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THE TRIAL OF JESUS.

The writer has never heard any discussion of this question from an impartial point of view--indeed it seems altogether improbable that such could well be, for the reason that of them with whom we associate on terms of intimacy and equality, as many as 999 of every 1000 believe in the divinity of Christ and that His crucifixion was the greatest tragedy of the world's history, and this notwithstanding that thousands have suffered the same or an equally horrible and unjust death.

Beyond a doubt we are all firmly impressed that no court of human origin could have jurisdiction to try a God and such an attempted assumption of power rendered every act of such a court nugatory and its findings a travesty on justice.

We assume and believe that this alleged trial was unfair and unjust and the execution of its judgment a judicial murder, because we have been taught so to believe.

But, in order to an unprejudiced finding and even to an orderly consideration of the various incidents of the trial, we must, so far as possible, divest ourselves of the idea of Christ's Divine nature and attributes and try to think of Him as a mere man, a Gallileean and a Jewish subject, amenable first to the laws of Moses and at the same time to the laws of the Roman Empire. And this we may do without sacrilege or impiety and with no surrender of conviction or faith, for Christ Himself laid down His insignia of kingly authority and became

a man and to which end and that there be no misconception of His earthly status and pedigree, was born, as all other human-kind, of a woman's travail, as a son of David—a Jewish subject, amenable to all human laws just as other men.

We read—"But when the fulness of the time was come, God sent forth His son, made of a woman, made under the law" (Gal. 4-4).

Did Jesus as a mere man receive a fair trial of the charges laid against him before the Jewish Sanhedrin and later at the hands of the Roman authorities—just as Simon Peter or John the Baptist might have expected if tried on the same accusations? That is the question. And if we can not approach the discussion in such spirit, we had best abandon it altogether.

For the great part we have thought that this just man died at the hands of an inflamed mob of people seeking His destruction without cause, and with no semblance of that judicial determination of guilt required by every code of laws known to civilization. It is hard to be divested of the conviction that a God could be guilty of the transgression of any law, human or divine— but again are we begging the question, for we have agreed to consider the trial of a man born of woman. Furthermore, a conviction following a fair trial never necessarily implies guilt. A fair trial means a consideration of the charges made according to the established and recognized forms of procedure in a given jurisdiction and varies materially in different countries, as most other human institutions; a trial according to the criminal code of the French would to Kentuckians seem a mockery and the ancient Common Law convictions and executions but judicial murders. Yet,

How many helpless women in this free land of ours were convicted of witchcraft and executed and their trials may have been altogether fair and regular? So, an innocent man may be convicted and punished after a perfectly fair trial, as has happened thousands of times— None now think for a moment that any of the New England housewives were witches. In our own country we have known the Judges of the Court of Last Resort to hold that a trial has been fairly conducted and that under their oaths they were powerless to set it aside, - yet, feeling that the accused was undeserving the punishment accorded him, have gone in a body to the pardoning power and requested ^{WILLIAM} a ~~pardon~~ of the unfortunate accused.

All human institutions, the Courts not excepted, are imperfect— in all time the innocent oft-times have suffered unjustly and the guilty gone unwhipped; but this does not argue that any one of such trials was unfair, - rather the frailties of human nature.

So, forgetting, if we may, the result of the trial or trials of Jesus, we are to inquire - Was it fairly conducted under Jewish and Roman judicature? Were the offenses with which he was charged really violations of the prevailing laws of the land? Was he convicted upon competent evidence and did the evidence heard support the judgment? Were his rights on the hearings given the same protection accorded ~~to~~ others, under like conditions? If these questions be all answered in the affirmative, then the trial was fair; but if any one be answered in the negative, the contrary is probably true.

Let us now confess that but little found herein is original-- practically all has been gleaned from the writings of others.

There were two trials--some say three-- but certainly one before the Jewish Sanhedrin and a second before the Roman Governor, Pontius Pilate. Unfortunately, the inspired writers have been quite meager with the details of either trial. Matthew, in telling of the arrest in Gethsemane, says: "Then all the disciples forsook Him and fled"— And this may explain why Gospel writers have given only the most general history of these trials. Indeed, Matthew and Mark refer almost exclusively to the Jewish trial, while Luke and John devote the greater part of their narratives to the happenings upon the hearings had before Herod and Pilate. We shall refer to both trials, but at greater length to the hearing in the Jewish Court.

So, that these proceedings may be more clearly pictured, it will be proper to refer briefly to the Jews as a race and call to mind that for generations they had been a subject people. Nebuchadnezzar had destroyed the Holy City and carried its people into captivity and when they sorrowed by the rivers of Babylon remembering the joys of Jerusalem, and later they were successively in subjection to the Medes and Persians, the Syrians, Macedonians, the Egyptians, until finally, then a thousand years before the Christian Era, they were conquered by Pompey, the Roman, and had since been ruled by a Roman Procurator. Yet, notwithstanding their oppression and persecution, the distinguishing characteristics of these, the oldest people on the earth, were as clearly defined and apparent as before. Their faith in God and His prophecies was unabated; they were tried in the fires of passion

and abuse and came forth unsmiling; they endured every imaginable humiliation and affliction, yet they clung to the inimitable traditions of their race--an imperishable sect then as now, standing pre-eminent among their oppressors in learning, love, faith and charity, and noted for their superiority in mind, character and temperament.

Centuries before they had been promised a Messiah who would come to free them from captivity, restore their race to its one time proud position as first and greatest nation of earth, and who should rule them as King, and generation after generation through the passing ^{years} their faith in this promise and prophecy never faltered. They were jealous of the purity of their blood, their customs, their language and their laws given to them by Moses-- Indeed, they looked with contempt upon the Gallileans whose blood had been slightly infused with foreign taint and for that reason. They had been taught and believed that the promised Messiah would be a temporal King, coming with all the pomp and glory of victorious arms.

This feeling had been intensified with advent ^{the} of Roman supremacy, its contempt for Jewish customs and laws and disregard of its racial pride and prejudice, to say nothing of the onerous exactions of taxes and tribute to Caesar, and which had recently been exemplified by revolts in certain provinces against the outrageous oppressions of Roman rulers and soldiery.

The exactions by their own authorities, both of Church and State, by way of tithes and tributes were also growing oppressive, leaving the people restless, helpless and hopeless but for their undying hope and expectation of a divinely sent deliverer who

should restore to them the throne and Kingdom of David.

To these people in such frame of mind there suddenly appeared a man of obscure origin, who was of the despised sect of Gallileans and whose legitimacy of birth was questioned and who held in utter disregard all the religious tenets and ceremonies of centuries past, associated with the vile and unclean-- harlots and drunkards, and disregarding all its obligations healed on the Sabbath, and ate with publicans and sinners with unwashed hands-- Nothing could be more abhorrent to the sensibilities and age-old prejudices of this proud people. And yet such a man proclaimed himself publicly and persistently, the long expected Messiah, the son of God, the King of the Jews, who should restore them to their ~~long~~ lost power and greatness.

Is it wonderful that these proud but patient people should view with indignation such pretensions of such a man, especially the Sadducees, the proudest of them--their near rulers, the Pharisees, whose lives were consecrated to the observance of forms and ceremonies, many come from the great Law Giver of Israel himself, and the Scribes and Elders, who were the learned, the wise men of these people? Surely not.

With no irreverence may we not cite as an example the life and death, in our own land and during the Nineteenth century, of Joseph Smith, who claimed to be a messenger from God bearing a divine message and who, with his followers, was driven from New York to Ohio, then to Missouri, and finally, after an indictment for treason, he was hanged by a mob. However, his surviving followers, with Brigham Young for leader, moved to the far away Utah, where they flourish to-day, but whose missionaries, like the Wandering Jew, journey yet throughout the

length and breadth of the land, and, as we all know, have made converts in our own midst. We surely could not have looked on Joseph Smith and his pretensions with more suspicion, distrust and scorn than did the Jews on Jesus. Should we not exercise the same fairness and consideration towards the Jews that we would like for ourselves in our conduct towards Joseph Smith?

Jesus was arrested in Gethsemane at some time between two and three o'clock of the a. m. of Friday, and taken before Annas, who seems to have held high place in the political affairs, and an Ex-High Priest, whence he was taken to Caiaphas, the then High Priest, and who convened the Jewish Court, called Sanhedrin, and which heard the charges made against Jesus. According to Jewish custom there was an intermission until after the morning sacrifice, when there was a second trial before the Sanhedrin, resulting in the conviction of Jesus of the crime of blasphemy, the punishment for which under the Mosaic laws was death, but the Romans had deprived the Jews of the right to inflict the death penalty, except with the approval of the Roman Procurator. So Jesus was then carried before Pontius Pilate for his approval or affirmance of the sentence. A hearing was had before Pilate, but when in the course thereof it was developed that the prisoner was a Gallilean, he was by Pilate's directions taken before Herod, the Governor of the province of Gallilee and who was then in Jerusalem, and after a hearing before Herod Jesus was adjudged guilty, returned to Pilate, who affirmed the judgment, and he was on the same day executed by crucifixion.

Modern critics have found many grounds for criticism of these hearings or trials, and it is almost universally contended

that they were irregular, ^{and} unfair and the outcome unjust and unlawful. Let us consider:

It is said the arrest and trial were the result of a conspiracy of the Sanhedrin and who then became his judges. As Matthew says:

"Then assembled together the Chief Priests and the Scribes and the Elders of the people * * * and consulted that they might take Jesus by subtlety and kill Him!"

Mark's language is:

* * * "And the Chief Priests and the Scribes sought how they might take Him by craft, and put Him to death"

According to Luke:

"And the Chief Priests and Scribes sought how they might kill him".

John wrote:

"Then from that day forth they took counsel together for to put Him to death".

It must not be forgotten that the Sanhedrin or the Judges constituted the whole of the judicial machinery of the Jews—there were no grand juries to prefer indictments, nor any prosecuting officers—nor, indeed, any lawyers to assist in criminal trials—the accusers were both the witnesses and prosecutors. There were no written processes, warrants of arrest or otherwise—all judicial commands were given by word of mouth to the executive officers, who without further ado executed such orders.

Even in this time and country the Judges of the Court of

Appeals of Kentucky, or of the Supreme Court of the United States, would not hesitate to consult together and without other initiative order the arrest and presentment before them for trial by them of any person whom they may think guilty of contempt of the Court, and, yet, we have grand juries and prosecuting officers without number— Indeed, that very thing has been done quite recently by our Court of Appeals. The Circuit Judges, acting singly and alone, often do likewise, and whenever, in the opinion of a trial judge, some crime, great or small, has been committed, it is his duty and custom to convoke the grand jury and command them to indict the guilty persons, even tho' such must subsequently be brought before him for trial. The judges all take an oath to uphold and administer the law.

So, when it was noised about that Jesus was guilty of the most flagrant breach of the Mosaic laws, was it unseemly that these judges should counsel together to cause His apprehension for trial on the charges?

Again, it is said that if Jesus had violated the laws, Judas was an accomplice and, under Jewish rules of procedure, an accessory had no place— "that the stream of justice must not be defiled by the ~~use~~ use of an evil instrument at any point of its course"; and that the use of Judas to accomplish the arrest was another illegal step.

Under modern laws an accomplice is a competent witness, but his testimony must be corroborated, so that a conviction may not be had on his testimony alone. So the Jewish rule was more favorable to the accused than any modern rule of practice.

However, it will be noted that Judas gave no testimony

against Jesus at all; the most of his offending was that he identified Him to the arresting officers, just as any bystander might have done. Quoting from John: * * * "and the Pharisees and Chief Priests sent officers to take Him" — "Then came the officers without Him and were ordered, Why have ye not brought Him?" Jesus said, "Ye shall seek me and shall not find me". Of course, his speech was figurative, for continued He, "and where I am thither ye can not come", showing that He had reference to His advent into Heaven, but the Jews did not so understand Him, for said they: "Then said the Jews among themselves, whither will He go, that we shall not find Him? Will He go unto the dispersed among the Gentiles, and teach the Gentiles"?

It is evident that Jesus was attempting to evade them, knowing that His time was not yet come, for it is said — * * * "then went He also up unto the feast, not openly, but as it were in secret". And, again: "Therefore, they sought again to take Him; but He escaped out of their hands". The only act of Judas was to point him out to the arresting officers.

Under our laws, the wife can not (with one exception) testify, nor be required to testify, against her husband. Yet, should she point him out to the sheriff, who makes his arrest, would it not be the greatest sophistry to argue that for this reason the husband's trial following such arrest would be unfair or unjust?

It is further said that the arrest was illegal because made at night. The Gospels do not fix the precise hour, but historians tell that it was between two and three of the morning, and it is not certain whether it was the night or day.

The Bible says, "And the evening and the morning were the first day". But in Egypt the day began an hour before sun-up and ended an hour after sun-down, and in certain months it rose at about three o'clock, while from March till July it rose nearer two; and the day commencing when any light became visible, it would appear from profane history that the arrest was had by day. However, according to John, the officers, led by Judas, came with "lanterns and torches", indicating the night; and when arrested Jesus said (Luke) "but this is your hour and the power of darkness". Yet He, a little while before had said to Peter (Luke) "the cock shall not crow this day, before that thou shalt thrice deny that thou knowest me". Matthew says, quoting Jesus: "Verily I say unto thee, that this night before the cock crow, thou shalt deny me thrice", -while Mark puts it - "Verily I say unto thee, that this day, even in this night, before the cock crow thrice, thou shalt deny me thrice", using both words, day and night, and showing that the exact time of the arrest was not deemed important. After the first hearing before the Sanhedrin, it is said that "straightway in the morning" the second hearing was held, implying that the arrest must have been made before it was morning.

The inhibition of Jewish law to make an arrest, in a capital case, in the night-time did not apply when the accused was taken in the act of committing the crime. The charge against Jesus was Blasphemy, and if guilty at all, his had been a continuing offense for weeks, as he had during all that time been publicly proclaiming His Messiahship, the whole of Thursday night being so occupied even to the actual arrest,

for the scripture says, "And while he yet spoke behold a multitude with swords and staves" &c. So, admitting that the arrest was at night, yet it seems to have been justified; then, too, it will be recalled that Jesus, as the Jews had every reason to believe, was trying to evade arrest and make his escape.

Criticism is made that Jesus was first taken before Annas, an Ex-high Priest-- No reference is made of this occurrence by any of the four Gospels save John, who uses these words: "And (they) led him away to Annas first, for he was father-in-law to Caiaphas, which was the High Priest that same year. * * * Now Annas had sent him bound unto Caiaphas, the High Priest". If Jesus was unlawfully questioned by Annas, as is claimed, we find no account of it in the Gospels, but even so, it is of easy explanation, for Annas was the big man of Jerusalem, the political boss, and it was but natural that the arresting officers should advise with him as to the proper procedure--but as stated we find no record that Annas ever asked Jesus even one question; he merely caused him to be taken forthwith before Caiaphas,- manifestly the proper thing to do.

It has also been said that Caiaphas subjected Jesus to a private examination, which was unlawful for the reason that even the lowest Jewish Court consisted of three judges. If so, that was merely a preliminary examination to ascertain if there were reasonable grounds for presentment of the accused before the great court for trial. Certainly it could not, under the facts given us, at the very worst even so much as approach the "third degree" methods practiced almost universally in our own country at the present time. Neither Matthew nor Mark makes mention of such an examination--in fact they, in terms, say that

when Jesus was brought before Caiaphas there then were assembled with him "all the Chief Priests and the Elders and the Scribes", and it is evident from their account that the first session of the Sanhedrin^{was} opened and the first Jewish trial had. Luke says nothing of an examination before Caiaphas, nor one word of the first trial, contenting himself with the meager statement that Jesus was "brought unto the High Priest's house"; that Peter followed afar off and later denied the Savior, and after an hour denied Him again, and that his captors mocked and derided Jesus, and then describes the second trial which occurred, as he says, "as soon as it was day". As stated, John alone speaks of an examination by Caiaphas, and omitting all reference to other things, viz: the accusations of Peter by those who were warming at the fire and Peter's denials and the striking of Jesus by the officers, we quote John's entire account of what happened when Jesus was brought to Caiaphas:

"The High Priest then asked Jesus of his disciples and of his doctrine.

Jesus answered him, I spake openly to the world; I ever taught in the Synagogue and in the Temple, Whither the Jews always resort; and in secret have I said nothing.

Why ask thou me? Ask them which heard me what I have said unto them; behold they know what I said * * *

* * Then they led Jesus from Caiaphas unto the hall of judgment; and it was early; and they themselves went not unto the judgment hall, lest they should be defiled; but that they might eat the Passover.

Pilate then went out unto them and said, what

accusation bring ye against this man?"

This "judgment hall" was not the Court of the Sanhedrin, but the palace of Pilate, the Roman Governor,- a Gentile home which no Jew could enter during the time of the Passover without being defiled, and so Pilate, in respect to Jewish customs, went out to there.

We point out these things to emphasize the fact that John makes no specific reference to either the first or second (nor indeed to any) trial before the Sanhedrin, nor to any judgment of a Jewish Court, and only by inference can it be gathered from his account that there was any sitting of the Sanhedrin at all or any judgment whatever of that Court, but Matthew and Mark both make perfectly clear there were two separate trials before the Jewish Sanhedrin: So that we must almost necessarily conclude that the examination of Jesus by Caiaphas was had in open Court and on one of these two Jewish trials, and that there was no illegal private examination of the accused as has been charged.

Many other objections have been urged against the legality of this trial, viz:

(a). Because the Sanhedrin sat at night.

(b). Because its meeting was before the morning sacrifice at sun rise.

(c). Because it was on a Feast Day-- the Feast of Unleavened Bread.

(d). Because it was on the day before the Jewish Sabbath.

(e). Because Caiaphas, the High Priest rent his clothes.

(f). Because the High Priest voted first instead of last.

Referring to these-it is not at all certain that there was a trial by night, even if forbidden by Jewish law,- which also is a matter of question,- for as we have seen the arrest was between two and three o'clock a. m., and it was then possibly, if not probably, day, and as it occurred in the Garden of Gethsemane on the Mount of Olives, a point east of Jerusalem,- but how far we are not advised,- it certainly consumed considerable time for the arresting party to walk to the City, and if Jesus was first presented to and examined by Annas, this also required time, and if examined by Caiaphas still more time, and then the trial was had. Yet, conceding that the first trial was at night, there was a second trial before the Sanhedrin which Matthew says was had "when the morning was come". Mark says, "And straightway in the morning" it occurred. Luke says it was, "as soon as it was day; and John says only "and it was early", and it is evident the second trial was not by night.

We have found no scriptural denial of the propriety of the sitting of the High Court before the morning sacrifice, or on a feast day, or the day before the Sabbath, nor any requirement that the High Priest shall vote last of the members; but even if so, these were matters of detail which could not affect the merits of the case or tend to result in substantial injury to the accused. Moses did say: "Uncover not your heads, nor rend your clothes", but probably this was to lend dignity to the judges, and an oversight of the injunction could hardly be said to affect the legality of the findings of the Court.

Our Constitutions, both State and Federal, guarantee to every accused a speedy and public trial, but these terms are relative in their application, and months and sometimes years pass after the charge and before the trial, and frequently trials are conducted, for reasons deemed sufficient, behind locked doors and admission is had only by ticket: While there is no such express statute, custom requires that trials be by day and not in the night time; yet no one would seriously complain that a trial was, contrary to custom, begun before breakfast or continued after night fall, nor that any of these minor irregularities affect the legality or fairness of a trial.

The next objection urged, - that the Judges were hostile to the accused, - was truly more serious, if well taken. In order to disqualify a Judge, there must be shown some personal animosity towards the prisoner, - not merely abhorrence of or prejudice against the crime charged against him. Jesus was accused of Blasphemy, the gravest charge under Jewish law, and especially odious to those charged with the maintenance of law, - but unless the Judges entertained some hostility towards Jesus personally, and which they would not have had under the same circumstances against Peter, James or John upon a similar charge, then they were not disqualified. Jesus was striking at the very fundamentals of Jewish customs and institutions so as to alarm those in power, but it is evident that it was not Jesus in person, but rather the things that he had said and done and threatened to do against which this feeling was directed.

A juror is incompetent if he has formed and expressed an opinion regarding the prisoner's guilt or innocence, - not so

with a judge who has a judicial mind, capable of discriminating.

Indeed, the Sanhedrin was the only Court having jurisdiction; it was the most august tribunal in the world at that time,-- composed of seventy-one judges, some of whom were the personal friends of the accused and who loved him. No other tribunal has ever been suggested before which the trial could or should have been had.

Prior to his arrest, when the Pharisees were chiding the officers for not having taken him and were condemning Jesus, Nicodemus chided them, as it is related by St. John:

"Nicodemus sayeth unto them (he that came to Jesus by night) doth our law judge any man, before it hear him, and know what he doeth?"

Nicodemus was a member of the Sanhedrin and one of the Judges-- Could it be said that he was hostile? No more could it be said of others of the Judges, as will hereafter be noted. This utterance and the judicial poise indicated thereby would do honor to any Judge of any age or land.

The rule universal in its application is that any opposition to the personnel of a Court must be made at the earliest stage of the proceedings, else it is deemed to be waived; and in neither divine nor profane history is there so much as an intimation that Jesus interposed objection to any member of the trial Court. On the contrary it is evident that Jesus recognized the supreme authority of this Court, for it is said:

"Then s pake Jesus to the multitude, and to his disciples,

Saying, the Scribes and the Pharisees sit in Moses' seat;

All therefore, whatsoever they bid you observe,

that observe and do. (Matt. 23 - 1)

It seems too clear for argument that the Sanhedrin were competent and not disqualified.

We now come to the crucial point of the discussion: Was the trial as had a fair one and according to established usage? Were the inherent rights of the Nazarene, as a man, given the same orderly consideration due under similar circumstances to any other member of the Jewish race?

The orderliness of modern courts was not then known when the witnesses were also the accusers or prosecutors as well as the executioners—the proceedings were the rather disorderly, as at present in Italian Courts, where the prisoners are confined during trial in iron cages whence they scream ^{and} gibe at the witnesses, ad libitum, and denounce Judges, Jurors and Officers to their hearts content and keep the Court in a continual uproar. We can imagine the confusion in a Court composed of seventy-one Judges, with numerous witnesses or prosecutors all talking as, and, as long as, they chose, the officers also taking a hand at their own pleasure, and all, no doubt, at times talking and gesticulating at one and the same time,— and all of them Jews. But such was the system in vogue and we must so consider it.

It will be useful to consider briefly the makeup of this Court. The Sanhedrin was a continuance of the Court organized by Moses in the wilderness, and called the Great Council and consisting of seventy of the Priests and Elders, as stated in Numbers XI - 16, viz:

"Gather unto me 70 of the Elders of Israel whom

thou knowest to be the eldest of the people and officers of them; and bring them unto the tabernacle of the congregation that they may stand with thee".

The High Priest was the Chief of the seventy and Moses, the presiding officer, completed the seventy-one.

In later years this Court consisted of three constituent parts, viz: twenty-three priests, twenty-three scribes and twenty-three elders, with two presiding officers, making seventy-one, and was then called the Sanhedrin and was the supreme tribunal of the Jews, not only in judicial matters, but in matters of government, education and religion as well-- It has been said that "no more august tribunal has ever interpreted or administered justice or religion to man".

The qualifications for membership on this Court were rigid; he must be a Jew by lineal descent, learned in the laws; must have had judicial experience and be an accomplished linguist, familiar with the tongues of all neighboring nations,- modest, popular, of good appearance, pious, strong, courageous and without haughty demeanor-- and tho' possessed of all these, he was ineligible unless he had some regular trade, occupation or profession by which he made a livelihood. No old man was qualified, nor one who never had children, nor any bastard, nor any young man-- he must be at least forty years of age. A place upon this Court was the highest honor to which a Jew could aspire, tho' it carried no compensation.

This Court and its laws were jealous of the rights of every accused and none could be convicted by a majority of less than two votes.

As before observed, there were no prosecuting officers--

the testimony of the witnesses constituted both indictment and evidence, and while no lawyers were allowed to appear against him, it was necessary that two members of the Court should appear for the accused and see that the rules of law were observed and his rights protected. Circumstantial evidence was never permitted in criminal cases--only eye witnesses could be heard, and no one could be convicted of a capital offense unless at least two witnesses testified to the material facts of the case, and the testimony of these two must agree throughout, otherwise there was an acquittal. And, strange to say, it was required that each witness must prove the whole case; it not being allowable, as with us, that certain facts be established by one witness and other facts by another; each witness must know it all and they must fully agree as to all material circumstances.

The witnesses were none of them sworn, though each was solemnly warned to tell the truth. No accused was compelled to give testimony against himself, though his confession in Court of guilt was competent, and a confession out of Court could be established by two witnesses.

Before this High Court and under such rules of practice was brought for trial Christ, the Nazarene, charged with the crime of Blasphemy, the punishment for which was death.

"And he that blasphemeth the name of the Lord, he shall surely be put to death, and all the congregation shall certainly stone him" &c.

There is a great difference of opinion regarding the personnel of this Court, and one writer, urging the illegality of the trial, concludes that Gamaliel,-- one of the Scribes,--

could not have been present for the reason that he was the greatest and purest lawyer of his time and a stickler for the strictest regard for legal forms and procedure, and he would not have participated in an illegal trial, and much the same things are said of those pious Elders, Nicodemus and Joseph, of Arimathea-- but such reasoning is manifestly unsound and begs the question, assuming as true the very thing sought to be demonstrated, viz: the illegality of the trial. If the absence of these men were shown otherwise, it might be plausible to argue that, without their restraining influence, the other members of the Court might or probably did hold an illegal session of the Court. So, if it be shown that these men were actually present, the reasoning utterly fails.

It is to be regretted that the Gospel writers have given so few of the details of these trials, but profane history shows that these three men were of the seventy-one Judges-- in fact this seems to be admitted by all. Mark clearly states that the full Court participated in the trial, viz:

"And they led Jesus away to the High Priest; and with him were assembled all the Chief Priests and the Elders and the Scribes"--

this with reference to the first hearing, and speaking of the second trial he says:

"And straightway in the morning the Chief Priests held a consultation with the Elders and the Scribes, and the whole council".

Matthew uses these words:

"Now the Chief Priests and Elders and all the council" --

And again he says:

"When the morning was come ALL the Chief Priests and Elders of the people took council" -- omitting to name the Scribes in terms, - but Nicodemus and Joseph were Elders and Scribes.

Luke says: "The Elders of the people and the Chief Priests and the Scribes came together".

John makes no reference whatever to the membership of the Court.

Hence it seems reasonably sure that the entire seventy-one were present and participated in the trial, - while profane history tells us Gamaliel, that pious and learned lawyer, together with a priest named, Narada, defended the Savior and represented Him in the trial.

If the absence of these three men, Gamaliel, Joseph and Nicodemus, could be urged as any evidence of an illegal and unfair trial, then by a parity of reasoning their presence, if shown, would be evidence of a just and legal consideration of the rights of the accused.

That witnesses were heard on the trial must be admitted. According to Matthew they

"sought^x false witness against Jesus to put Him to death, but found none. Yea, the many false witnesses came, yet found they none"--

evidently meaning that the testimony of those witnesses, though there were many of them proved (possibly under the cross-examination of Gamaliel and Narada) insufficient to measure up to the requirements of the law and warrant a conviction. Referring to

the same occurrences, Mark says:

"For many bore false witness against Him, but these witnesses agreed not together",--

showing that these two judges appointed to protect the legal rights of the accused must have pointed out to the Court the discrepancies in the testimony and its failure to satisfy the law, even tho' given by many witnesses.

Finally, says Matthew, after the continued failure of proof:

"At the last came two false witnesses, and said, This fellow said, I am able to destroy the temple of God and to build it in three days",--

the two witnesses apparently agreeing in their testimony as required by law, and, therefore, the High Priest demanded to know of Jesus if he really claimed to be the Christ, the Son of God, and to which Jesus assented; and the Court therefore adjudged Him guilty of Blasphemy.

It would not be fair to omit mention of the fact that Mark expresses the opinion that even these last witnesses did not agree together in their testimony, but he says there came certain saying:

"We heard Him say, I will destroy this temple that is made with hands and within three days I will build another made without hands".

The use of the plural pronoun "we" indicates that at least two witnesses made this statement-- if so they agreed; there is no disagreement shown, or if so, it must have been immaterial, for surely the learned lawyer, Gamaliel, would quickly have pointed it out to the Judges if it existed.

And when Jesus was called on by the Chief Priest to make defense and was asked:

"Art thou the Christ, the son of the Blessed?", he promptly answered:

"I am; and ye shall see the son of man sitting on the right hand of power and coming in the clouds of Heaven".

What more could Gamaliel and Herada do or say on his behalf, when Jesus had in open Court confessed the truth of the charges made by these witnesses?

No doubt many of the witnesses related facts regarding other acts of Jesus in defiance of Jewish laws and customs, - as eating with publicans and sinners and with unwashed hands, associating with harlots and drunkards, commending the idolatrous Samaritan, while condemning the Priest and the Levites, healing upon the Sabbath and in many ways showing His disregard for the customs and observances of the Jews, prescribed by the sacred laws of Moses; but these were passed by the Court as of minor importance, and the judgment of the Court was directed to the more serious offense of Blasphemy which was proved by the witnesses, and then admitted by the Savior.

Jesus was claiming to be God, the son of Jehovah and the long promised Messiah, and which in the eyes of the Jews was the most flagrant Blasphemy— to try to induce the people to renounce their allegiance to Jehovah and go off after other Gods. Moses had said to them:

"These are the statutes and judgments which ye shall observe to do in the land, which the Lord God of thy fathers giveth thee to possess it, all

the days that ye live upon the earth". * * *

"If there arise among you a prophet or a dreamer of dreams and giveth thee a sign or a wonder, and the sign or the wonder come to pass, whereof he speaketh unto thee * * * thou shalt not hearken unto the words of that prophet or that dreamer of dreams * * * that prophet or that dreamer of dreams shall be put to death, because he hath spoken to turn you away from the Lord your God". (Deut. 12 & 13)

It could not be denied that the witnesses (the Mark refers to them as false witnesses) spoke substantially the truth, for John says, (2 - 19)

"Jesus answered and said unto them, destroy this temple and in three days I will raise it up", and the Jews in amazement answered:

"Forty and six years was this temple in building and wilt thou rear it up in three days"?

To say that the Judges were altogether wrong; that Jesus was God, does not satisfy the mind that the trial was illegal or unfair-- a large percentage of all cases in the courts of man are decided wrong. It would be too much to expect these proud Jews, the victims of thousands of years of persecution, to believe for an instant that this man, poorer than the foxes and birds of the air, was really the Messiah who should come with victorious hosts, blare of trumpets and glitter of gold and jewels to reclaim for the Jews their long lost splendor and dominion.

So, after the proof was heard, and the vote taken, it appeared that everyone of the Judges voted against Jesus, for

Mark says:

"And they ALL condemned Him to be guilty of death".

Surely, Gamaliel, named the pious and just, a most learned lawyer and stickler for the full observance of every law and custom, had pointed out every circumstance that might favor the accused. It was said of him that with him the glory of ~~the law~~ of the law has departed. Paul, the Apostle, studied under him and Barnabas and Stephen were of his followers. He defended the Apostles and saved them from a sentence of death.

Nicodemus loved the Savior and incurred danger himself in speaking on his behalf, and later brought myrrh and spices for his burial.

Joseph of Arimathea, the "Noble Centurian", was his friend and later secretly (fearing criticism of his colleagues) begged the Savior's body and interred it in his own tomb.

These three men each voted Jesus to be guilty, for as we have seen the entire seventy-one were present, and Mark says, they ALL condemned him to death.

It would hardly have been probable that Jesus was denied the right to call witnesses in his behalf or was required to give evidence against himself, as has been charged, when he had such defenders and with such staunch friends on the Court. No witnesses could have been called who would not have made Jesus' guilt more apparent from the Jewish viewpoint, and when called on to present a defense, the accused frankly confessed himself to be guilty of an infraction of the Mosaic law. He came into Jerusalem as a King, abrad a multitude, waving branches and palms and crying Hozannah.

So, whatever may be said of any prior irregularities, it is sure that by Jewish standards Jesus was guilty and himself so realized: it is a universal rule of procedure that errors not affecting the substantial rights of a litigant, do not render the trial illegal. Another rule of law is that in every court of general jurisdiction, unless the record itself discloses material irregularity, all the proceedings are presumed to be in conformity with the law-- Our Federal Constitution provides that each state shall give full faith and credit to the judicial proceedings of every other state. It has been said by Greenleaf, one of our greatest law writers:

"If we regard Jesus simply as a Jewish citizen and with no higher character, his conviction seems substantially right in point of law. * * *. It is not easy to perceive on what ground his conduct could have been defended before any tribunal, unless upon that of His super-human character. No lawyer, it is conceived, would think of placing his defense upon any other basis".

Some say that the Sanhedrin had fallen from its ~~own~~ high estate and its members were influenced by politics and led by the cunning hand of Annas, the Ex-high Priest. Yet, the same has been said, at some time, of the Courts of every land; and even so, it was the highest and best Court the Jews had, and viewed from any angle, whether the accounts of the Gospel writers, or rules and presumptions of the laws of all countries, it would appear that the judgment of the Sanhedrin was justified.

Notwithstanding their judgment of guilt and death, the Jews, a subject people, had no right to enforce it; the power of life and death had been taken from them by Rome and one man only in all Judeah had such power, Pontius Pilate, the Roman Governor, and it was absolutely necessary that he approve the Jewish judgment, that it be effective,- so the condemned was led before Pilate.

Pilate had small regard for the Jews and a scornful contempt for their customs, religion and laws; he was favorably impressed with Jesus by reason of his respectful bearing and demeanor, while the clamor of the accusing multitude offended his sense of propriety. The charge that Jesus had blasphemed the Jewish God found little favor with him, and he could not agree that blood should be spilt for what seemed to him so trivial an offense; hence after an examination, as was his custom, he announced that he found no fault with Jesus and refused to affirm the judgment of the Sanhedrin.

This was the end of the Jewish or Ecclesiastical trial, and even though all the illegalities claimed for the trial in fact existed, yet all such were overcome and held for naught when Pilate reversed this judgment and declined to enforce it. Jesus was executed, not by virtue of the judgment of the Sanhedrin at all-- this had been annulled and the subsequent trial before the Roman Governor alone was authority for his death. That this is true is borne out by the fact that the punishment inflicted,- death by crucifixion,- was not permitted under Jewish laws-- their mode of execution was by burning, strangling, decapitation or stoning. Crucifixion was the penalty prescribed by Roman law for the crime of treason, it being related that a

certain Roman General crucified two thousand Jews in one day at the gates of Jerusalem.

However, the Jews, angered that their own judgment had been held so lightly, were still not to be out done, and when Pilate announced his findings on the appeal, at once abandoned their charge of Blasphemy and preferred the accusation that Jesus had defied the authority of Rome and was guilty of treason. Many charges were made against him, some saying:

"He stirreth up the people, teaching throughout all Judaea, beginning from Gallilee to this place".

(Luke 23 - 5)

This was a serious charge in view of the fact that there had been many uprisings and insurrections of the people against Roman authority and which had been treated by Caesar's minions with the utmost severity— to incite the people thus was an attack upon Rome and its over-lordship. And when Pilate learned that Jesus was a Gallilean, he gladly shifted the responsibility and sent Jesus to Herod, who was Governor of that Province and who was then in Jerusalem.

Herod was eager, by reason of his long enmity, to judge the Savior, and there was a trial before him, when, Luke says:

"And the Chief Priests and Scribes stood and vehemently accused HIM".

The outcome of this hearing is uncertain, tho' it is said that Herod "set Him at naught and mocked him and arrayed Him in a gorgeous robe and sent him again to Pilate". Whether these words imply that Jesus was adjudged guilty is hard to say, for later Pilate spoke as if Herod had found no fault in him; but

something occurred that gave Herod favor in the estimation of Pilate,— quoting Luke again:

"And the same day Pilate and Herod were made friends together, for before they were at enmity between themselves".

Before Pilate it was charged against Jesus:

"We found this fellow ~~per~~verting the nation, and forbidding to give tribute to Caesar, saying that he himself is Christ, a King". (Luke 23 - 2).

These were grave accusations—yet Pilate was loathe to consider them and condemn the accused, for three times he asked, "Why, what evil hath he done"? Whereupon the Jews, his accusers, in desperation, cried:

"If thou let this man go thou art not Caesar's friend; whosoever maketh himself a King speaketh against Caesar".

This was a direct thrust at Pilate himself and which went home giving him pause.

None of the highly technical rules of practice prevailing in the Court of the Hebrews could govern this Roman Judge, who conducted his Court as he chose, showing mercy and leniency according to his humor. Yet this open threat of the angry Jews brought him suddenly to realize that he himself might be charged with treason in case he held lightly this indictment against Jesus involving most treasonable matters.

Treason is an insult to the dignity and an attack upon the sovereignty of a ruler—No greater crime was known to Roman law. To stir up the people, to ~~per~~vert the nation was sedition, a form of treason; to forbid the giving of tribute

to Caesar was even worse-- it was a challenge of Roman sovereignty in Palestine, a defiance of its laws; the claim of Kingship was high treason.

Tiberius Caesar, the Roman Emperor, is said to have been the most morbid, jealous and capricious tyrant who had ever worn the imperial purple, the slightest suggestion of treason in any part of his Kingdom arousing his suspicions to intensity.

It dawned on the Governor with great suddenness that he himself might then be on trial as well as the Galilean, and that it was no time for whim or caprice in the exercise of his judicial functions, which might result in his removal from place and power.

Josephus tells that Pilate did in fact subsequently lose his position as procurator through some such complaint of the Jews.

We are not informed that proof was offered Pilate upon these charges, though there probably was, for before Herod, the Chief Priests and Scribes stood and accused ^{Sus} Jews vehemently, and there is no reason to think that they were less vigorous in prosecuting him before Pilate.

Upon the most serious charge Jesus was examined by Pilate, who asked him,

"Art thou a King then?" "Jesus answered: Thou sayest I am a King. To this end have I been born. * * *

This was equivalent to an express admission that He did claim to be a King and that He was born such, Jesus further saying:

"My Kingdom is not of this world; if my Kingdom were of this world, then would my servants fight

that I should not be delivered to the Jews; but
now is my Kingdom not from hence" (John 18 - 36)

To say that there was or could be any King in Judaea, other than Caesar undoubtedly was treason against Rome and its sovereignty; Pilate so adjudged; he had jurisdiction both of the offense and of the person of the accused and unhampered by any rules of practice, as he was, it is not easy to say that the trial and judgment were illegal. Can it be doubted that Caesar himself would have given a similar judgment had the trial been before him?

If we consider the case from the standpoint of the jurist, without regard to the admitted divinity of the accused, viewing the facts in the light of the laws then existing, can it be concluded that these trials were, either the Jewish or Roman, illegally conducted?

Finally, does ~~such~~ ^{any} conclusion in any measure detract from the story of the Cross? Does it not—if that were possible—give added strength to its virility, depict in clearer relief the truths taught by the crucifixion? What advantage could result if it be conceded that Jesus was executed at the hands of a Jewish mob? Such things were common then as now.

The whole tragic event was fore-ordained, - a part of the Divine plan, that the son of God should be rejected; but rejected by whom? A lot of excited irresponsible Hebrews or by the Jewish nation?

"He came unto His own, but His own received him not".
Who were his own? Manifestly, the Jewish race and not a handful of excited Jews representing nobody save themselves. It was the Divine plan that Christ should be rejected by God's

chosen race and as a nation through the regularly constituted authorities and not by the rabble,— to contrast human institutions, however excellent, with the perfection of God's plan, to the utter discomfiture of the former.

To this end was it not intended that Jesus should be subjected to trial under the forms of human law before the most learned Court of the oldest nation of earth and again by the Court of the regnant country of the world— a regular trial, a fair trial, in order that the imperfections, frailties and injustice of human institutions, at their very best, might be exposed to the scornful eyes of a world.

The lesson was,— that Jesus was above and beyond all human laws and institutions.

The crucifixion and resurrection marked a new era, with the death of the old Jewish dispensation, its forms, ceremonies, shams and hypocrisies—

"Old things are passed away; behold all things are become new".