

CHAPTER XXI.

When the examination of the exhibits was over, the judiciary announced the investigation closed, and, desiring to end the session, gave the word to the prosecutor, in the hope that as he, too, was mortal, he might also wish to smoke or dine, and would have pity on the others. But the prosecutor pitied neither himself nor them. When the word was given him, he rose slowly, displaying his elegant figure, and, placing both hands on the desk, and slightly bending his head, he cast a glance around the court-room, his eyes avoiding the prisoners.

"Gentlemen of the jury, the case which is now to be submitted to your consideration," he began his speech, prepared while the indictment and reports were being read, "is a characteristic crime, if I may so express myself."

The speech of a prosecuting attorney, according to his idea, had to be invested with a social significance, according to the manner of those lawyers who became famous. True, among his hearers were three women; a seamstress, a cook and Simon's sister, also a driver, but that made no difference. Those celebrities also began on a small scale. The prosecutor made it a rule to view the situation from the eminence of his position, i. e., to penetrate into the profound psychological meaning of crime, and bare the ulcers of society.

"Here is before you, gentlemen of the jury, a crime characteristic, if I may so express myself, of the end of our century, bearing, as it were, all the specific features of the first symptoms of decomposition, to which those elements of our society, which are exposed, as it were, to the more scorching rays of that process, are subject."

The prosecutor spoke at great length, endeavoring on the one hand to remember all those wise sayings which he had prepared for the occasion, and on the other, most important, hand, not to stop for a moment, but to make his speech flow uninterruptedly for an hour and a quarter. He stopped only once, for a long time swallowing his saliva, but he immediately mastered himself and made up for the lost time by a greater flow of eloquence. He spoke in a gentle, insinuating voice, resting now on one foot, now on the other, and looking at the jury; then changed to a calm, business tone, consulting his note-book, and again he thundered accusations, turning now to the spectators, now to the jury. But he never looked at the prisoners, all three of whom stared at him. He incorporated into his speech all the latest ideas then in vogue in the circle of his acquaintances, and what was then and is now received as the last word of scientific wisdom. He spoke of heredity, of innate criminality, of Lombroso, of Charcot, of evolution, of the struggle for existence, of hypnotism, of hypnotic suggestion, and of decadence.

The merchant Smelkoff, according to the prosecutor, was a type of the

great, pure Russian, with his broad nature, who, in consequence of his trusting nature and generosity, had become a victim of a gang of corrupt people, into whose hands he had fallen.

Simon Kartinkin was the atavistic production of serfdom, stupid, without education, and even without religion. Euphemia was his mistress, and a victim of heredity. All the symptoms of degenerate life were in her. But the ruling spirit in this crime was Maslova, who was the mouthpiece of the lowest phenomenon of decadence. "This woman," said the prosecutor without looking at her, "received an education--you have heard here the evidence of her mistress. Not only can she read and write, but she can speak French. She is an orphan, and probably bears the germs of criminality in her. She was raised in an intelligent, noble family, and could make her living by honest toil, but she leaves them, yields to her passions, and displays an intelligence, and especially, as you have heard here, gentlemen of the jury, an ability to exert influence on people by that mysterious, lately discovered by science, especially by the school of Charcot, power known by the name of hypnotic suggestion. By the aid of this power she gets control over this hero--a kind, trustful, rich guest, and uses his confidence first to rob him, and then to pitilessly murder him."

"But he is wandering away," said the justiciary, smiling and leaning over to the stern associate.

"What an awful blockhead!" said the stern associate.

"Gentlemen of the jury!" the prosecutor continued meanwhile, gracefully swaying his slim body. "The fate of these people is in your hands, as is to some extent the fate of society, which is influenced by your verdict. You must fathom the significance of this crime, the danger to society that lurks in such pathological, as it were, individuals as Maslova. You must guard it against infection; it is your duty to guard the innocent, healthy elements of society against contagion, if not destruction."

And as if himself impressed with the importance of the verdict, and evidently greatly delighted with his speech, the prosecutor took his seat.

The burden of his speech, if we eliminate the flights of eloquence, was to the effect that Maslova, after gaining the merchant's confidence, hypnotized him, and that, arriving at the inn with the key to the merchant's trunk, she intended to steal the money herself, but, being discovered by Simon and Euphemia, was obliged to divide with them. That afterward, desiring to conceal the traces of her crime, she returned with the merchant to the inn and administered poison to him.

When the prosecutor had finished his speech, a middle-aged man, in a dress coat and wide semi-circle of starched shirt front, rose from the

lawyer's bench, and boldly began to deliver a speech in defense of Kartinkin and Bochkova. He was a lawyer hired by them for three hundred rubles. He declared them both innocent, and threw all the blame on Maslova.

He belittled the deposition of Maslova relating to the presence of Bochkova and Kartinkin when she took the money, and insisted that, as she had confessed to poisoning the merchant, her evidence could have no weight. The twenty-five hundred rubles could have been earned by two hard working and honest persons, who were receiving in tips three to four rubles a day from guests. The merchant's money was stolen by Maslova, who either gave it to some one for safe keeping, or lost it, which was not unlikely, as she was not in a normal condition. The poisoning was done by Maslova alone.

For these reasons he asked the jury to acquit Kartinkin and Bochkova of stealing the money; or, if they found them guilty of stealing he asked for a verdict of theft, but without participation in the poisoning, and without conspiracy.

In conclusion, this lawyer made a thrust at the prosecuting attorney by remarking that, although the splendid reasonings of the prosecutor on heredity explain the scientific questions of heredity, they hardly hold good in the case of Bochkova, since her parentage was unknown.

The prosecutor, growling, began to make notes, and shrugged his

shoulders in contemptuous surprise.

Next rose Maslova's lawyer, and timidly and falteringly began his speech in her defense. Without denying that Maslova participated in the theft, he insisted that she had no intention of poisoning Smelkoff, but gave him the powder in order to make him sleep. When he described Maslova's unfortunate life, telling how she had been drawn into a life of vice by a man who went unpunished, while she was left to bear the whole burden of her fall, he attempted to become eloquent, but his excursion into the domain of psychology failed, so that everybody felt awkward. When he began to mutter about man's cruelty and woman's helplessness, the justiciary, desiring to help him, asked him to confine himself to the facts of the case.

After this lawyer had finished the prosecutor rose again and defended his position on the question of heredity against the first lawyer, stating that the fact that Bochkova's parentage was unknown did not invalidate the truth of the theory of heredity; that the law of heredity is so well established by science that not only can one deduce the crime from heredity, but heredity from the crime. As to the statement of the defense that Maslova was drawn into a vicious life by an imaginary (he pronounced the word imaginary with particular virulence) man, he could say that all facts rather pointed to her being the seducer of many victims who were unfortunate enough to fall into her hands. Saying which he sat down in triumph.

The prisoners were then allowed to make any statements they wished in their behalf.

Euphemia Bochkova repeated her statement that she knew nothing, had not taken part in anything, and persistently pointed at Maslova as the only guilty person. Simon only repeated several times:

"Do what you please with me, only it is all for nothing."

Maslova was silent. When asked what she had to say in her defense, she only lifted her eyes on the justiciary, looked around like a hunted animal, and immediately lowering them began to sob aloud.

"What is the matter?" asked the merchant of Nekhludoff, hearing a strange sound escaping the latter's lips. It was a suppressed sob.

Nekhludoff did not yet realize the significance of his present position, and the scarcely suppressed sob and the tears that welled up in his eyes he ascribed to the weakness of his nerves. He put on his pince-nez to hide them, and, drawing a handkerchief from his pocket, began to blow his nose.

His fear of the disgrace that would fall upon him if everybody in the court-room were to find out his conduct toward her stifled the struggle that was going on within him. At this time fear outweighed in him every other feeling.