

Robbery and Murder in Court

All the newspapers were at one in declaring that the criminal before the court was the kind of fellow that every decent person ought to avoid. For this scoundrel had committed robbery and murder. And now he was looking forward to his future with resignation, saying himself that he was bound for the gallows and punctuating the trial with gallows-humour in very bad taste. He prophesied to the State Prosecutor, for instance, that he too would be hanged one day.

Among other things, he also said that he would make a present of the rope with which he was to be hanged to the Presiding Judge, so that he could use it to keep his trousers up. These remarks naturally aroused the considerable displeasure of the Associate Judges and led to a dispute between the State Prosecutor and Defence Counsel, who maintained that the law, in its charity, gave to every accused the right to tell the court, as best he could, what he had on his mind. If the accused mentioned the Presiding Judge's trousers, he said, it was because he was clutching at a last straw in his own defence; he was trying to enlist the sympathies of the jury with this gallows-humour of his. The trousers . . .

At this point, Defence Counsel was interrupted by the State Prosecutor, who objected to this line of argument that to drag the Presiding Judge's trousers into the debate was immoral. To which Defence Counsel made the witty retort that it was not the trousers worn by the Presiding Judge that were immoral, it was the man inside them. The whole judicial system, he said, was immoral, from the jailer to the hangman. After this outburst, Defence Counsel was ruled out of order and a spittoon was brought, so that the Presiding Judge could relieve his feelings. The expectorations of the Presiding Judge caused a great stir in the courtroom. A number of ladies fainted and one spectator put his hand by mistake into a pocket that did not belong to him and drew out a piece of chocolate, at which he began to nibble nervously before the very eyes of the man whom he had robbed. An adjournment was called, of which the murderer and robber in the dock took advantage to make obscene gestures at the State Prosecutor.

After the adjournment, the trial was continued. It was brought to

the notice of the court that the robber and murderer had carried out his crime with more than usual brutality. Before committing the act, he had not eaten for three days, so that he might now be able to maintain that he had stolen the loaf of bread which was the nub of the case out of hunger. What he had done went beyond all normal concepts of depravity. As he was in the act of stealing that loaf, the merchant whose rights he was violating had shot at him with his revolver and then they had grappled with one another and the merchant had been choked in the struggle. The murderer had fled, but on account of the large amount of blood he had lost, had soon fallen and been immediately taken by the gendarmes. His excuse, that he had acted in self-defence, was extremely inept. Why, for God's sake, hadn't he just stood there quietly and let himself be shot, shot dead if that was what it came to, when he had said under interrogation that a long time before he went on this job he had had thoughts of suicide?

A touching scene occurred when he was confronted with the wife of the murdered man, who spoke through her tears of the brutality of the crime. 'He choked him so hard, the poor man's eyes popped out of their sockets.' These few words from a simple woman sent a deep chill through all who heard them and one reporter made a note of the phrase 'Eyes Pop Out' for use as a column-heading in his report of the trial.

The accused himself made the impression of a criminal. He stated that he did not believe in God; Gawd could kiss his backside, he said, what had Gawd ever done for him? His grandfather, he went on, had died of hunger; his grandmother had been raped by a Captain of Gendarmes: in short, every word the man spoke produced a bad impression. The State Prosecutor asked permission to enter additional charges of disrespect for religion and disrespect for the army, for the Captain of Gendarmes had belonged to the militia. 'And I would add,' said the State Prosecutor, 'that in my opinion, the Captain of Gendarmes would never have raped the grandmother of the accused if he had known what sort of grandson he was going to have.'

This phrase aroused a strong reaction among the public and a number of ladies burst out crying, just as if the Captain of Gendarmes had violated them in person. At this, the criminal smiled 'in a self-satisfied manner' (this is the exact expression used in the court record) and it was plain to see that he was mocking the public and the majesty of the law. Under examination, he came out with objectionable pronouncements, such as: 'What d'you want me to do, then? Let 'im

do me in?' and: 'So I give 'im a bit of a shake, silly old bugger; 'ow can I 'elp it if 'e drops down dead?' And more of the same.

Defence Counsel tried once or twice to win the jury over with brief explanations and appeals to their sympathy. But he was flogging a dead horse. All the jurors, as they gazed at the robber and murderer, were thirsting for blood. One of them wore a particularly bloodthirsty look. He hung on every word as the villain's jokes got coarser and coarser. That juror devoured the robber with his eyes, so to speak. At last he could contain himself no longer and shouted out: 'Is it giving you a kick, then, to think you're going to be hanged?'

To which tricky question the robber calmly replied: 'Not 'alf as much of a kick as it's giving you!'

At this pronouncement, the State Prosecutor rose and announced amid a deathly hush that he was going to wash his hands. He had, he said, eaten pickled herring during the adjournment. But this was just a pretext for this latter-day Pilate to go and pass water. He came back beaming all over his face like any man who has just taken a weight off his mind and seemed more kindly disposed to the accused than he had been before. Now, he no longer spat into his handkerchief every time he looked at the robber.

The examination of the witnesses confirmed the charge in every particular. It became clear that the accused had made a bad impression on everyone beforehand. Nor did it help his cause when it emerged that he was illegitimate and that he drank rye-brandy. 'I can't drink cognac,' the accused volunteered. At these words, the Presiding Judge ordered that the prisoner be removed, but he was brought back on an intervention by the defence. This episode did not pass without an emotional scene. As he was being taken out, the villain repeated emphatically: 'I can't drink cognac; I can't afford it!' Great excitement among the jury. 'If he could afford to drink it, he would,' one juror remarked. A storm of applause from the public gallery and shouts of: 'Old brandy-vat!' A call of 'Really!' from the jury. General uproar. A heckler is ejected by the prison guards. A call from the Presiding Judge: 'Where do you think you are, in a theatre?'

When the accused was brought back, he was confronted with the loaf of bread he had stolen and shown a picture of the murdered man. 'Is that the loaf?' asked the Presiding Judge. 'Yes,' said this hardened criminal without a tremor. 'Do you recognise your victim?' 'When I throttled him in the struggle, he was older than that.' This cynical reply had a profound effect on all who heard it; the toughest court-

officials were shaken to the core.

Further witnesses made things still worse for the accused. Defence Counsel, who protested at this, was overruled by the Presiding Judge, who said that the witnesses were not being called for fun.* It was established by these witnesses that the criminal had nowhere to sleep. The causes of this phenomenon were not investigated further, but it was stated in addition that if he had nowhere to sleep, he might at least sleep somewhere other than in the church gardens. Another witness said that the robber and murderer had not worn a collar, another confirmed that he hadn't a shirt and one swore on oath that the murderer didn't know what a bar of soap was. What made things tightest of all for the accused was the testimony of the Mayor of his own home community, which was as follows: 'The ruffian never wore any socks, wiped his nose on his sleeve from the time that he was a boy, wrote filthy words on a placard meant for a procession, called the Mayor a pig twenty years ago and still owes him, the Mayor that is, twenty kreuzers.'

In the Jury-Room

'Gentlemen,' said one juror, when they had been called together to decide the fate of the accused. 'There isn't a place in all this town where you can get a decent bit of paprika. The accused is a worthless specimen. I got myself a portion of paprika at Dvořáks', and it wasn't fit to eat. Ever since he was a boy, he's been a confirmed liar and he's rounded off his career with a murder. I found a fly in that paprika. There's veal - and there's veal. That no-good lout killed a decent, hard-working man, a man who had devoted his whole life to the good of the community, a man, a respectable businessman, who would never have sold the kind of paprika they put in the sauce at Dvořáks'. A man who, if he had been a butcher, would never have had the neck to sell that ready-wrapped meat they used for the paprika I ate at Dvořáks' this morning. To the gallows with him, the scoundrel; let him swing, let him writhe in his death-agony! Only an out-and-out crook would charge thirty-five kreuzers for a portion that size. The man you have seen and whose deeds you are judging is a villain of the deepest dye. Steer clear of the Dvořáks' Restaurant, gentlemen! I give my vote and I say: "Is he guilty? Yes!" And you, gentlemen, what do you say?'

* Experience has shown that fun is precisely what witnesses *are* called for. [J. H.]

'Yes! - Yes! - Yes! - Yes! - Yes! - Yes! - Yes! - Yes! - Yes! - Yes! - Yes!'

'... To death by hanging,' the Presiding Judge read out the verdict. 'To death by hanging in the name of His Imperial Majesty,' he repeated. And then the ladies in the courtroom blew kisses to the gentlemen of the jury and the accused emitted a sound which was hardly the stuff of legend, but belonged rather to that category of subject which is not mentioned in polite society.

The guard who was leading the condemned man away when that sound rang out wrinkled his nose in distaste. He had caught a whiff of the odour of flatulence.