

## CHAPTER VIII.

The presiding justice looked over the papers, asked some questions of the usher, and receiving affirmative answers, ordered that the prisoners be brought into court. Immediately a door beyond the grating opened, and two gendarmes with unsheathed swords and caps on their heads, stepped into the court-room. Behind them came a freckled, red-haired man and two women. The man was dressed in prisoner's garb which was too long and too wide for him. As he entered the court-room he held up with outspread fingers the sleeves which were too long. Without looking at the judges or the spectators, his attention was absorbed by the bench around which he was led. When he had passed around he carefully seated himself on the edge, and making room for the others, began to stare at the presiding justice, the muscles of his cheeks moving as if he were whispering something. He was followed by a middle-aged woman, also dressed in a prisoner's coat. A white prison cap covered her head; her face was grayish, and her eyes were devoid of either eye-lashes or eyebrows. She seemed quite composed. As she was passing the railing to take her seat, her coat caught at something; without haste, she carefully disengaged it, then smoothed it and took her seat.

The third prisoner was Maslova.

No sooner did she enter than all the male spectators turned their

eyes toward her, attracted by her white face, lustrous black eyes and high breast. Even the gendarme whom she passed gazed at her until she seated herself; then, as if feeling himself guilty, he quickly turned his head from her and straightening himself, he began to gaze into the window directly in front of him.

The presiding justice waited until all the prisoners took their places, and as soon as Maslova was seated, he turned to the secretary.

Then commenced the customary proceeding; calling of the jurymen, fining the absent ones, listening to the claims of exemption from jury duty and filling the panel from a number of reserves. Then the presiding justice folded the slips of paper, placed them in a glass vase, and turning up his gold-laced sleeve drew the slips one by one, unrolled them and read them aloud. Then he straightened his sleeve and called on the priest to swear in the jury.

An old little priest with a swollen, pale yellow face, in a brown cassock and gold cross on his breast and some small badges pinned to the cassock, slowly moving his swollen feet under the cassock, approached the reading desk under the image.

The jury rose and, crowding each other, came forward.

"Come nearer, please," said the priest, touching with his swollen hand the cross on his breast, and waiting until all the jury were near him.

While the jury were mounting the steps to the elevation where the desk stood, the priest wriggled his bald, hoary head through the opening of the stole, then rearranging his scanty hair, he turned to the jury:

"Raise your right hands and keep your fingers thus," he said, in a slow, feeble voice, raising his bloated hand and pointing at his forehead with the first three of its dimpled fingers. "Now repeat after me: 'I promise and swear by the Almighty God, His Holy Gospel, and by the life-giving cross of our Lord, that in the case'"--he continued, resting after each phrase. "Don't drop your hand; hold it thus," he turned to a young man who let his hand fall--"that in the case which----"

The portly, whiskered gentleman, the colonel, merchant and others held their hands as directed by the priest, and seemed to do so with particular pleasure, holding their hands quite high, and their fingers most proper; others seemed to do it against their will, and carelessly. Some repeated the words too loudly, in a provoking manner, with an expression on the face which seemed to say: "I will repeat as I please;" others whispered, fell behind the priest and then, as if frightened, hastened to catch up with him. Some held their fingers tightly closed, as if challenging anyone to part them; others, again, loosened them, now closed them again. After the jury was sworn, the presiding justice directed them to choose a foreman. They arose and, crowding each other, went into the consultation room, where almost

every one produced cigarettes and began to smoke. Some one proposed the portly gentleman, who was immediately chosen, then they threw away their cigarettes and returned to the court. The gentleman declared to the presiding justice that he was chosen foreman, and stepping over the feet of each other, the jury again seated themselves in the two rows of high-backed chairs.

Everything proceeded smoothly, quickly and not without solemnity, and the regularity, order and solemnity evidently pleased the participants, confirming their sense of rendering important public service. Nekhludoff also experienced this feeling.

As soon as the jury seated themselves the presiding justice instructed them in their rights, duties and responsibilities. While speaking, he was constantly changing his attitude; now he leaned on his right hand, now on his left; then he reclined in his chair, or rested his hands on the arms of the chair, smoothed the corners of the paper on the table, polished the paper-knife or clutched the lead pencil.

Their rights, according to him, consisted in that they were allowed to question prisoners, through the presiding justice; they might keep pencils and paper, and might also view exhibits. Their duties consisted in not giving a false verdict. And their responsibilities consisted in that if they failed to keep secret their deliberations, or spoke to outsiders, they would be liable to punishment.

They all listened with respectful attention. The merchant, from whom the fumes of wine spread through the jury box, and who was suppressing the noisy rising of gases in his stomach, approvingly nodded at every sentence.