CHAPTER XXXIV.

Arriving at the court-house, Nekhludoff met the usher in the corridor and asked him where the prisoners already sentenced were kept, and from whom permission could be obtained to see them. The usher told him that the prisoners were kept in various places, and that before final judgment the public prosecutor was the only person from whom permission to see them could be obtained. "The prosecutor has not arrived yet; when he does I will let you know, and will escort you myself to him after the session. And now, please to walk into the court. The session is commencing."

Nekhludoff thanked the usher, who seemed to him particularly pitiful to-day, and went into the jury-room.

As Nekhludoff was approaching the jury-room his fellow jurors were coming out, repairing to the court-room. The merchant was as cheerful, had lunched as well as yesterday, and greeted Nekhludoff like an old friend. The loud laughter and familiarity of Peter Gerasimovitch did not give rise to-day in Nekhludoff of the unpleasant sensation of yesterday.

Nekhludoff wished to tell all the jurymen of his relations to the woman whom they had convicted yesterday. "It would have been proper," he thought, "yesterday to rise in court and publicly confess my

guilt." But when with the other jurymen he entered the court-room and witnessed the same procedure, the same "Hear ye! Hear ye!" the three judges in high collars on the elevation, the silence, the seating of the jury on high-backed chairs, the gendarmes, the priest--he felt that, though it was necessary to do it, he would not have been able even yesterday to break this solemnity.

They went through the same preliminaries, except the swearing in of the jury and the justiciary's speech to them.

A case of burglary was before the court. The prisoner, who was guarded by two gendarmes with unsheathed swords, was a twenty-year-old boy with a bloodless face and in a gray coat. He sat alone on the prisoners' bench and scanned from under his eyebrows all those that entered the court-room. This boy and another were charged with breaking the lock of a shed and stealing therefrom mats of the value of three rubles and sixty-seven kopecks. It appeared from the indictment that a policeman caught the boy when he was walking with the other, who carried the mats on his shoulder. Both of them immediately confessed, and they were put in jail. The comrade of this boy, a locksmith, died in jail, and he was tried alone. The old mats lay on the table reserved for exhibits.

The case was conducted in the same order as yesterday, with all the proofs, witnesses, experts, oath-taking, examinations and cross-examinations. The policeman, when questioned by the justiciary,

complainant and the defense, made listless answers--"Yes, sir," "Can't tell," and again "Yes, sir"--but notwithstanding this, it was apparent that he pitied the boy and testified involuntarily against him.

Another witness, a splenetic old man who owned those mats, when asked if they belonged to him, unwillingly testified that they were his. When, however, the prosecutor asked him what use he intended to make of them, and whether he needed them much, he became angry and answered: "I wish they had been lost entirely, these mats. I don't need them at all. And if I had known that you would make so much fuss about them, I would gladly have given ten rubles, or twenty, rather than be dragged into court. I have spent five rubles on carriages coming here and going back again. And I am sick; I am suffering from rupture and rheumatism."

The prisoner admitted the charge against him, and, like a trapped animal, stupidly looked now to one side, now to the other, and in a halting voice related everything as it happened.

It was a clear case, but the prosecutor, as he did yesterday, raised his shoulders and propounded subtle questions which were calculated to entrap the clever criminal.

In his speech he argued that the theft was committed in a dwelling-house by breaking and entering it, and that therefore the severest punishment should be meted out to him.

Counsel for the defense, appointed by the court, argued that the theft was committed not in a dwelling-house, and that, though the prisoner pleaded guilty, he was not as dangerous to society as the prosecutor would have them believe.

The justiciary was the personification of impartiality and justice, and endeavored to impress on the jury that which they already knew and could not help knowing. Again they took recesses and smoked cigarettes, and again the usher shouted "Hear ye!" and the two gendarmes sat trying to keep awake.

It developed during the trial that this boy had been apprenticed in a tobacco factory, in which he worked five years. This year he was discharged by his employer after a misunderstanding with the employees, and, going idly about the city, he spent all he had on drink. At an inn he met a locksmith who had also been discharged and was drinking hard, and the two went at night, while drunk, to that shed, broke the lock, and took the first thing they saw. They were caught, and as they confessed they were imprisoned. The locksmith, while waiting for a trial, died. The boy was now being tried as a dangerous creature from whom it was necessary to protect society.

"As dangerous a creature as the prisoner of yesterday," Nekhludoff thought while watching the proceedings. "They are dangerous, but are we not dangerous? I am a libertine, an impostor; and all of us, all

those that know me as I am, not only do not detest but respect me."

It is evident that this boy is no villain, but a very ordinary person--every one sees that--and that he became what he is only because he lived amid conditions that beget such people. It is therefore plain that such boys will exist as long as the conditions producing these unfortunates remain unchanged. If any one had taken pity on this boy, Nekhludoff thought while looking at the sickly, frightened face of the boy, before want had driven him from the village to the city, and relieved that want, or, when, after twelve hours' work in the factory, he was visiting inns with grown-up comrades, some one had told him, "Don't go, Vania; it is bad," the boy would not have gone, or got drunk, and the burglary would never have occurred.

But no one pitied the boy during the time that he, like an animal, spent his school years in the city, and, with close-cropped hair, to prevent his getting vermin, ran errands for the workmen. On the contrary, the only thing he had heard from the workmen and his comrades was to the effect that a brave fellow was he who cheated, drank, reviled, fought, or led a depraved life.

And when, sickly and depraved from the unhealthy work, from drink and lewdness, foolish and capricious, he aimlessly prowled around the city, as in a dream, entered some shed and abstracted a few worthless mats, then, instead of destroying the causes that led this boy into

his present condition, we intend to mend matters by punishing him!

It is dreadful!

Thus Nekhludoff thought, and no longer listened to what was going on around him. He was himself terrified at this revelation. He wondered why he had not seen it before--how others failed to see it.