

Our Supreme Court in *Brillo v. Enage, supra*, ruled that:

The right of a judge to exercise his office until he reaches the age of seventy or is incapacitated to perform his duties does not deprive Congress of its power to abolish, merge, or reorganize nonconstitutional courts (*Zandueta v. De la Costa*, 66 Phil. 615). So that if the office has been effectively abolished the right of the judge to occupy the same and to receive his corresponding salary is likewise extinguished.

## BOOK REVIEWS

THE TRIAL OF CHRIST FROM A LEGAL AND SCRIPTURAL VIEW-POINT. By David K. Breed. *Thomas Lawbook Company*. 198 pages. Distributed by Central Book Supply. ₱7.75.

In the life of Our Lord, there is one fact that has been left relatively unnoticed: Christ was tried six different times before he was finally condemned. From the legal standpoint alone, it is a novel experience to discover from this book that all the *trials* measure up to the modern legal significance of that term.

Our Lord stood as the accused. The charges brought against Him were Blasphemy and High Treason. The trials were conducted before Annas, Caiaphas, the *Sanhedrin*, Pilate, Herod and, finally, before Pilate a second time. All the trials lasted a period of twelve hours. And at the end thereof, the sentence imposed was death on the Cross.

"To a Christian Lawyer," writes the author, "the Trial of Christ has a deep significance because we know that the legalistic errors in that trial, condemnable though they be, nevertheless fulfilled prophecy and served a purpose."

In the course of his presentation Mr. Breed re-examines and analyzes every important detail of the trials in the light of both the laws of that time and those of our own day. With the use of a fiction, he next proceeds to vest himself with the power of a modern court of appeals and consequently points out the errors and irregularities that permeate the entire proceedings. He then picks out pertinent passages from the Gospels of the New Testament and makes them serve as the records of the trials. Reviewing in narrative fashion each legal

aspect of the proceedings, the author subsequently passes upon the constitution of the courts and the character of the men presiding over them. Finally, he terminates his findings with an imposing list of seventeen "Reversible Errors," briefly discussing each with accompanying citations of authorities.

The following are some of the "errors" found by the author:

No judicial process could take place on the Sabbath or on other Jewish feast days.

Caiaphas, the religious High Priest acting in the capacity of a Judge, erred in seeking words from the mouth of Our Lord upon which to convict Him, without first establishing a *prima facie* case based on the testimony of other witnesses.

The trial was held in the palace of Caiaphas; it was therefore not the proper meeting place of the *Sanhedrin*.

After having publicly declared that Christ deserved to die, Caiaphas should not have acted as Judge in Our Lord's trial.

It was error on the part of Caiaphas to leave Our Lord unguarded and thus subject Him to the unrestrained jeers and buffets of the mob gathered in the gallery of the palace.

The *Sanhedrin* had no jurisdiction over capital cases such as was that of Our Lord's; it had been divested of that jurisdiction by the Romans some forty years before.

Our Lord was not afforded the right to counsel.

It was error to require Him to testify as a witness against Himself.

Roman Law required trials to be public; however the trials before Annas and Caiaphas were held behind closed doors.

Pilate, having announced that Our Lord was not guilty, permitted his decision to be nullified and superseded by that of the mob.

*The Trial of Christ from a Legal and Scriptural Viewpoint* is written in a clear and scholarly style, and poses to the student of law some challenging legal questions in criminal procedure. Though the subject is approached from a legalistic angle, the layman will nonetheless find it sufficiently readable. The book further demonstrates that the author has both a legal and scriptural grasp of the varied aspects of the trials of Our Lord. This is readily borne out by the fact that Mr. Breed is an attorney in the city of St. Louis, and a direct descendant of a great American theologian.

**GUILTY OR NOT GUILTY.** By Francis X. Busch. *Bobbs-Merrill Company, Inc.* 287 pages. Distributed by Alemar's. P9.10.

On reading *Guilty Or Not Guilty*, the reader is ushered into a typical American courtroom to witness four great and notable American trials of the last half-century. Based upon the stenographic records as well as the printed appeal of each particular case, the accounts of these four trials are dramatically, factually and sometimes powerfully portrayed by the author; they generate an insatiable interest in the reader.

The first trial was the Leo Frank Case. In 1913 Leo Frank, a Negro from the State of Georgia, was tried, found guilty of and convicted for murder. The death sentence was consequently imposed, but on review the same was commuted to life imprisonment by the United States Supreme Court. The Negro-hating South, indignant over the commutation of sentence, blamed Northern propaganda for the lowered penalty. As a result the South decided to take the law into its hands. Leo Frank was forcibly and brutally taken from the state penitentiary by a blood-thirsty mob and lynched. After Frank's death, Mark Sullivan, writing his "Our Times," made unmistakable reference to the causes that erupted into the Civil War between the states: "The case fanned into a new flame the old animosities of the North and South of fifty years before."

Lawyers as well as law students should find the second trial of peculiar legal interest. D. C. Stephenson criminally assaulted a woman; the victim later became mentally deranged and took a dose of poison to end her life. Because it believed that there was a causal connection between the assault and the consequent suicide, the court found Stephenson guilty of murder.

Students of criminal law and criminal lawyers may well ask themselves whether the assault was the probable and natural cause of the suicide, thereby justifying a conviction for murder.

The Samuel Insull Case is the third trial related in this book. The author however considers the case more significant than dramatic: "The significance of the Insull case, as one of the *causes celebres* of the last half a century, lies not so much in its particular facts as in its revelation of the commercial