CHAPTER XLIII.

It was Nekhludoff's intention to alter his manner of living--discharge the servants, let the house and take rooms in a hotel. But Agrippina Petrovna argued that no one would rent the house in the summer, and that as it was necessary to live somewhere and keep the furniture and things, he might as well remain where he was. So that all efforts of Nekhludoff to lead a simple, student life, came to naught. Not only was the old arrangement of things continued, but, as in former times, the house received a general cleaning. First were brought out and hung on a rope uniforms and strange fur garments which were never used by anybody; then carpets, furniture, and the porter, with his assistant, rolling up the sleeves on their muscular arms, began to beat these things, and the odor of camphor rose all over the house. Walking through the court-yard and looking out of the window, Nekhludoff wondered at the great number of unnecessary things kept in the house. The only purpose these things served, he thought, was to afford the servants an opportunity of exercise.

"It isn't worth while to alter my mode of life while Maslova's affair is unsettled," he thought. "Besides, it is too hard. When she is discharged or transported and I follow her, things will change of their own accord."

On the day appointed by the lawyer Fanirin, Nekhludoff called on him.

On entering the magnificently appointed apartments of the house owned by the lawyer himself, with its huge plants, remarkable curtains and other evidences of luxury, attesting easily earned wealth, Nekhludoff found in the reception-room a number of people sitting dejectedly around tables on which lay illustrated journals intended for their diversion. The lawyer's clerk, who was sitting in this room at a high desk, recognizing Nekhludoff, greeted him and said that he would announce him. But before the clerk reached the door of the cabinet, the door opened and the animated voices of a thick-set man with a red face and stubby mustache, wearing a new suit, and Fanirin himself were heard. The expression on their faces was such as is seen on people who had just made a profitable, but not very honest, bargain.

"It is your own fault, my dear sir," Fanirin said, smiling.

"I would gladly go to heaven, but my sins prevent me."

"That is all right."

And both laughed unnaturally.

"Ah, Prince Nekhludoff! Pleased to see you," said Fanirin, and bowing again to the departing merchant, he led Nekhludoff into his business-like cabinet. "Please take a cigarette," said the lawyer, seating himself opposite Nekhludoff and suppressing a smile, called forth by the success of the preceding affair.

"Thank you. I came to inquire about Maslova's case."

"Yes, yes, immediately. My, what rogues these moneybags are!" he said. "You have seen that fellow; he is worth twelve millions, and is the meanest skinflint I ever met."

Nekhludoff felt an irresistible loathing toward this ready talker who, by his tone of voice, meant to show that he and Nekhludoff belonged to a different sphere than the other clients.

"He worried me to death. He is an awful rogue. I wanted to ease my mind," said the lawyer, as if justifying his not speaking about Nekhludoff's case. "And now as to your case. I have carefully examined it, 'and could not approve the contents thereof,' as Tourgeniff has it. That is to say, the lawyer was a wretched one, and he let slip all the grounds of appeal."

"What have you decided to do?"

"One moment. Tell him," he turned to his clerk, who had just entered, "that I will not change my terms. He can accept them or not, as he pleases."

"He does not accept them."

"Well, then, let him go," said the lawyer, and his benign and joyful countenance suddenly assumed a gloomy and angry expression.

"They say that lawyers take money for nothing," he said, again assuming a pleasant expression. "I succeeded in obtaining the discharge of an insolent debtor who was incarcerated on flimsy accusations of fraud, and now they all run after me. And every such case requires great labor. We, too, you know, leave some of our flesh in the ink-pot, as some author said."

"Well, now, your case, or rather the case in which you are interested," he continued; "was badly conducted. There are no good grounds for appeal, but, of course, we can make an attempt. This is what I have written."

He took a sheet of paper, and quickly swallowing some uninteresting, formal words, and emphasizing others, he began to read:

"To the Department of Cassation, etc., etc., Katherine, etc. Petition. By the decision, etc., of the etc., rendered, etc., a certain Maslova was found guilty of taking the life, by poisoning, of a certain merchant Smelkoff, and in pursuance of Chapter 1,454 of the Code, was sentenced to etc., with hard labor, etc."

He stopped, evidently listening with pleasure to his own composition, although from constant use he knew the forms by heart.

"'This sentence is the result of grave errors,' he continued with emphasis, 'and ought to be reversed for the following reasons: First, the reading in the indictment of the description of the entrails of Smelkoff was interrupted by the justiciary at the very beginning.'--One."

"But the prosecutor demanded its reading," Nekhludoff said with surprise.

"That is immaterial; the defense could have demanded the same thing."

"But that was entirely unnecessary."

"No matter, it is a ground of appeal. Further: 'Second. Maslova's attorney,' he continued to read, 'was interrupted while addressing the jury, by the justiciary, when, desiring to depict the character of Maslova, he touched upon the inner causes of her fall. The ground for refusing to permit him to continue his address was stated to be irrelevancy to the question at issue. But as has often been pointed out by the Senate, the character and moral features generally of an accused are to be given the greatest weight in determining the question of intent.'--Two."

"But he spoke so badly that we could not understand him," said Nekhludoff with still greater surprise.

"He is a very foolish fellow and, of course, could say nothing sensible," Fanirin said, laughing. "However, it is a ground for appeal. 'Third. In his closing words the justiciary, contrary to the positive requirements of section 1, chapter 801 of the Code of Criminal Procedure, failed to explain to the jury of what legal elements the theory of guilt consisted; nor did he tell them that if they found that Maslova gave the poison to Smelkoff, but without intent to kill, they had the power to discharge her.' This is the principal point."

"We could have known that. That was our mistake."

"And finally: 'Fourth,'" continued the lawyer. "'The answer of the jury to the question of Maslova's guilt was made in a form which was obviously contradictory. Maslova was charged with intentional poisoning of Smelkoff, and with robbery as a motive, while the jury, in their answer, denied her guilt of the robbery, from which it was evident that they intended to acquit her of the intent to kill. Their failure to do so was due to the incomplete charge of the justiciary. Such an answer, therefore, demanded the application of chapters 816 and 808 of the Code. That is to say, it was the duty of the presiding justice to explain to the jury their mistake and refer the question of the guilt of the accused to them for further deliberation.'"

"Why, then, did he not do it?"

"That is just what I would like to know myself," said Fanirin, laughing.

"So the Senate will correct the mistake."

"That will depend on who will be sitting there when the case is heard."

"Well, and then we continue: 'Under these circumstances the court erred in imposing on Maslova punishment, and the application to her of section 3, chapter 771 of the Code was a serious violation of the basic principles of the criminal law. Wherefore applicant demands, etc., etc., be revised in accordance with chs. 909, 910, s. 2, 912 and 928 of the Code, etc., etc., and referring the case back for a new trial to a different part of the same court.' Well, now, everything that could be done was done. But I will be frank with you; the probabilities of success are slight. However, everything depends on who will be sitting in the Senate. If you know any one among them, bestir yourself."

"Yes, I know some."

"Then you must hasten, for they will soon be gone on their vacation, and won't return for three months. In case of failure, the only recourse will be to petition the Czar. I shall be at your service also

in that contingency."

"I thank you. And now as to your honorarium?"

"My clerk will hand you the petition and also my bill."

"One more question I would like to ask you. The prosecutor gave me a pass for the prison, but I was told there that it was necessary to obtain the Governor's permission to visit the prison on other than visitors' days. Is it necessary?"

"I think so. But he is away, and the lieutenant is in his place."

"You mean Maslenikoff?"

"Yes."

"I know him," said Nekhludoff, rising to leave.

At that moment the lawyer's wife, an extremely ugly, pug-nosed and bony woman, rushed into the room. Not only was her attire unusually original--she was fairly loaded down with plush and silk things, bright yellow and green--but her oily hair was done up in curls, and she triumphantly rushed into the reception-room, accompanied by a tall, smiling man with an earth-colored face, in a cut-away coat with silk facings and a white tie. This was an author. He knew Nekhludoff

by sight.

"Anatal," she said, opening the door, "come here. Semion Ivanovitch promised to read to us his poem, and you must read something from Garshin."

Nekhludoff was preparing to go, but the lawyer's wife whispered something to her husband and turned to him:

"I know you, Prince, and consider an introduction unnecessary. Won't you please attend our literary breakfast? It will be very interesting. Anatal is an excellent reader."

"You see what variety of duties I have," said Anatal, smiling and pointing at his wife, thereby expressing the impossibility of resisting that bewitching person.

With a sad and grave face and with the greatest politeness, Nekhludoff thanked the lawyer's wife for the invitation, pleaded other engagements and went into the reception-room.

"What faces he makes!" the lawyer's wife said of him, when he had left the room.

In the reception-room the clerk handed him the petition, and in answer to Nekhludoff's question about the honorarium, said that Anatal

Semionovitch set his fee at a thousand rubles; that he really does not take such cases, but does it for Nekhludoff.

"And who is to sign the petition?" asked Nekhludoff.

"The prisoner may sign it herself, and if that be troublesome, she may empower Anatal Semionovitch."

"No, I will go to the prison and obtain her signature," said Nekhludoff, rejoicing at the opportunity of seeing Katiousha before the appointed day.