is a difference in the nature of the things to be proved; and in demanding demonstrative evidence concerning things which are not susceptible of any other than moral evidence alone, and of which the utmost that can be said is, that there is no reasonable doubt about their truth.⁴⁷

§ 27. In proceeding to weigh the evidence of any proposition of fact, the previous question to be determined is, when may it be said to be proved? The answer to this question is furnished by another rule of municipal law, which may be thus stated: A proposition of fact is proved, when its truth is established by competent and satisfactory evidence. By competent evidence is meant such as the nature of the thing to be proved requires; and by satisfactory evidence is meant that amount of proof, which ordinarily satisfies an unprejudiced mind, beyond any reasonable doubt. The circumstances which will amount to this degree of proof can never be previously defined; the only legal test to which they can be subjected is their sufficiency to satisfy the mind and conscience of a man of common prudence and discretion, and so to convince him, that he could venture to act upon that conviction in matters of the highest concern and importance to his own interest.⁴⁸ If, therefore, the subject is a problem in mathematics, its truth is to be shown by the certainty of demonstrative evidence. But if it is a question of fact in human affairs, nothing more than moral evidence can be required, for this is the best evidence which, from the nature of the case, is attainable. Now as the facts, stated in Scripture history, are not of the former kind, but are cognizable by the senses, they may be said to be proved when they are established by that kind and degree of evidence which, as we have just observed, would, in the affairs of human life, satisfy the mind and conscience of a common man. When we have this degree of evidence, it is unreasonable to require more. A juror would violate his oath, if he should refuse to acquit or condemn a person charged with an offense, where this measure of proof was adduced.

§ 28. Proceeding further, to inquire whether the facts related by the Four Evangelists are proved by competent and satisfactory evidence, we are led, first, to consider on which side lies the burden of establishing the credibility of the witnesses. On this point the municipal law furnishes a rule, which is of constant application in all trials by jury, and is indeed the dictate of that charity which thinketh no evil: In the absence of circumstances which generate suspicion, every witness is to be presumed credible, until the contrary is shown; the burden of impeaching his credibility lying on the objector.⁴⁹ This rule serves to show the injustice with which the writers of the Gospels have ever been treated by infidels; an injustice silently acquiesced in even by Christians; in requiring the Christian affirmatively, and by positive evidence, aliunde, to establish, the credibility of his witnesses above all others, before their testimony is entitled to be considered, and in permitting

the testimony of a single profane writer, alone and uncorroborated, to outweigh that of any single Christian. This is not the course in courts of chancery, where the testimony of a single witness is never permitted to outweigh the oath even of the defendant himself, interested as he is in the cause but, on the contrary, if the plaintiff, after having required the oath of his adversary, cannot overthrow it by something more than the oath of one witness, however credible, it must stand as evidence against him. But the Christian writer seems, by the usual course of the argument, to have been deprived of the common presumption of charity in his favor; and reversing the ordinary rule of administering justice in human tribunals, his testimony is unjustly presumed to be false, until it is proved to be true. This treatment, moreover, has been applied to them all in a body; and, without due regard to the fact, that, being independent historians, writing at different periods, they are entitled to the support of each other: they have been treated, in the argument, almost as if the New Testament were the entire production, at once, of a body of men, conspiring by a joint fabrication, to impose a false religion upon the world. It is time that this injustice should cease; that the testimony of the evangelists should be admitted to be true, until it can be disproved by those who would impugn it; that the silence of one sacred writer on any point should no more detract from his own veracity or that of the other historians, than the like circumstance is permitted to do among profane writers; and that the Four Evangelists should be admitted in corroboration of each other, as readily as Josephus and Tacitus, or Polybius and Livy.⁵⁰

§ 29. But if the burden of establishing the credibility of the evangelists were devolved on those who affirm the truth of their narratives, it is still capable of a ready moral demonstration, when we consider the nature and character of the testimony, and the essential marks of difference between true narratives of facts and the creations of falsehoods. It is universally admitted that the credit to be given to witnesses depends chiefly on their ability to discern and comprehend what was before them, their opportunities for observation, the degree of accuracy with which they are accustomed to mark passing events and their integrity in relating them. The rule of municipal law on this subject embraces all these particulars, and is thus stated by a legal text-writer of the highest repute: The credit due to the testimony of witnesses depends upon, firstly, their honesty; secondly, their ability; thirdly, their number and the consistency of their testimony; fourthly, the conformity of their testimony with experience; and fifthly, the coincidence of their testimony with collateral circumstances.⁵¹ Let the evangelists be tried by these tests.

§ 30. And first; as to their honesty. Here they are entitled to the benefit of the general course of human experience, that men ordinarily speak the truth, when they have no prevailing motive or inducement to the contrary. This presumption, to which we have before alluded, is applied in courts of justice, even to witnesses whose integrity is not wholly free from suspicion; much more is it applicable to the evangelists, whose testimony went against all their worldly interests. The great truths which the apostles declared were that Christ had risen from the dead, and that only through repentance from sin, and faith in him, could men hope for salvation. This doctrine they asserted with one voice, everywhere, not only under the greatest discouragements, but in the face of the most appalling terrors that can be presented to the mind of man. Their master had recently perished as a malefactor, by the sentence of a public tribunal. His religion sought to overthrow the religions of the whole world. The laws of every country were against the teachings of his disciples. The interests and passions of all the rulers and great men in the world were against them. The fashion of the world was against them. Propagating this new faith, even in the most inoffensive

and peaceful manner, they could expect nothing but contempt, opposition, revilings, bitter persecutions, stripes, imprisonments, torments, and cruel deaths. Yet this faith they zealously did propagate; and all these miseries they endured undismayed, nay, rejoicing. As one after another was put to a miserable death, the survivors only prosecuted their work with increased vigor and resolution. The annals of military warfare afford scarcely an example of the like heroic constancy, patience, and unblenching courage. They had every possible motive to review carefully the grounds of their faith, and the evidences of the great facts and truths which they asserted and these motives were pressed upon their attention with the most melancholy and terrific frequency. It was therefore impossible that they could have persisted in affirming the truths they have narrated, had not Jesus actually risen from the dead, and had they not known this fact as certainly as they knew any other fact.⁵² If it were morally possible for them to have been deceived in this matter, every human motive operated to lead them to discover and avow their error. To have persisted in so gross a falsehood, after it was known to them, was not only to encounter, for life, all the evils which man could inflict from without, but to endure also the pangs of inward and conscious guilt; with no hope of future peace, no testimony of a good conscience, no expectation of honor or esteem among men, no hope of happiness in this life, or in the world to come.

§ 31. Such conduct in the apostles would moreover have been utterly irreconcilable with the fact that they possessed the ordinary constitution of our common nature. Yet their lives do show them to have been men like all others of our race; swayed by the same motives, animated by the same hopes, affected by the same joys, subdued by the same sorrows, agitated by the same fears, and subject to the same passions, temptations, and infirmities as ourselves. And their writings show them to have been men of vigorous understandings. If then their testimony was not true, there was no possible motive for this fabrication.

§ 32. It would also have been irreconcilable with the fact that they were good men. But it is impossible to read their writings and not feel that we are conversing with men eminently holy and of tender consciences, with men acting under an abiding sense of the presence and omniscience of God, and of their accountability to him, living in his fear, and walking in his ways. Now, though in a single instance a good man may fall when under strong temptations, yet he is not found persisting, for years, in deliberate falsehood, asserted with the most solemn appeals to God, without the slightest temptation or motive, and against all the opposing interests which reign in the human breast. If, on the contrary, they are supposed to have been bad men, it is incredible that such men should have chosen this form of imposture, enjoining as it does unfeigned repentance, the utter forsaking and abhorrence of all falsehood and of every other sin, the practice of daily self-denial, self-abasement and self-sacrifice, the crucifixion of the flesh with all its earthly appetites and desires, indifference to the honors, and hearty contempt of the vanities of the world, and inculcating perfect purity of heart and life, and communion of the soul with heaven. It is incredible that bad men should invent falsehoods to promote the religion of the God of truth. The supposition is suicidal. If they did believe in a future state of retribution, a heaven and a hell hereafter, they took the most certain course, if false witnesses, to secure the latter for their portion. And if, still being bad men, they did not believe in future punishment, how came they to invent falsehoods the direct and certain tendency of which was to destroy all their prospects of worldly honor and happiness, and to insure their misery in this life? From these absurdities there is no escape, but in the perfect conviction and admission that they were good men, testifying to that

which they had carefully observed and considered, and well knew to be true.⁵³

§ 33. In the second place, as to their ability. The text writer before cited observes that the ability of a witness to speak the truth depends on the opportunities which he has had for observing the facts, the accuracy of his powers of discerning, and the faithfulness of his memory in retaining the facts, once observed and known.⁵⁴ Of the latter trait, in these witnesses we of course know nothing, nor have we any traditional information in regard to the accuracy of their powers of discerning. But we may well suppose that in these respects they were like the generality of their countrymen, until the contrary is shown by an objector. It is always to be presumed that men are honest, and of sound mind, and of the average and ordinary degree of intelligence. This is not the judgment of mere charity; it is also the uniform presumption of the law of the land; a presumption which is always allowed freely and fully to operate, until the fact is shown to be otherwise, by the party who denies the applicability of this presumption to the particular case in question. Whenever an objection is raised in opposition to ordinary presumptions of law, or to the ordinary experience of mankind, the burden of proof is devolved on the objector by the common and ordinary rules of evidence, and of practice in courts. No lawyer is permitted to argue in disparagement of the intelligence or integrity of a witness, against whom the case itself afforded no particle of testimony. This is sufficient for our purpose, in regard to these witnesses. But more than this is evident, from the minuteness of their narrative, and from their history. Matthew was trained, by his calling, to habits of severe investigation and suspicious scrutiny; Luke's profession demanded an exactness of observation equally close and searching. The other two evangelists, it has been well remarked, were as much too unlearned to forge the story of their master's life, as these were too learned and acute to be deceived by any imposture.

§ 34. In the third place, as to their number and the consistency of their testimony. The character of their narratives is like that of all other true witnesses, containing, as Dr. Paley observes, substantial truth, under circumstantial variety. There is enough of discrepancy to show that there could have been no previous concert among them, and at the same time such substantial agreement as to show that they all were independent narrators of the same great transaction, as the events actually occurred. That they conspired to impose falsehood upon the world is, moreover, utterly inconsistent with the supposition that they were honest men; a fact, to the proofs of which we have already adverted. But if they were bad men, still the idea of any conspiracy among them is negated, not only by the discrepancies alluded to, but by many other circumstances which will be mentioned hereafter; from all which, it is manifest that if they concerted a false story, they sought its accomplishment by a mode quite the opposite to that which all others are found to pursue, to attain the same end. On this point the profound remark of an eminent writer is to our purpose; that "in a number of concurrent testimonies, where there has been no previous concert, there is a probability distinct from that which may be termed the sum of the probabilities resulting from the testimonies of the witnesses; a probability which would remain, even though the witnesses were of such a character as to merit no faith at all. This probability arises from the concurrence itself. That such a concurrence should spring from chance is as one to infinite; that is, in other words, morally impossible. If therefore concert be excluded, there remains no cause but the reality of the fact."⁵⁵

§ 35. The discrepancies between the narratives of the several evangelists, when carefully examined, will not be found sufficient to invalidate their testimony. Many seeming contradictions

will prove, upon closer scrutiny, to be in substantial agreement; and it may be confidently asserted that there are none that will not yield, under fair and just criticism. If these different accounts of the same transactions were in strict verbal conformity with each other, the argument against their credibility would be much stronger. All that is asked for these witnesses is that their testimony may be regarded as we regard the testimony of men in the ordinary affairs of life. This they are justly entitled to; and this no honorable adversary can refuse. We might, indeed, take higher ground than this, and confidently claim for them the severest scrutiny; but our present purpose is merely to try their veracity by the ordinary tests of truth, admitted in human tribunals.

§ 36. If the evidence of the evangelists is to be rejected because of a few discrepancies among them, we shall be obliged to discard that of many of the contemporaneous histories on which we are accustomed to rely. Dr. Paley has noticed the contradiction between Lord Clarendon and Burnett and others in regard to Lord Strafford's execution: the former stating that he was condemned to be hanged, which was done on the same day and the latter all relating that on a Saturday he was sentenced to the block, and was beheaded on the following Monday. Another striking instance of discrepancy has since occurred, in the narratives of the different members of the royal family of France, of their flight from Paris to Varennes, in 1792. These narratives, ten in number, and by eye-witnesses and personal actions in the transactions they relate, contradict each other, some in trivial and some on more essential points, but in every case in a wonderful and inexplicable manner. 56 Yet these contradictions do not, in the general public estimation, detract from the integrity of the narrators, nor from the credibility of their relations. In the points in which they agree, and which constitute the great body of their narratives, their testimony is of course not doubted where they differ, we reconcile them, as well as we may; and where this cannot be done at all, we follow that light which seems to us the clearest. Upon the principles of the skeptic, we should be bound utterly to disbelieve them all. On the contrary, we apply to such cases the rules which, in daily experience, our judges instruct juries to apply, in weighing and reconciling the testimony of different witnesses; and which the courts themselves observe, in comparing and reconciling different and sometimes discordant reports of the same decisions. This remark applies especially to some alleged discrepancies in the reports which the several evangelists have given of the same discourses of our Lord.⁵⁷

§ 37. In the fourth place, as to the conformity of their testimony with experience. The title of the evangelists to full credit for veracity would be readily conceded by the objector, if the facts they relate were such as ordinarily occur in human experience, and on this circumstance an argument is founded against their credibility. Miracles, say the objectors, are impossible; and therefore the evangelists were either deceivers or deceived and in either case their narratives are unworthy of belief. Spinosa's argument against the possibility of miracles was founded on the broad and bold assumption that all things are governed by immutable laws, or fixed modes of motion and relation, termed the laws of nature, by which God himself is of necessity bound. This erroneous assumption is the tortoise, on which stands the elephant which upholds his system of atheism. He does not inform us who made these immutable laws, nor whence they derive their binding force and irresistible operation. The argument supposes that the creator of all things first made a code of laws, and then put it out of his own power to change them. The scheme of Mr. Hume is but another form of the same error. He deduces the existence of such immutable laws from the uniform course of human experience. This, he affirms, is our only guide in reasoning concerning matters of fact;

and whatever is contrary to human experience, he pronounces incredible.⁵⁸ Without stopping to examine the correctness of this doctrine as a fundamental principle in the law of evidence, it is sufficient in this place to remark that it contains this fallacy: it excludes all knowledge derived by inference or deduction from facts, confining us to what we derive from experience alone, and thus depriving us of any knowledge or even rational belief of the existence or character of God. Nay more, it goes to prove that successive generations of men can make no advancement in knowledge, but each must begin de novo and be limited to the results of his own experience. But if we may infer, from what we see and know, that there is a Supreme Being, by whom this world was created, we may certainly, and with equal reason, believe him capable of works which we have never yet known him to perform. We may fairly conclude that the power which was originally put forth to create the world is still constantly and without ceasing exerted to sustain it; and that the experienced connection between cause and effect is but the uniform and constantly active operation of the finger of God. Whether this uniformity of operation extends to things beyond the limits of our observation is a point we cannot certainly know. Its existence in all things that ordinarily concern us may be supposed to be ordained as conducive to our happiness; and if the belief in a revelation of peace and mercy from God is conducive to the happiness of man, it is not irrational to suppose that he would depart from his ordinary course of action in order to give it such attestations as should tend to secure that belief. "A miracle is improbable, when we can perceive no sufficient cause, in reference to his creatures, why the Deity should not vary his modes of operation; it ceases to be so, when such cause is assigned!"⁵⁹

§ 38. But the full discussion of the subject of miracles forms no part of the present design. Their credibility has been fully established, and the objections of skeptics most satisfactorily met and overthrown by the ablest writers of our own day, whose works are easily accessible.⁶⁰ Thus much, however, may here be remarked: that in almost every miracle related by the evangelists, the facts, separately taken, were plain, intelligible, transpiring in public, and about which no person of ordinary observation would be likely to mistake. Persons blind or crippled, who applied to Jesus for relief; were known to have been crippled or blind for many years; they came to be cured; he spoke to them; they went away whole. Lazarus had been dead and buried four days; Jesus called him to come forth from the grave; he immediately came forth, and was seen alive for a long time afterwards. In every case of healing, the previous condition of the sufferer was known to all; all saw his instantaneous restoration; all witnessed the act of Jesus in touching him, and heard his words. ⁶¹ All these, separately considered, were facts, plain and simple in their nature, easily seen and fully comprehended by persons of common capacity and observation. If they were separately testified to, by different witnesses of ordinary intelligence and integrity, in any court of justice, the jury would be bound to believe them; and a verdict, rendered contrary to the uncontradicted testimony of credible witnesses to any of these plain facts, separately taken, would be liable to be set aside, as a verdict against evidence. If one credible witness testified to the fact that Bartimeus was blind, according to the uniform course of administering justice, this fact would be taken as satisfactorily proved. So also, if his subsequent restoration to sight were the sole fact in question, this also would be deemed established, by the like evidence. Nor would the rule of evidence be at all different if the fact to be proved were the declaration of Jesus, immediately preceding his restoration to sight, that his faith had made him whole. In each of these cases, each isolated fact was capable of being accurately observed, and certainly known; and the evidence upon any other indifferent subject. The connection of the word or the act of Jesus with the restoration of the blind,

lame, and dead to sight, health, and life, as cause and effect, is a conclusion which our reason is compelled to admit, from the uniformity of their concurrence, in such a multitude of instances, as well as from the universal conviction of all, whether friends or foes, who beheld the miracles which he wrought. Indeed, if the truth of one of the miracles is satisfactorily established, our belief cannot reasonably be withheld from them all. This is the issue proposed by Dr. Paley, in regard to the evidence of the death of Jesus upon the cross, and his subsequent resurrection, the truth of which he has established in an argument, incapable of refutation.

§ 39. In the fifth place, as to the coincidence of their testimony, with collateral and contemporaneous facts and circumstances. After a witness is dead and his moral character is forgotten, we can ascertain it only by a close inspection of his narrative, comparing its details with each other, and with contemporary accounts and collateral facts. This test is much more accurate than may at first be supposed. Every event which actually transpires has its appropriate relation and place in the vast complication of circumstances, of which the affairs of men consist; it owes its origin to the events which have preceded it, is intimately connected with all others which occur at the same time and place, and often with those of remote regions, and in its turn gives birth to numberless others which succeed. In all this almost inconceivable contexture, and seeming discord, there is perfect harmony; and while the fact, which really happened, tallies exactly with every other contemporaneous incident, related to it in the remotest degree, it is not possible for the wit of man to invent a story, which, if closely compared with the actual occurrences of the same time and place, may not be shown to be false. ⁶² Hence it is, that a false witness will not willingly detail any circumstances in which his testimony will be open to contradiction, nor multiply them where there is danger of his being detected by a comparison of them with other accounts, equally circumstantial. He will rather deal in general statements and broad assertions, and if he finds it necessary for his purpose to employ names and particular circumstances in his story, he will endeavor to invent such as shall be out of the reach of all opposing proof; and he will be the most forward and minute in details, where he knows that any danger of contradiction is least to be apprehended.⁶³ Therefore it is, that variety and minuteness of detail are usually regarded as certain test of sincerity, if the story, in the circumstances related, is of a nature capable of easy refutation if it were false.

§ 40. The difference, in the detail of circumstances, between artful or false witnesses and those who testify the truth, is worthy of special observation. The former are often copious and even profuse in their statements, as far as these may have been previously fabricated, and in relation to the principal matter; but beyond this, all will be reserved and meagre, from the fear of detection. Every lawyer knows how lightly the evidence of a non-mi-recordo witness is esteemed. The testimony of false witnesses will not be uniform in its texture, but will be unequal, unnatural, and inconsistent. On the contrary, in the testimony of true witnesses there is a visible and striking naturalness of manner, and an unaffected readiness and copiousness in the detail of circumstances, as well in one part of the narrative as another, and evidently without the least regard either to the facility or difficulty of verification or detection. ⁶⁴ It is easier, therefore, to make out the proof of any fact, if proof it may be called, by suborning one or more false witnesses to testify directly to the matter in question, than to procure an equal number to testify falsely to such collateral and separate circumstances as will, without greater danger of detection, lead to the same false result. The increased number of witnesses to circumstances, and the increased

number of the circumstances themselves, all tend to increase the probability of detection if the witnesses are false, because thereby the points are multiplied in which their statements may be compared with each other, as well as with the truth itself, and in the same proportion is increased the danger of variance and inconsistency.⁶⁵ Thus the force of circumstantial evidence is found to depend on the number of particulars involved in the narrative; the difficulty of fabricating them all, if false, and the great facility of detection; the nature of the circumstances to be compared, and from which the dates and other facts are to be collected; the intricacy of the comparison; the number of the intermediate steps in the process of deduction; and the circuitry of the investigation. The more largely the narrative partake of these characters, the further it will be found removed from all suspicion of contrivance or design, and the more profoundly the mind will repose on the conviction of its truth.

§ 41. The narratives of the sacred writers, both Jewish and Christian, abound in examples of this kind of evidence, the value of which is hardly capable of being properly estimated. It does not, as has been already remarked, amount to mathematical demonstration; nor is this degree of proof justly demandable in any question of moral conduct. In all human transactions, the highest degree of assurance to which we can arrive, short of the evidence of our own senses, is that of probability. The most that can be asserted is that the narrative is more likely to be true than false; and it may be in the highest degree more likely, but still be short of absolute mathematical certainty. Yet this very probability may be so great as to satisfy the mind of the most cautious, and enforce the assent of the most reluctant and unbelieving. If it is such as usually satisfies reasonable men, in matters of ordinary transaction, it is all which the greatest skeptic has a right to require; for it is by such evidence alone that our rights are determined in the civil tribunals; and on no other evidence do they proceed, even in capital cases. Thus where a house had been feloniously broken open with a knife, the blade of which was broken and left in the window, and the mutilated knife itself, the parts perfectly agreeing, was found in the pocket of the accused, who gave no satisfactory explanation of the fact, no reasonable doubt remained of his participation in the crime. And where a murder had been committed by shooting with a pistol, and the prisoner was connected with the transaction by proof that the wadding of the pistol was part of a letter addressed to him, the remainder of which was found upon his person, no juror's conscience could have reproached him for assenting to the verdict of condemnation. ⁶⁶ Yet the evidence, in both cases, is but the evidence of circumstances, amounting, it is true, to the highest degree of probability, but yet not utterly inconsistent with the innocence of the accused. The evidence which we have of the great facts of the Bible history belongs to this class, that is, it is moral evidence; sufficient to satisfy any rational mind, by carrying it to the highest degree of moral certainty. If such evidence well justify the taking away of human life or liberty, in the one case, surely it ought to be deemed sufficient to determine our faith in the other.

§ 42. All that Christianity asks of men on this subject is that they would be consistent with themselves; that they would treat its evidences as they treat the evidence of other things; and that they would try and judge its actors and witnesses as they deal with their fellow men, when testifying to human affairs and actions, in human tribunals. Let the witnesses be compared with themselves, with each other, and with surrounding facts and circumstances; and let their testimony be sifted, as if it were given in a court of justice, on the side of the adverse party, the witness being subjected to a rigorous cross-examination. The result, it is confidently believed, will be an

undoubting conviction of their integrity, ability, and truth. In the course of such an examination, the undesigned coincidences will multiply upon us at every step in our progress; the probability or the veracity of the witnesses and of the reality of the occurrences which they relate will increase, until it acquires, for all practical purposes, the value and force of demonstration.

§ 43. It should be remembered that very little of the literature of their times and country has come down to us, and that the collateral sources and means of corroborating and explaining their writings are proportionally limited. The contemporary writings and works of art which have reached us have invariably been found to confirm their accounts, to reconcile what was apparently contradictory, and supply what seemed defective or imperfect. We ought therefore to conclude that if we had more of the same light, all other similar difficulties and imperfections would vanish. Indeed they have been gradually vanishing, and rapidly too, before the light of modern research, conducted by men of science in our own times. And it is worthy of remark that of all the investigations and discoveries of travelers and men of letters, since the overthrow of the Roman empire, not a vestige of antiquity has been found impeaching, in the slightest degree, the credibility of the sacred writers; but on the contrary, every result has tended to confirm it.

§ 44. The essential marks of difference between true narratives of facts and the creations of fiction have already been adverted to. It may here be added that these attributes of truth are strikingly apparent throughout the gospel histories, and that the absence of all the others is equally remarkable. The writers allude, for example, to the existing manners and customs, and to the circumstances of the times and of their country with the utmost minuteness of reference. And these references are never formally made, nor with preface and explanation, never multiplied and heaped on each other, nor brought together, as though introduced by design; but they are scattered broadcast and singly over every part of the story, and so connect themselves with every incident related as to render the detection of falsehood inevitable. This minuteness, too, is not peculiar to any one of the historians, but is common to them all. Though they wrote at different periods and without mutual concert, they all alike refer incidentally to the same state of affairs, and to the same contemporary and collateral circumstances. Their testimony, in this view, stands on the same ground with that of four witnesses, separately examined before different commissioners, upon the same interrogatories, and all adverting incidentally to the same circumstances as surrounding and accompanying the principal transaction, to which alone their attention is directed. And it is worthy of observation that these circumstances were at that time of a peculiar character. Hardly a state or kingdom in the world ever experienced so many vicissitudes in its government and political relations as did Judea, during the period of the gospel history. It was successively under the government of Herod the Great, of Archelaus, and of a Roman magistrate; it was a kingdom, a tetrarchate, and a province; and its affairs, its laws, and the administration of justice, were all involved in the confusion and uncertainty naturally to be expected from recent conquest. It would be difficult to select any place or period in the history of nations, for the time and scene of a fictitious history or an imposture, which would combine so many difficulties for the fabricator to surmount, so many contemporary writers to confront with him, and so many facilities for the detection of falsehood.⁶⁷

§ 45. "Had the evangelists been false historians," says Dr. Chalmers, "they would not have committed themselves upon so many particulars. They would not have furnished the vigilant inquirers of that period with such an effectual instrument for bringing them into discredit with the

people; nor foolishly supplied, in every page of their narrative, so many materials for a cross-examination, which would infallibly have disgraced them. Now, we of this age can institute the same cross-examination. We can compare the evangelical writers with contemporary authors, and verify a number of circumstances in the history, and government, and peculiar economy of the Jewish people. We therefore have it in our power to institute as cross-examination upon the writers of the New Testament; and the freedom and frequency of their allusions to these circumstances supply us with ample materials for it. The fact, that they are borne out in their minute and incidental allusions by the testimony of other historians, gives a strong weight of what has been called circumstantial evidence in their favor. As a specimen of the argument, let us confine our observations to the history of our Savior's trial, and execution, and burial. They brought him to Pontius Pilate. We know both from Tacitus and Josephus, that he was at that time governor of Judea. A sentence from him was necessary before they could proceed to the execution of Jesus; and we know that the power of life and death was usually vested in the Roman governor. Our Savior was treated with derision; and this we know to have been a customary practice at that time, previous to the execution of criminals, and during the time of it. Pilate scourged Jesus before he gave him up to be crucified. We know from ancient authors, that this was a very usual practice among Romans. The accounts of an execution generally run in this form: he was stripped, whipped, and beheaded or executed. According to the evangelists, his accusation was written on the top of the cross; and we learn from Suetonius and others, that the crime of the person to be executed was affixed to the instrument of his punishment. According to the evangelists, this accusation was written in three different languages; and we know from Josephus that it was quite common in Jerusalem to have all public advertisements written in this manner. According to the evangelists, Jesus had to bear his cross; and we know from other sources of information, that this was the constant practice of these times. According to the evangelists, the body of Jesus was given up to be buried at the request of friends. We know that, unless the criminal was infamous, this was the law or the custom with all Roman governors."⁶⁸

§ 46. There is also a striking naturalness in the characters exhibited in the sacred historians, rarely if ever found in works of fiction, and probably nowhere else to be collected in a similar manner from fragmentary and incidental allusions and expressions, in the writing of different persons. Take, for example, that of Peter, as it may be gathered from the evangelists, and it will be hardly possible to conceive that four persons, writing at different times, could have concurred in the delineation of such a character, if it were not real; a character too, we must observe, which is nowhere expressly drawn, but is shown only here and there, casually, in the subordinate parts of the main narrative. Thus disclosed, it is that of a confident, sanguine, and zealous man; sudden and impulsive, yet humble and ready to retract; honest and direct in his purposes; ardently loving his master, yet deficient in fortitude and firmness in the cause.⁶⁹ When Jesus put any question to the apostles, it was Peter who was foremost to reply;⁷⁰ and if they would inquire of Jesus, it was Peter who was readiest to speak.⁷¹ He had the impetuous courage to cut off the ear of the high priest's servant, who came to arrest his master; and the weakness to dissemble before the Jews, in the matter of eating with Gentile converts.⁷² It was he who ran with John to the sepulcher on the first intelligence of the resurrection of Jesus, and with characteristic zeal rushed in, while John paused outside the door!⁷³ He had the ardor to desire and the faith to attempt to walk on the water at the command of his Lord; but as soon as he saw the wind boisterous, he was afraid.⁷⁴ He was the first to propose the election of another apostle in the place of Jude; ⁷⁵ and he it was who

courageously defended them all on the day of Pentecost, when the multitude charged them with being filled with new wine.⁷⁶ He was forward to acknowledge Jesus to be the Messiah; ⁷⁷ yet having afterwards endangered his own life by wounding the servant of the high priest, he suddenly consulted his own safety by denying the same Master for whom, but a few hours before, he had declared himself ready to die.⁷⁸ We may safely affirm that the annals of fiction afford no example of a similar but not uncommon character, thus incidentally delineated.

§ 47. There are other internal marks of truth in the narratives of the evangelists, which, however, need here be only alluded to, as they have been treated with great fullness and force by able writers, whose works are familiar to all.⁷⁹ Among these may be mentioned the nakedness of the narratives; the absence of all parade by the writers about their own integrity, of all anxiety to be believed, or to impress others with a good opinion of themselves or their cause, of all marks of wonder, or of desire to excite astonishment at the greatness of the events they record, and of all appearance of design to exalt their master. On the contrary, there is apparently the most perfect indifference on their part whether they are believed or not; or rather, the evident consciousness that they are recording events well known to all in their own country and times, and undoubtedly to be believed, like any other matter of public history, by readers in all other countries and ages. It is worthy, too, of especial observation that though the evangelists record the unparalleled sufferings and cruel death of their beloved Lord, and this too, by hands and with the consenting voices of those on whom he had conferred the greatest benefits, and their own persecutions and dangers, yet they have bestowed no epithets of harshness or even of just censure on the authors of all this wickedness, but have everywhere left the plain and unencumbered narrative to speak for itself, and the reader to pronounce his own sentence of condemnation; like true witnesses, who have nothing to gain or to lose by the event of the cause, they state the facts, and leave them to their fate. Their simplicity and artlessness, also, should not pass unnoticed, in readily stating even those things most disparaging to themselves. Their want of faith in their master, their dullness of apprehension of his teachings, their strifes for preeminence, their desertion of their Lord in his hour of extreme peril; these and many other incidents tending directly to their own dishonor are nevertheless set down with all the directness and sincerity of truth, as by men writing under the deepest sense of responsibility to God. Some of the more prominent instances of this class of proofs will be noticed hereafter, in their proper places, in the narratives themselves.

§ 48. Lastly, the great character they have portrayed is perfect. It is the character of a sinless Being, of one supremely wise and supremely good. It exhibits no error, no sinister intention, no imprudence, no ignorance, no evil passion, no impatience; in a word, no fault; but all is perfect uprightness, innocence, wisdom, goodness, and truth. The mind of man has never conceived the idea of such a character, even for his gods; nor has history or poetry shadowed it forth. The doctrines and precepts of Jesus are in strict accordance with the attributes of God, agreeably to the most exalted idea which we can form of them, either from reason or from revelation. They are strikingly adapted to the capacity of mankind, and yet are delivered with a simplicity and majesty wholly divine. He spake as never man spake. He spake with authority, yet addressed himself to the reason and the understanding of men; and he spake with wisdom, which men could neither deny nor resist. In his private life, he exhibits a character not merely of strict justice, but of overflowing benignity. He is temperate, without austerity; his meekness and humility are signal; his patience is invincible; truth and sincerity light up his whole conduct; every one of his virtues is

regulated by consummate discernment; and he both wins the love of his friends, and extorts the wonder and admiration of his enemies. 80 He is represented in every variety of situation in life, from the height of worldly grandeur, amid the acclamations of an admiring multitude, to the deepest abyss of human degradation and woe, apparently deserted of God and man. Yet everywhere he is the same, displaying a character of unearthly perfection, symmetrical in all its proportions, and encircled with splendor more than human. Either the men of Galilee were men of superlative wisdom, and extensive knowledge and experience, and of deeper skill in the arts of deception than any and all others, before or after them, or they have truly stated the astonishing things which they saw and heard. The narratives of the evangelists are now submitted to the reader's perusal and examination, upon the principles and by the rules already stated. For this purpose, and for the sake of more ready and close comparison, they are arranged in juxtaposition, after the general order of the latest and most approved harmonies. The question is not upon the strict propriety of the arrangement, but upon the veracity of the witnesses and the credibility of their narratives. With the relative merits of modern harmonists, and with points of controversy among theologians the writer has no concern. His business is that of a lawyer examining the testimony of witnesses by the rules of his profession, in order to ascertain whether, if they had thus testified on oath, in a court of justice, they would be entitled to credit and whether their narratives, as we now have them, would be received as ancient documents, coming from the proper custody. If so, then it is believed that every honest and impartial man will act consistently with that result, by receiving their testimony in all the extent of its import. To write out a full commentary or argument upon the text would be a useless addition to the bulk of the volume; but a few notes have been added for illustration of the narratives, and for the clearing up of apparent discrepancies, as being all that members of the legal profession would desire.

2-Notes

Notes

1. Nov. Org. 1.68. "Ut non alius fere sit aditus ad regnum hominis, quod fundatur in scientiis, quam ad regnum coelorum in quod, nisi sub persona infantis, intrare non datur."

2. Bishop Wilson, Evidences of Christianity, 1.38.

3. See Hopkins, Lowell Lectures , particularly Lect. 2. Wilson, Evidences. 1.45-61 [Pages 42-65, 1832 edition], The Evidences of Christianity: stated in a popular and practical manner, in a course of lectures, delivered in the Parish Church of St. Mary, Islington. Volume 1 of 2. Horne, Introduction to the Study of the Holy Scriptures 1.1-39 . [pages 1-36 in the 1877 edition.] Mr. Horne having cited all the best English writers on this subject, it is sufficient to refer to his work alone.

4. Hopkins, Lowell Lectures, p. 48.

5. It has been well remarked, that, if we regard man as in a state of innocence, we should naturally expect that God would hold communications with him; that if we regard him as guilty, and as having lost the knowledge and moral image of God, such a communication would be absolutely necessary, if man was to be restored. Hopkins, Lowell Lectures, p. 62.

6. The argument here briefly sketched is stated more at large, and with great clearness and force, in an essay entitled "The Philosophy of the Plan of Salvation," pp. 13-107. Cincinnati, Hitchcock and Walden, 1855. 286 pp. 18 cm.

[James Barr Walker was the author of "The Philosophy of the Plan of Salvation," published anonymously under the editorship of Professor Calvin E. Stowe (Boston, 1855), which went through several editions in England, and has been translated into five foreign languages, including Hindustanee.] 7. See Stuart, Critical History and Defense of the Old Testament Canon, where this is abundantly proved.

8. Per Tindal Ch. J., in the case of Bishop of Meath v Marquis of Winchester, 3 Bing. N C 183, 200-201. "It is when documents are found in other than their proper places of deposit," observed the Chief Justice, "that the investigation commences, whether it was reasonable and natural, under the circumstances of the particular case, to expect that they should have been in the place where they are actually found for it is obvious, that, while there can be only one place of deposit strictly and absolutely proper, there may be many and various, that are reasonable and probable, though differing in degree, some being more so, some less; and in these cases the proposition to be determined is, whether the actual custody is so reasonably and probably accounted for, that it impresses the mind with the conviction that the instrument found in such custody must be genuine." See the cases cited in Greenleaf on Evidence § 142; see also 1 Stark on Ev. pp. 332-335, 381-386; Croughton v Blake, 12 Mees. & W. 205, 208; Doe v Phillips, 10 Jur 34. It is this defect, namely, that they do not come from the proper or natural repository, which shows the fabulous character of many pretended revelations, from the Gospel of the Infancy to the Book of

Mormon.

9. Greenl. on Ev. § 34, 142, 570. [1842 edition].

§ 34. The rules in this class of presumptions, as in the former, have been adopted by common consent, from motives of public policy, and for the promotion of the general good; yet not, as in the former class, forbidding all farther evidence; but only excusing or dispensing with it, till some proof is given, on the other side, to rebut the presumption thus raised. Thus, as men do not generally violate the penal code, the law presumes every man innocent; but some men do transgress it, and therefore evidence is received to repel this presumption. This legal presumption of innocence is to be regarded by the Jury, in every case, as matter of evidence, to the benefit of which the party is entitled. And where a criminal charge is to be proved by circumstantial evidence, the proof ought to be not only consistent with the prisoner's guilt, but inconsistent with any other rational conclusion.* * Hodge's case, 2 Lewin, Cr. Cas. 227, per Alderson, B.

*** On the other hand, as men seldom do unlawful acts with innocent intentions, the law presumes every act, in itself unlawful, to have been criminally intended, till the contrary appears. Thus on a charge of murder, malice is presumed from the fact of killing, unaccompanied with circumstances of extenuation ; and the burden of disproving the malice is thrown upon the accused.* * Foster's Crown Law, 255; Rex v. Farrington, Rus. & Ry. 207.

*** The same presumption arises in civil actions, where the act complained of was unlawful.*

* In Bromage v. Prosser, 4 B. & C. 247, 255, 256, which was an action for words spoken of the plaintiffs, in their business and trade of bankers, the law of implied or legal malice, as distinguished from malice in fact, was clearly expounded by Mr. Justice Bayley, in the following terms. - "Malice, in the common acceptance, means ill will against a person, but in its legal sense it means a wrongful act, done intentionally, without just cause or excuse. If I give a perfect stranger a blow likely to produce death, I do it of malice, because I do it intentionally and without just cause or excuse. If I maim cattle, without knowing whose they are, if I poison a fishery, without knowing the owner, I do it of malice, because it is a wrongful act, and done intentionally. If I am arraigned of felony, and wilfully stand mute, I am said to do it of malice, because it is intentional and without just cause or excuse. Russell on Crimes, 614, n. 1. And if I traduce a man, whether I know him or not, and whether I intend to do him an injury or not, I apprehend the law considers it as done of malice, because it is wrongful and intentional. It equally works an injury, whether I meant to produce an injury or not, and if I had no legal excuse for the slander, why is he not to have a remedy against me for the injury it produces? And I apprehend the law recognises the distinction between these two descriptions of malice, malice in fact and malice in law, in actions of slander. In an ordinary action for words, it is sufficient to charge, that the defendant spoke them falsely ; it is not necessary to state, that they were spoken maliciously. This is so laid down in Styles, 393, and was adjudged upon error in Mercer v. Sparks, Owen, 51 ; Noy, 35. The objection there was, that the words were not charged to have been spoken maliciously, but the Court answered, that the words were themselves malicious and slanderous, and, therefore, the judgment was affirmed. But in actions for such slander, as is prima facie excusable on account of the cause of speaking or writing it, as in the case of servants' characters, confidential advice, or communication to persons who ask it, or have a right to expect it, malice in fact must be proved by the plaintiff; and in Edmonson v. Stevenson, Bull. N. P. 8, Lord Mansfield takes the distinction between these and

ordinary actions of slander."

*** So also, as men generally own the personal property they possess, proof of possession is presumptive proof of ownership. But possession of the fruits of crime, recently after its commission, is prima facie, evidence of guilty possession; and, if unexplained, either by direct evidence, or by the attending circumstances, or by the character and habits of life of the possessor, or otherwise, it is taken as conclusive.*

* Rex V. , 2 C. & P. 459 ; Regiia v. Coote, 1 Armst. Macartn. & Ogle, R. 337; The State v. Adams, 1 Hayw. 463; Wills on Circumstantial Evidence, 67. Where the things stolen are such as do not pass from hand to hand, (e. g. the ends of unfinished woollen clothes,) their being found in the prisoner's possession, two months after they were stolen, is sufficient to call for an explanation from him how he came by them, and to be considered by the Jury. Rex v. Partridge, 7 C. & P. 551. Furtum prsesumitur commissum ab illo, penes quem res furata inventa fuerit, adeo ut si non docuerit a quo rem habuerit, jusle, ex ilia inventionione, poterit subjici tormentis. Mascard. De Probat. Vol. 2, Concl. 834; Menoch. De Praesumpt. Lib. 5, Praesumpt. 31.

*** This rule of presumption is not confined to the case of theft, but is applied to all cases of crime, even the highest and most penal. Thus, upon an indictment for arson, proof that property, which was in the house at the time it was burnt, was soon afterwards found in the possession of the prisoner, was held to raise a probable presumption, that he was present and concerned in the offence.* * Rickman's case, 2 East, P.C. 1035.

*** The like presumption is raised in the case of murder, accompanied by robbery;* 2 Wills on Circumst. Evid. 72.

*** and in the case of the possession of an unusual quantity of counterfeit money.* * Rex v. Fuller et al. Russ. & Ry. 308.

§. 142. As the value of these documents depends mainly on their having been contemporaneous, at least, with the act of transfer, if not part of it, care is first taken to ascertain their genuineness; and this may be shown prima facie, by proof that the document comes from the proper custody; or by otherwise accounting for it. Documents found in a place, in which, and under the care of persons, with whom such papers might naturally and reasonably be expected to be found, are in precisely the custody which gives authenticity to documents found within it.*

*Per Tindal, C. J. in Bishop of Meath v. Marq. of Winchester, 2 Bing. N. C. 183, 200, 201, expounded and confirmed by Parke, B. in Croughton V. Blake, 12 M. & W. 205, 208. See also Lygon v. Strutt, 2 Anstr. 601; Swinnerton v. Marq. of Stafford, 3 Taunt. 91; Bullen v. Michel, 4 Dow, 297; Earl v. Lewis, 4 Esp. 1; Randolph v. Gordon, 5 Price, 312 ; Manby V. Curtis, 1 Price, 225, 232, per Wood, B. ; Bertie v. Beaumont, 2 Price, 303, 307; Barr v. Gratz, 4 Wheat. 213, 221; Winn v. Patterson, 9 Peters, 663-675; Clarke u. Courtney, 5 Peters, 319, 344; Jackson v. Laroway, 3 Johns. Cas. 383, approved in Jackson v. Luquere, 5 Cowen, 221, 225; Hewlett V. Cock, 7 Wend. 371, 374; Duncan v. Beard, 2 Nott & McC. 400; Middleton v. Mass, 2 Nott & McC. 55; Doe v. Beynon, 4 P. & D. 193; Post, § 570; Doe v. Pearce, 2 M. & Rob. 240. An ancient extent of Crown lands, found in the office of the Land Revenue Records, it being the proper repository, and

purporting to have been made by the proper officer, has been held good evidence of the title of the Crown to lands therein stated to have been purchased by the Crown from a subject. Doe, d. Wm. 4. V. Roberts, 13 M. & W. 520.

"For it is not necessary," observed Tindal, C. J., "that they should be found in the best and most proper place of deposit. If documents continue in such custody, there never would be any question, as to their authenticity; but it is when documents are found in other than their proper place of deposit, that the investigation commences, whether it is reasonable and natural, under the circumstances in the particular case, to expect that they should have been in the place where they are actually found; for it is obvious, that, while there can be only one place of deposit strictly and absolutely proper, there may be many and various that are reasonable and probable, though differing in degree; some being more so, some less; and in those cases the proposition to be determined is, whether the actual custody is so reasonably and probably accounted for, that it impresses the mind with the conviction that the instrument found in such custody must be genuine. That such is the character and description of the custody, which is held sufficiently genuine to render a document admissible, appears from all the cases."

§ 143. It is further requisite, where the nature of the case will admit it, that proof be given of some act done in reference to the documents offered in evidence, as a further assurance of their genuineness, and of the claiming of title under them. If the document bears date post litem motam, however ancient, some evidence of correspondent acting is always scrupulously required, even in cases where traditionary evidence is receivable.* * 1 Phil. Evid. 277 ; Brett v. Beales, 1 Mood. & M. 4 lf..

But, in other cases, where the transaction is very ancient, so that proof of contemporaneous acting, such as possession, or the like, is not probably to be obtained, its production is not required.* *2 Clarkson v. Woodhouse, 5 T. II. 112, 413 n., per Ld. Mansfield; Ante, § 130, and cases there cited.

*** But where unexceptionable evidence of enjoyment, referable to the document, may reasonably be expected to be found, it must be produced.* * 1 Phil. Evid. 277 ; Plaxton v. Dare, 10 U. & C. 17.

If such evidence, referable to the document, is not to be expected, still it is requisite to prove some acts of modern enjoyment, with reference to similar documents, or that modern possession or user should be shown, corroborative of the ancient documents.*

* Rogers v. Allen, 1 Campb. 309, 311; Clarkson v. Woodhouse, 5 T. R. 412, n. See the cases collected in note to § 144, post.

§ 144. Under these qualifications, ancient documents, purporting to be a part of the transactions, to which they relate, and not a mere narrative of them, are receivable as evidence, that those transactions actually occurred. And though they are spoken of, as hearsay evidence of ancient possession, and as such are said to be admitted in exception to the general rule; yet they seem

rather to be parts of the *res gestae*, and therefore admissible as original evidence, on the principle already discussed. An ancient deed, by which is meant one more than thirty years old, having nothing suspicious about it, is presumed to be genuine without express proof, the witnesses being presumed dead ; and, if it is found in the proper custody, and is corroborated by evidence of ancient or modern corresponding enjoyment,*or by other equivalent or explanatory proof, it is to be presumed that the deed constituted part of the actual transfer of property therein mentioned; because this is the usual and ordinary course of such transactions among men. The residue of the transaction may be as unerringly inferred from the existence of genuine ancient documents, as the remainder of a statue may be made out from an existing torso, or a perfect skeleton from the fossil remains of a part.

*It has been made a question, whether the document may be read in evidence, before the proof of possession or other equivalent corroborative proof is offered; but it is now settled that the document, if otherwise apparently genuine, may be first read; for the question, whether there has been a corresponding possession, can hardly be raised till the Court is made acquainted with the tenor of the instrument. *Doe v. Passingham*, 2 C. & P. 440. A graver question has been, whether the proof of possession is indispensable; or whether its absence may be supplied by other satisfactory corroborative evidence. In *Jackson d. Lewis v. Laroway*, 3 Johns. Cas. 283, it was held by Kent, J. against the opinion of the other Judges, that it was indispensable; on the authority of *Fleta*, lib. 6, cap. 34; *Co. Lit.* 6, b.; *Isack v. Clarke*, 1 Roll. R. 132; *James v. Trollop*, *Skin.* 239; 2 *Mod.* 323; *Forbes v. Wale*, 1 W. Bl. R. 532; and the same doctrine was again asserted by him, in delivering the judgment of the Court, in *Jackson d. Burnhams v. Blanshan*, 3 Johns. 292, 298. See also *Thompson v. Bullock*, 1 Bay, 364; *Middleton v. Mass*, 2 Nott & McC. 55; *Carroll v. Norwood*, 1 Har. & J. 174, 175; *Shaller v. Brand*, 6 Binn. 439; *Doe v. Phelps*, 9 Johns. 169, 171. But the weight of authority at present seems clearly the other way; and it is now agreed that, where proof of possession cannot be had, the deed may be read, if its genuineness is satisfactorily established by other circumstances. See *Ld. Rancliffe v. Parkins*, 6 Dow, 202, per *Ld. Eldon*; *McKenire v. Frazer*, 9 Ves. 5; *Doe v. Passingham*, 2 C. & P. 440; *Barr v. Gratz*, 4 Wheat. 213, 221; *Jackson d. Lewis v. Laroway*, 3 Johns. Cas. 283, 287 ; *Jackson d. Hunt v. Luquere*, 5 Cowen, 221, 225; *Jackson d. Wilkins v. Lamb*, 7 Cowen, 431; *Hewlett v. Cock*, 7 Wend. 371, 373, 374. See also the cases collected in *Cowen & Hill's note* 903, to 1 *Phil. Evid.* 477. Where an ancient document, purporting to be an exemplification, is produced from the proper place of deposit, having the usual slip of parchment to which the great seal is appended, but no appearance that any seal was ever affixed, it is still to be presumed, that the seal was once there and has been accidentally removed, and it maybe read in evidence as an exemplification. *Mayor, &c. of Beverley v. Craven*, 2 M. & Rob. 140.

§ 570. To this rule, requiring the production of the subscribing witnesses, there are several classes of exceptions. The first is, where the instrument is thirty years old; in which case, as we have heretofore seen,*

* Ante, § 21, and cases there cited. From the dictum of Parker, C. J., in *Emerson v. Tolman*, 4 Pick. 162, it has been inferred, that the subscribing witnesses must be produced, if living, though the deed be more than thirty years old. But the case of *Jackson v. Blanshan*, 3 Johns. 292, which is there referred to, contains no such doctrine. The question in the latter case, which was the case of a will, was, whether the thirty years should be computed from the date of the will, or from the time of the testator's death; and the Court held that it should be computed from the time of his

death. But on this point Spencer, J. differed from the rest of the Court; and his opinion, which seems more consistent with the principle of the rule, is fully sustained by *Doe v. Deakin*, 3 C. & P. 402; *Doe v. Wolley*, 8 B. & C. 22; *McKenire v. Frazcr*, 9 Ves. 5; *Gough v. Gough*, 4 T. R. 707, n. See *Adams on Eject*, p. 260. And it was accordingly so decided, in *Man v. Ricketts*, 7 Beavan, R. 93.

*** it is said to prove itself, the subscribing witnesses being presumed to be dead, and other proof being presumed to be beyond the reach of the party. But such documents must be free from just grounds of suspicion, and must come from the proper custody, * * Ante, § 142.

*** or have been acted upon, so as to afford some corroborative proof of their genuineness.*

* See Ante, § 21, 142, and cases there cited; *Doe d. Edgett v. Stiles*, 1 Kerr's Rep. (New Br.) 338. Mr. Evans thinks, that the antiquity of the deed is alone sufficient to entitle it to be read; and that the other circumstances only go to its effect in evidence; 2 Poth. Obi. App. xvi. sec. 5, p. 149. See also *Doe v. Burdett*, 4 Ad. & El. 1, 19; *Brett v. Beales*, 1 M. & Malk. 416, 418; *Jackson v. Larroway*, 3 Johns. Cas. 283. In some cases, proof of possession, under the deed or will, seems to have been deemed indispensable; but the principle pervading them all is that of corroboration merely; that is, that some evidence shall be offered, auxiliary to the apparent antiquity of the instrument, to raise a sufficient presumption in its favor.

*** And in this case it is not necessary to call the subscribing witnesses, though they be living.*

* *Marsh v. Colnett*, 2 Esp. 66.5 ; *Doe v. Burdett*, 4 Ad. & El. 1, 19; *Doe v. Deakin*, 3 C. & P. 402; *Jackson v. Christman*, 4 Wend. 277, 282, 283; *Doe V. Wolley*, 8 B. & C. 22; *Fetherly v. Waggoner*, 11 Wend. 603; Ante, § 142.

*** This exception is co-extensive with the rule, applying to ancient writings of every description, provided they have been brought from the proper custody and place; for the finding them in such a custody and place is a presumption that they were honestly and fairly obtained, and preserved for use, and are free from suspicion of dishonesty.*

* 12 Vin. Abr. tit. Evidence, A. b. 5, pi. 7, cited by Ld. Ellenborough in *Roe v. Rawlings*, 7 East, 291; *Gov. &c. of Chelsea Waterworks v. Cowper*, 1 Esp. R. 275; *Forbes v. Wale*, 1 W. Bl. 532; *Wynne v. Tyrwhitt*, 4 B. & Aid. 376.

*** But whether it extends to the seal of a private corporation, has been doubted, for such a case does not seem clearly to be within the principle of the exception.* * *Rex v. Bathwick*, 2 B. & Ad. 639, 648.

10. *Morewood v Wood*, 14 East, 329, n., per Lord Kenyon; *Weeks v Sparke*, 1 M. & S. 686; *Berkeley Peerage Case*, 4 Campb. 416, per Mansfield, Ch. J.; see 1 Greenl. on Ev. § 128.

11. 1 Stark. on Ev. 195, 230; 1 Greenl. on Ev. § 483.

12. The arguments for the genuineness and authenticity of the books of the Holy Scriptures are briefly, yet very fully stated, and almost all the writers of authority are referred in Horne, Introduction vol. 1, passim. [1877 edition. Edited by Thomas Hartwell Horne, John Ayre and Samuel Prideaux Tregelles. 14th ed., London: Longmans, Green, 1877.] The same subject is

discussed in a more popular manner in the Lectures of Bishop Wilson Volume 1 of 2. Volume 2 of 2 and of Bishop Sumner of Chester, on the Evidences of Christianity, [Evidence of Christianity Derived From Its Nature and Reception. New edition. London: Hatchard and..., 1861. xii, 333 pp.; 19 cm.]; and, in America, the same question, as it relates to the Gospels, has been argued by Bishop McIlvaine, in his Lectures.

13. See the case of the Slane Peerage, 5 Clark & F. 24. See also the case of the Fitzwalter Peerage, 10 Id. 948.

14. Matthew 9:10; Mark 2:14-15.; Luke 5:29.

15. The authorities on this subject are collected in Horne, Introduction 4.234-238, part 2 chap. 2 Sec. 2. [1825 edition, pp. 228-252.] 16. See Horne, Introduction 4.229-232. [1825 edition, pp. 221-228.] 17. See Campbell on the Four Gospels 3.35-36; Preface to Matthew's Gospel, §§ 22-23.

18. See Gibbon, Rome vol. 1 chap. 6 and vol. 3 chap. 17 and authorities there cited. Cod. Theod. Lib. xi: ... , with the notes of Gothofred [Jacob Gothofred/Jacobus Gothofredus/Jacques Godefroy, 1587 - 1652]. Gibbon treats particularly of the revenues of a latter period than our Savior's time; but the general course of proceeding, in the levy and collection of taxes, is not known to have been changed since the beginning of the empire.

19. Acts 12:12; Acts 12:25; Acts 13:5; Acts 13:13; Acts 15:36-41; 2 Timothy 4:11; Philemon 1:24; Colossians 4:10; 1 Peter 5:13.

20. Horne, Introduction 4.252-253. [1825 edition] 21. Mark 7:2; Mark 7:11; Mark 9:43, and elsewhere.

22. Mr. Norton has conclusively disposed of this objection, in his Evidences of the Genuineness of the Gospels, vol. 1 Additional Notes, sec. 2, pp. 115-132. [See also Koppe. Translated from the original Latin here.] 23. Compare Mark with Matthew's narrative of the same events.

Mark 10:46

46And they came to Jericho: and as he went out of Jericho with his disciples and a great number of people, blind Bartimaeus, the son of Timaeus, sat by the highway side begging.

Matthew 20:29-30 29And as they departed from Jericho, a great multitude followed him.

30And, behold, two blind men sitting by the way side, when they heard that Jesus passed by, cried out, saying, Have mercy on us, O Lord, thou son of David. and

Mark 14:69 69And a maid saw him again, and began to say to them that stood by, This is one of them.

Matthew 26:71

71And when he was gone out into the porch, another maid saw him, and said unto them that were there, This fellow was also with Jesus of Nazareth. and

Mark 4:35 35And the same day, when the even was come, he saith unto them, Let us pass over unto the other side.

Matthew 8:18 18Now when Jesus saw great multitudes about him, he gave commandment to depart unto the other side. and

Mark 1:35-39

35And in the morning, rising up a great while before day, he went out, and departed into a solitary place, and there prayed.

36And Simon and they that were with him followed after him.

37And when they had found him, they said unto him, All men seek for thee.

38And he said unto them, Let us go into the next towns, that I may preach there also: for therefore came I forth.

39And he preached in their synagogues throughout all Galilee, and cast out devils.

Matthew 4:23

23And Jesus went about all Galilee, teaching in their synagogues, and preaching the gospel of the kingdom, and healing all manner of sickness and all manner of disease among the people. and

Mark 9:28 28And when he was come into the house, his disciples asked him privately, Why could not we cast him out?

Matthew 17:19 19Then came the disciples to Jesus apart, and said, Why could not we cast him out?

24. See Horne, Introduction 4.252-259. [1825 edition].

25. Acts 16:10-11.

26. Colossians 4:14. Luke, the beloved physician.

27. Luke 5:12; Matthew 8:2; Mark 1:40.

28. Luke 6:6; Matthew 12:10; Mark 3:1.

29. Luke 8:55; Matthew 9:25; Mark 5:42.

30. Luke 6:19.

31. Luke 22:44-45; Luke 22:51.

32. See Horne, Introduction 4.260-272. [1825 edition], where references may be found to earlier writers.

33. See Lardner, Works 6.138-139 3.203-204; and other authors, cited in Horne, Introduction 1 [actually, Volume 4], 267.

34. 2 Phil. on Ev. p. 95 (9th edition) .

35. When Abbot, Archbishop of Canterbury, in shooting a deer with a cross-bow, in Bramsil park, accidentally killed the keeper, King James I by a letter dated Oct. 3, 1621, requested the Lord Keeper, the Lord Chief Justice, and others, to inquire into the circumstances and consider the

case and "the scandal that may have risen thereupon." and to certify the King what it may amount to. Could there be any reasonable doubt of their report of the facts, thus ascertained? See Spelman, Posthumous Works, p. 121. [Spelman, Henry, Sir. The Posthumous works of Sir Henry Spelman Kt. Relating to the Laws and Antiquities of England. Publish'd from the Original Manuscripts. London, 1723. 291pp. Vol. 2 of 2]

36. The case of the ill-fated steamer President furnishes an example of this sort of inquiry. This vessel, it is well known, sailed from New York for London in the month of March, 1841, having on board many passengers, some of whom were highly connected. The ship was soon overtaken by a storm, after which she was never heard of. A few months afterwards a solemn inquiry was instituted by three gentlemen of respectability, one of whom was a British admiral, another was agent for the underwriters at Lloyd's, and the other a government packet agent, concerning the time, circumstances, and causes of that disaster; the result of which was communicated to the public, under their hands. This document received universal confidence, and no further inquiry was made. [See also The President Steamer. Times Picayune, published as The Daily Picayune, May 21, 1841, p. 2; The Steamer President. New Bedford Register (New Bedford, Massachusetts), vol. III, iss. 21; June 16, 1841, p. 1; and The Loss of the Steamship President: A painting by the German artist Andreas Achenbach. From The Northern Mariner/Le marin du nord, XV No. 3, (July 2005), pp. 53-71.]

37. Mark 1:20.

38. John 19:26-27.

39. John 13:23.

40. Matthew 27:55-56; Mark 15:40-41.

41. John 18:15-16.

42. Luke 8:51; Matthew 17:1; Matthew 26:37.

43. This account is abridged from Horne, Introduction 4.286-288. [460-462, 14th edition, 1877] .

44. Horne, Introduction 4.289, and authors there cited. [462-463, 14th edition, 1877] .

45. See, among others, John 1:38; John 1:41; John 2:6; John 2:13; John 4:9; John 11:55.

46. See Horne, Introduction 4.297-298.

47. See Gambier, Guide to the Study of Moral Evidence, p. 121.

48. 1 Stark. on Evidence. pp. 514, 577; 1 Greenl. on Evidence. § 1-2; Willis [sic, should be Wills], Circumstantial Evidence p. 2; Whately, Logic bk. 4 ch. 3 § 1.

49. See 1 Stark. on Evidence. pp. 16, 480, 521.

50. This subject has been treated by Dr. Chalmers, in his Evidences of the Christian Revelation, chapter 3. The following extract from his observations will not be unacceptable to the reader. "In other cases, when we compare the narratives of contemporary historians, it is not expected that all the circumstances alluded to by one will be taken notice of by the rest; and it often happens that an

event or a custom is admitted upon the faith of a single historian; and the silence of all other writers is not suffered to attach suspicion or discredit to his testimony. It is an allowed principle, that a scrupulous resemblance between two histories is very far from necessary to their being held consistent with one another. And what is more, it sometimes happens that, with contemporary historians, there may be an apparent contradiction, and the credit of both parties remain as entire and unsuspecting as before. Posterity is, in these cases, disposed to make the most liberal allowances. Instead of calling it a contradiction, they often call it a difficulty. They are sensible that, in many instances a seeming variety of statement has, upon a more extensive knowledge of ancient history, admitted of a perfect reconciliation. Instead, then, of referring the difficulty in question to the inaccuracy or bad faith of any of the parties, they, with more justness and more modesty, refer it to their own ignorance, and to that obscurity which necessarily hangs over the history of every remote age. These principles are suffered to have great influence in every secular investigation; but so soon as, instead of a secular, it becomes a sacred investigation, every ordinary principle is abandoned, and the suspicion annexed to the teachers of religion is carried to the dereliction of all that candor and liberality with which every other document of antiquity is judged of and appreciated. How does it happen that the authority of Josephus should be acquiesced in as a first principle, while every step, in the narrative of the evangelists, must have foreign testimony to confirm and support it? How comes it that the silence of Josephus should be construed into an impeachment of the testimony of the evangelists, while it is never admitted, for a single moment, that the silence of the evangelists, can impart the slightest blemish to the testimony of Josephus? How comes it, that the supposition of two Philips in one family should throw a damp of skepticism over the Gospel narrative, while the only circumstance which renders that supposition necessary is the single testimony of Josephus; in which very testimony it is necessarily implied that there are two Herods in that same family? How comes it, that the evangelists, with as much internal, and a vast deal more of external evidence in their favor, should be made to stand before Josephus, like so many prisoners at the bar of justice? In any other case, we are convinced that this would be looked upon as rough handling. But we are not softy for it. It has given more triumph and confidence to the argument. And it is no small addition to our faith, that its first teachers have survived an examination, which, in point of rigor and severity, we believe to be quite unexampled in the annals of criticism." See Chalmers, Evidences, pp. 72-74.

51. See 1 Stark. on Ev, pp. 480, 545.

52. If the witnesses could be supposed to have been biased, this would not destroy their testimony to matters of fact; it would only detract from the weight of their judgment in matters of opinion. The rule of law on this subject has been thus stated by Dr. Lushington: "When you examine the testimony of witnesses nearly connected with the parties, and there is nothing very peculiar tending to destroy their credit, when they depose to mere facts, their testimony is to be believed; when they depose as to matter of opinion, it is to be received with suspicion." Dillon v Dillon, 3 Curteis, Eccl. Rep. pp. 96, 102.

53. This subject has been so fully treated by Dr. Paley, in his view of the Evidences of Christianity, Part 1, Prop. 1, that it is unnecessary to pursue it farther in this place.

54. 1 Stark. on Ev. pp. 483, 548.

55. Campbell, *Philosophy of Rhetoric*, c. v. b. 1. Part 3, p. 125; Whately, *Rhetoric*, part 1. ch. 2 § 4; Stark. on Ev. p. 487.

56. See the *Quarterly Review*, 28:465. These narrators were, the Duchess D'Angouleme herself, the two Messrs. De Bouille, the Duc De Choiseul, his servant, James Briaasc, Messrs. De Damas and Deslons, two of the officers commanding detachments on the road, Messrs. De Moustier and Valori, the garde du corps who accompanied the king, and finally M. de Fontanges, archbishop of Toulouse, who though not himself a party to the transaction, is supposed to have written from the information of the queen. An earlier instance in similar discrepancy is mentioned by Sully. After the battle of Aumale, in which Henry IV was wounded, when the officers were around the king's bed, conversing upon the events of the day, there were not two who agreed in the recital of the most particular circumstance of the action. D'Aubigne, a contemporary writer, does not even mention the king's wound, though it was the only one he ever received in his life. See *Memoirs in Sully*, 1:245. If we treated these narratives as skeptics would have us treat those of the sacred writers, what evidence should we have of any battle at Aumale, or of any flight to Varennes?

57. Far greater discrepancies can be found in the different reports of the same case, given by the reporters of legal judgments than are shown among the evangelists; and yet we do not consider them detracting from the credit of the reporters, to whom we still report with confidence, as to good authority. Some of these discrepancies seem utterly irreconcilable. Thus in a case, 45 Edv. 3:19, where the question was upon a gift of lands to J. de C. with Joan, the sister of the donor, and to their heirs, Fitzherbert (tit. Tail, 14) says it was adjudged fee simple, and not Frankmarriage; Statham (tit. Tail) says it was adjudged a gift in Frankmarriage; while Brook (tit. Frankmarriage) says it was not decided. Vid. 10 Others are irreconcilable, until the aid of a third reporter is invoked. Thus, in the case of *Cooper v Franklin*, Croke says it was not decided, but adjourned (Cro. Jac. 100) Godbolt says it was decided in a certain way, which he mentions (Godb. 269); Moor also reports it as decided, but gives a different account of the question raised (Moor, 848); while Bulstrode gives a still different report of the judgment of the court, which he says was delivered by Croke himself. But by his account it further appears that the case was previously twice argued; and thus it at length results that the other reporters relate only what fell from the court on each of the previous occasions. Other similar examples may be found in 1 Dougl. 6, n. compared with 5 East, 475, n. in the case of *Galbraith v Neville*; and in that of *Stoughton v Reynolds*, reported by Fortescue, Strange, and in *Cases temp. Hardwicke*. See 3 Barn. & A. 247-248. Indeed, the books abound in such instances. Other discrepancies are found in the names of the same litigating parties, as differently given by reporters; such as *Putt v Roster*, 2 Mod. 318; *Foot v Rastall*, Skin. 49, and *Putt v Royston*, 2 Show. 211; also, *Hosdell v Harris*, 2 Keb. 462; *Hodson v Harwich*, Ib. 533, and *Hodsden v Harridge*, 2 Saund. 64, and a multitude of others, which are universally admitted to mean the same cases, even when they are not precisely within the rule of *idem sonans*. These diversities, it is well known, have never detracted in the slightest degree from the estimation in which the reporters are all deservedly held, as authors of merit, enjoying, to this day the confidence of the profession. Admitting now for the sake of argument (what is not conceded in fact), that diversities equally great exist among the sacred writers, how can we consistently, and as lawyers, raise any serious objection against them on that account, or treat them in any manner different from that which we observe towards our reporters?

58. Mr. Hume's argument is thus refuted by Lord Brougham. "Here are two answers, to which the doctrine proposed by Mr. Hume is exposed, and either appears sufficient to shake it.

"First-Our belief in the uniformity of the laws of nature rests not altogether upon an experience. We believe no man ever was raised from the dead,-not merely because we ourselves never saw it, for indeed that would be a very limited ground of deduction; and our belief was fixed on the subject long before we had any considerable experience,-fixed chiefly by authority,- that is, by deference to other men's experience. We found our confident belief in this negative position partly, perhaps chiefly, upon the testimony of others; and at all events, our belief that in times before our own the same position held good, must of necessity be drawn from our trusting the relations of other men-that is, it depends upon the evidence of testimony. If, then, the existence of the law of nature is proved, in great part at least, by such evidence, can we wholly reject the like evidence when it comes to prove an exception to the rule-a deviation from the law? The more numerous are the cases of the law being kept-the more rare those of its being broken-the more scrupulous certainly ought we to be in admitting the proofs of the breach. But that testimony is capable of making good the proof there seems no doubt. In truth, the degree of excellence and of strength to which testimony may arise seems almost indefinite. There is hardly any cogency which it is not capable by possible supposition of attaining. The endless multiplication of witnesses,-the unbounded variety of their habits of thinking, their prejudices, their interests,-afford the means of conceiving the force of their testimony, augmented ad infinitum, because these circumstances afford the means of diminishing indefinitely the chances of their being all mistaken, all mislead, or all combining to deceive us. Let any man try to calculate the chances of a thousand persons who come from different quarters, and never saw each other before, and who all vary in their habits, stations, opinions, interests,-being mistaken or combining to deceive us, when they give the same account of an event as having happened before their eyes,-these chances are many hundreds of thousands to one. And yet we can conceive them multiplied indefinitely; for one hundred thousand such witnesses may all in like manner bear the same testimony; and they may all tell us their story within twenty-four hours after the transaction, and in the next parish. And yet according to Mr. Hume's argument, we are bound to disbelieve them all, because they speak to a thing contrary our own experience, and to the accounts which other witnesses had formerly given us of the laws of nature, and which our forefathers had handed down to us as derived from witnesses who lived in the old time before them. It is unnecessary to add that no testimony of the witnesses, whom we are supposing to concur in their relation, contradicts any testimony of our own senses. If it did, the argument would resemble Archbishop Tillotson's upon the Real Presence, and our disbelief would be at once warranted.

"Secondly-This leads us to the next objection to which Mr. Hume's argument is liable, and which we have in part anticipated while illustrating the first. He requires us to withhold our belief in circumstances which would force every man of common understanding to lend his assent, and to act upon the supposition of the story told being true. For, suppose either such numbers of various witnesses as we have spoken of; or, what is perhaps stronger, suppose a miracle reported to us, first by a number of relators, and then by three or four of the very soundest judges and most incorruptibly honest men we know,-men noted for their difficult belief of wonders, and, above all, steady unbelievers in miracles, without any bias in favor of religion, but rather accustomed to doubt, if not disbelieve,- most people would lend an easy belief to any miracle thus vouched. But

let us add this circumstance, that a friend on his death-bed had been attended by us, and that we had told him a fact known only to ourselves, something that we had secretly done the very moment before we told it to the dying man, and which to no other being we had ever revealed,- and that the credible witnesses we are supposing, informed us that the deceased appeared to them, conversed with them, and remained with them a day or two, accompanying them, and to avouch the fact of his reappearance on this earth, communicated to them the secret of which we had made him the sole depository the moment before his death;-according to Mr. Hume, we are bound rather to believe, not only that those credible witnesses deceived us, or that those sound and unprejudiced men were themselves deceived, and fancied things without real existence, but further, that they all hit by chance upon the discovery of a real secret, known only to ourselves and the dead man. Mr. Hume's argument requires us to believe this as the lesser improbability of the two-as less unlikely than the rising of one from the dead; and yet every one must feel convinced, that were he placed in the situation we have been figuring, he would not only lend his belief to the relation, but if the relators accompanied it with a special warning from the deceased person to avoid a certain contemplated act, he would, acting upon the belief of their story, take the warning, and avoid doing the forbidden deed. Mr. Hume's argument makes no exception. This is its scope; and whether he chooses to push it thus for or no, all miracles are of necessity denied by it, without the least regard to the kind or the quantity of the proof on which they are rested; and the testimony which we have supposed, accompanied by the test or check we have supposed, would fall within the grasp of the argument just as much and as clearly as any other miracle avouched by more ordinary combinations of evidence.

"The use of Mr. Hume's argument is this, and it is an important and a valuable one. It teaches us to sift closely and vigorously the evidence for miraculous events. It bids us remember that the probabilities are always, and must always be incomparably greater against, than for, the truth of these relations, because it is always far more likely that the testimony should be mistaken or false, than that the general laws of nature should be suspended. Further than this the doctrine cannot in soundness of reason be carried. It does not go the length of proving that those general laws cannot, by the force of human testimony, be shown to have been, in a particular instance, and with a particular purpose, suspended." See Brougham, Discourse of Natural Theology, Note 5, p. 210-214, ed. 1835.

Laplace, in his *Essai sur les Probabilités*, maintains that, the more extraordinary the fact attested, the greater the probability of error or falsehood in the attester. Simple good sense, he says, suggests this; and the calculation of probabilities confirms its suggestion. These are some things, he adds, so extraordinary, that nothing can balance their improbability. The position here laid down is, that the probability of error, or the falsehood of testimony, becomes in proportion greater, as the fact which is attested is more extraordinary. And hence a fact extraordinary in the highest possible degree, becomes in the highest possible degree improbable; or so much so, that nothing can counterbalance its improbability. This argument has been made much use of, to discredit the evidence of miracles, and the truth of that divine religion is attested by them. But however sound it may be, in one sense, this application of it is fallacious. The fallacy lies in the meaning affixed to the term "extraordinary." If Laplace means a fact extraordinary under its existing circumstances and relations, that is, a fact remaining extraordinary, notwithstanding all its circumstances, the position needs not here to be controverted. But if the term means extraordinary in the abstract, it is

far from being universally true, or affording a correct test of truth, or rule of evidence. Thus, it is extraordinary that a man should leap fifteen feet at a bound; but not extraordinary that a man should leap fifteen feet at a bound; but not extraordinary that a strong and active man should do it, under a sudden impulse to save his life. The former is improbable in the abstract; the latter is rendered probable by the circumstances. So, things extraordinary, and therefore improbable under one hypothesis, become the reverse under another. Thus, the occurrence of a violent storm at sea, and the utterance by Jesus of the words, "Peace, be still," succeeded instantly by a perfect calm, are facts which, taken separately from each other, are not in themselves extraordinary. The connexion between the command of Jesus and the ensuing calm, as cause and effect, would be extraordinary and improbable if he were a mere man; but it becomes perfectly natural and probable, when his divine power is considered. Each of those facts is in its nature so simple and obvious, that the most ignorant person is capable of observing it. There is nothing extraordinary in the facts themselves; and the extraordinary coincidence, in which the miracle consists, becomes both intelligible and probable upon the hypothesis of the Christian. (See the Christian Observer for Oct. 1838, p. 617.) The theory of Laplace may, with the same propriety, be applied to the creation of the world. That matter was created out of nothing is extremely improbable, in the abstract, that is, if there is no God; and therefore it is not to be believed. But if the existence of a Supreme Being is conceded, the fact is perfectly credible.

Laplace was so fascinated with his theory, that he thought the calculus of probabilities might be usefully employed in discovering the value of the different methods resorted to, in those sciences which are in a great measure conjectural, as medicine, agriculture, and political economy. And he proposed that there should be kept, in every branch of the administration, an exact register of the trials made of different measures, and of the results, whether good or bad, to which they have led. (See the Edinburgh Review, vol. xxiii. pp.335, 336.) Napoleon, who appointed him Minister of the Interior, has thus described him: "A geometrician of the first class, he did not reach mediocrity as a statesman. He never viewed any subject in its true light; he was always occupied with subtleties; his notions were all problematic; and he carried into the administration the spirit of the infinitely small." See the Encyclopedia Britannica, [Correction:Encyclopedia Americana] art. Laplace, vol. xiii, p. 101. Memoires Ecrits â Ste. Helena, 1:3. The injurious effect of deductive reasoning, upon the minds of those who addict themselves to this method alone, to the exclusion of all other modes of arriving at the knowledge of truth in fact, is shown with great clearness and success, by Mr. Whewell, in the ninth of the Bridgewater Treatises, book 3, ch 6. The calculus of probabilities has been applied by some writers to judicial evidence; but its very slight value as a test, is clearly shown in an able article on "Presumptive Evidence," in the Law Magazine, 1:28-32 (New Series).

59. See Norton, "Discourse on the Latest form of Infidelity," p. 18.

60. The arguments on this subject are stated in a condensed form, by Horne, Introduction to the Study of the Holy Scriptures, vol. 1 chap. 4, sec. 2; in which he refers, among others, to Gregory, Letters on the Evidences of the Christian Revelation [Correction: Letters on the Evidences, doctrines and duties of the Christian religion addressed to a friend / by Olinthus Gregory]; Campbell, Dissertation on Miracles. Volume 1 of 2; Volume 2 of 2; Vince, Sermons on the Credibility of Miracles; Bishop Marsh, Lectures, part 6, lect. 30; Adams, Treatise in reply to Mr. Hume; Bishop Gleig, Dissertation on Miracles, (in the third volume of his edition of Stackhouse, History of the Bible, p. 240, etc.); Hey, Norissian [sic, should be "Norrisian"] Lectures, vol. 1. See

also Howell Lectures, [sic, should be Hopkins, Lowell Lectures], lect. 1-2 delivered in Boston in 1844, where this topic is treated with great perspicuity and cogency. Among the more popular treatises on miracles, are Bogue, Essay on the Divine Authority of the New Testament, chap. 5; Wilson, Evidences of Christianity, vol. 1 lect. 7; Sumner, Evidences, chap. 10 [See also Sumner's The Miracles of Jesus]; Gambier, Guide to the Study of Moral Evidence, chap. 5; Norton, Discourse on the latest form of Infidelity, and Dewey, Dudleian Lecture, delivered before Harvard University, in May, 1836.

61. See Wilson, Evidences, lect 7, p. 130.

62. 1 Stark. on Ev. p. 496-499.

63. 1 Stark. on Ev. p. 523.

64. 1 Stark. on Ev. p. 487. The Gospels abound in instances of this. See, for example, Mark 15:21; John 18:10; Luke 23:6; Matthew 27:58-60; John 11:1.

65. 1 Stark. on Ev. pp. 522, 585.

66. See 1 Stark. on Ev. p. 498. Wills on Circumstantial Evidence, pp. [sic, actually, §] 128-129. [pp. 56-57, 1843 edition; pp. 169-170, 1905 edition] 67. See Chalmers, Evidence, chap. 3.

68. See Chalmers, Evidence, pp. 76-78, Amer. ed. [pp. 71-104, 1818 edition] Proofs of this kind copiously referred to by Mr. Horne, in his Introduction, &c. vol. 1, chap. 3, sect. 2:2. [1825 edition]

69. See Mark 8:32; Mark 9:5; Mark 14:29; Matthew 16:22; Matthew 17:5; Luke 9:33; Luke 18:18; John 13:8; John 18:15.

70. Mark 8:29; Matthew 16:16; Luke 9:20.

71. Matthew 18:21; Matthew 19:27; John 13:36.

72. Galatians 2:11.

73. John 20:3-6.

74. Matthew 14:30.

75. Acts 1:15.

76. Acts 2:14.

77. Matthew 16:16; Mark 8:29; Luke 9:20; John 6:69.

78. Matthew 26:33; Matthew 26:35; Mark 14:29.

79. See Paley, View of the Evidences of Christianity, part 2 chap. 3-7; part 3 chap. 1; Chalmers, Evidence and Authority of the Christian Revelation, chap. 3-4, 8; Wilson, Evidences of Christianity, lect. 6; Bogue, Essay on the Divine Authority of the New Testament, chap. 3-4.

80. See Bogue, Essay, chap. 1 sec 2; Newcome's Obs., part 2 chap. 1 sec. 14.

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