

THE  
ORATIONS

OF

MARCUS TULLIUS CICERO

LITERALLY TRANSLATED BY

C. D. YONGE, M.A.

FELLOW OF THE ROYAL UNIVERSITY OF IRELAND, ETC.

VOL. I.

ORATIONS FOR QUINTIUS, SEXTUS ROSCIUS, QUINTUS  
ROSCIUS, AGAINST QUINTUS, CÆCILIUS,  
AND AGAINST VERRES



**CLARKE COLLEGE**  
**LIBRARY**  
**Dubuque, Iowa**

LONDON

G. BELL AND SONS, LTD

1916.

*[Reprinted from Stereotype plates.]*



PA  
6307  
.A3  
76  
1916  
v.1

## PREFACE.

---

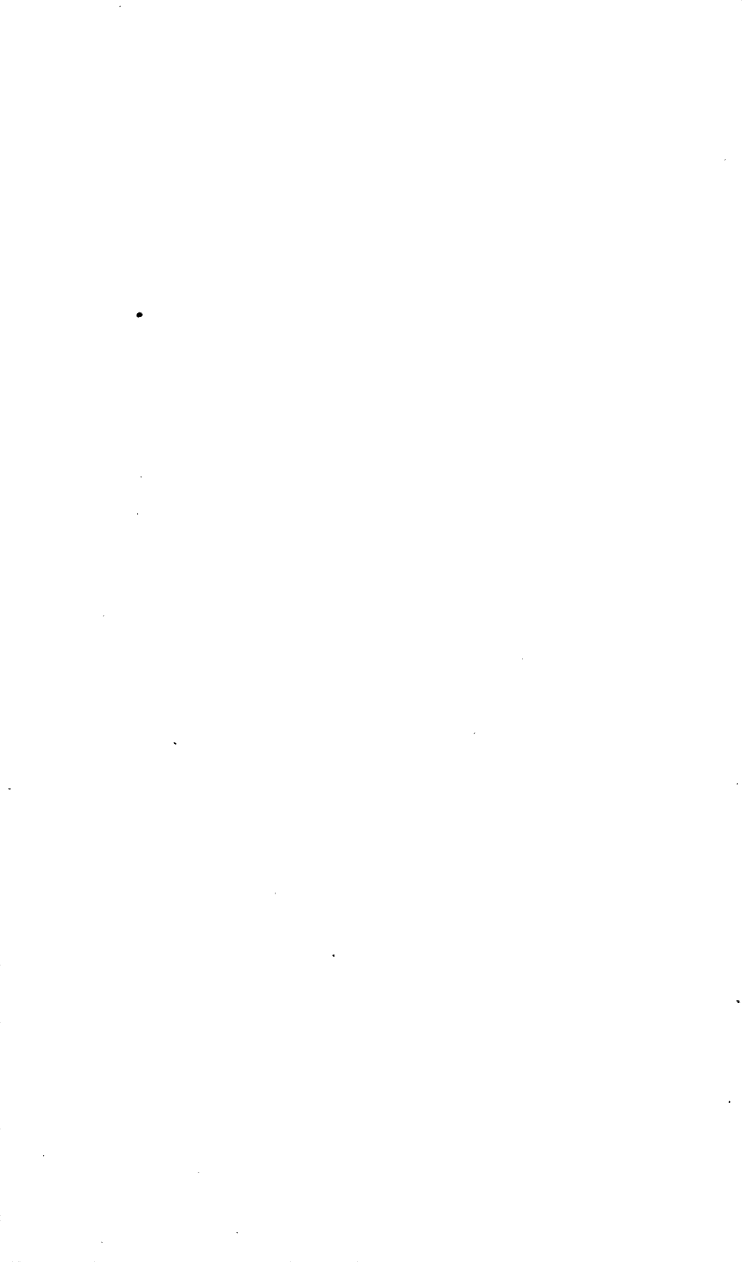
THE text generally followed in the present translation is that of Orellius. This volume was for the most part printed off before Professor G. Long's new edition of the Verrine Oration appeared; so that the translator has been able to avail himself of the assistance afforded by it only in a slight degree. For many important illustrations, especially of points connected with Roman law, he refers the student to that edition.

C. D. Y.



## CONTENTS.

	PAGE
<b>Oration of M. T. Cicero as the Advocate of P. Quintius . . . .</b>	1
——— for Sextus Roscius of Ameria . . . . .	37
——— for Quintus Roscius the Actor . . . . .	87
——— against Quintus Cæcilius . . . . .	107
<b>First Oration against Caius Verres . . . . .</b>	181
<b>First Book of the Second Pleading against Verres.—Respecting</b>	
his conduct in the City Prætorship . . . . .	152
<b>Second Book of the Second Pleading against Verres.—Concerning</b>	
his manner of deciding Causes as Judge while in Sicily . .	216
<b>Third Book of the Second Pleading in the Accusation against</b>	
Verres.—On the count relating to Corn. . . . .	294
<b>Fourth Book of the Second Pleading in the Prosecution of</b>	
Verres.—Respecting the Statues . . . . .	397
<b>Fifth Book of the Second Pleading in the Prosecution against</b>	
Verres.—Speech on the Punishments . . . . .	466



# CICERO'S ORATIONS.

## THE SPEECH OF M. T. CICERO AS THE ADVOCATE OF P. QUINTIUS.

### THE ARGUMENT.

Caius Quintius and Sextus Nævius, one of the public criers, had been partners, having their chief business in Gallia Narbonensis—Caius died, and left his brother Publius his heir, between whom and Nævius there arose disputes concerning the division of the property of the partnership. Caius had left some debts, and Publius proposed to sell some lands which his brother had acquired as private property near Narbonne, for the purpose of liquidating them. Nævius interposed difficulties in the way of his doing so, and by various artifices tried to make it appear that Quintius had forfeited his recognizances; which would have given a different complexion to the whole case, as to forfeit one's recognizances was a crime liable to the punishment of *infamia* at Rome. Cicero undertook the defence of Quintius at the request of Roscius the actor—Nævius's cause was conducted by Hortensius, the greatest advocate at Rome. It is doubtful whether this really was the first cause in which Cicero was engaged, as many think that he himself speaks in this oration of having been concerned in other trials previously, and that the speech for Sextus Roscius was his first. Quintius gained the verdict.

I. THE two things which have the greatest influence in a state,—namely, the greatest interest, and eloquence, are both making against us at the present moment; and while I am awed<sup>1</sup> by the one, O Caius Aquillius, I am in fear of the other:—I am somewhat awed, apprehending that the eloquence of Quintius Hortensius may embarrass me in speaking; but I am in no slight fear lest the interest of Sextus Nævius may injure Publius Quintius. And yet it would not

<sup>1</sup> The Latin is “quorum alteram *vereor*, alteram *metuo*,” *vereor* expressing a slighter degree of alarm than *metuo* or *timeo*, and also one arising rather from the character and dignity of the adversary, than from any apprehension of consequences to oneself.

seem so disastrous for us that these things should exist in the highest degree in the other party, if they existed also to a moderate extent in us; but the fact is, that I, who have neither sufficient experience nor much ability, am brought into comparison with a most eloquent advocate; and that Publius Quintius, who has but small influence, no riches, and few friends, is contending with a most influential adversary. And, moreover, we have this additional disadvantage, that Marcus Junius, who has several times pleaded this cause before you, O Aquillius, a man practised in the conduct of other causes also, and much and frequently concerned in this particular one, is at this moment absent, being engaged on his new commission;<sup>1</sup> and so they have had recourse to me, who, even if I had all other requisite qualifications in ever so high a degree, have certainly scarcely had time enough to be able to understand so important a business, having so many points of dispute involved in it. So that also, which has been used to be an assistance to me in other causes, is wanting to me in this one; for in proportion to my want of ability, have I endeavoured to make amends for that want by industry, and unless time and space be given to one, it cannot be seen how great his industry is. But the greater our disadvantages, O Caius Aquillius, are, with so much the more favourable a disposition ought you, and those who are your colleagues in this trial, to listen to our words, that the truth, though weakened by many disadvantages, may be at last re-established by the equity of such men as you. But if you, being the judge, shall appear to be no protection to a desolate and helpless condition against power and influence; if before this tribunal the cause is found to depend on interest, not on truth; then indeed there is nothing any longer holy and uncontaminated in the state,—no hope that the firmness and virtue of the judge may counterbalance the lowly condition of any one. But undoubtedly before you and your colleagues truth will prevail, or else, if it be driven from this place by power and influence, it will not be able to find any place where it can stand.

II. I do not say this, O Caius Aquillius, because I have any doubt of your own good faith and constancy, or because Publius Quintius ought not to have the greatest hopes from those whom you have called in as your assessors, being, as

<sup>1</sup> It is not known what this *legatio* was.

they are, among the most eminent<sup>1</sup> men in the state. What then? In the first place, the magnitude of the danger causes a man the greatest fear, because he is staking all his fortunes on one trial; and while he is thinking of this, the recollection of your power does not occur to his mind less frequently than that of your justice; because all men whose lives are in another's hand more frequently think of what he, in whose power and under whose dominion they are, can do, than of what he ought to do,—Secondly, Publius Quintius has for his adversary, in name indeed, Sextus Nævius, but in reality, the most eloquent, the most gallant, the most accomplished men of our state, who are defending Sextus Nævius with one common zeal, and with all their power: if, indeed, defending means so to comply with the desire of another, that he may the more easily be able to overwhelm whomsoever he chooses by an unjust trial; for what, O Caius Aquillius, can be mentioned or spoken of more unjust or more unworthy than this, that I who am defending the liberties,<sup>2</sup> the fame, and fortunes of another should be compelled to open the cause, especially when Quintus Hortensius, who in this trial fills the part of the accuser, is to speak against me; a man to whom nature has given the greatest possible fluency and energy in speaking? Matters are so managed, that I, who ought rather to ward off the darts of our adversary and to heal the wounds he has inflicted, am compelled to do so now, even when the adversary has cast no dart; and that that time is given to them to attack us when the power of avoiding their attacks is to be taken from us; and if in any particular they should (as they are well prepared to do) cast any false accusation like a poisoned arrow at us, there will be no opportunity for applying a remedy. That has happened through the injustice and wrong-doing of the prætor; first, because, contrary to universal custom, he has chosen that the trial as to honour

<sup>1</sup> Their names were Lucius Lucilius, Publius Quintilius, and Marcus Marcellus; "The *judex* was generally aided by advisers learned in the law, (*jurisconsulti*,) who were said *in concilio adesse*, but the *judex* alone was empowered to give judgment." Smith, *Diet. Ant. v. Judex*.

<sup>2</sup> The Latin has *caput*, which in a legal sense expresses not only a man's life, but also his status or civil condition; to be registered in the census was *caput habere*; to change one's rank, *capite*, &c. *diminuere*. And so a trial which affected not only a citizen's life, but his rank or liberty, was called *judicium capitale*.

or infamy<sup>1</sup> should take place before the one concerning the fact; secondly, because he has so arranged this very trial, that the defendant is compelled to plead his cause before he has heard a word of the accuser's; and this has been done because of the influence and power of those men who indulge the violence and covetousness of Sextus Nævius as eagerly as if their own property or honour were at stake, and who make experiment of their influence in such matters as this, in which the more weight they have through their virtue and nobility, the less they ought to make a parade of what influence they have. Since Publius Quintius, involved in and overwhelmed by such numerous and great difficulties, has taken refuge, O Caius Aquillius, in your good faith, in your truth, in your compassion; when, up to this time, owing to the might of his adversaries, no equal law could be found for him, no equal liberty of pleading, no just magistrate, when, through the greatest injustice, everything was unfavourable and hostile to him; he now prays and entreats you, O Caius Aquillius, and all of ye who are present as assessors, to allow justice, which has been tossed about and agitated by many injuries, at length to find rest and a firm footing in this place.

III. And that you may the more easily do this, I will endeavour to make you understand how this matter has been managed and carried out. Caius Quintius was the brother of this Publius Quintius; in other respects a sufficiently prudent and attentive head of a family, but in one matter a little less wise, inasmuch as he formed a partnership with Sextus Nævius, a respectable man, but one who had not been brought up so as to be acquainted with the rights of partnership, or with the duties of a head of an established family.<sup>2</sup> Not that he was wanting in abilities; for Sextus Nævius as a buffoon was never considered without wit, nor as a crier was he reckoned unmannerly. What followed? As nature had given him nothing better than a voice, and his father had left him

<sup>1</sup> Because if it were decided that Quintius had forfeited his recognizances, *infamia* was the consequence.

<sup>2</sup> The office of *præco* was so little reputable that before Cicero's death a law was passed to prevent all persons who had been *præcones* from becoming decuriones in the municipia. Under the emperors, however, it became very profitable.



nothing besides his freedom, he made gain of his voice, and used his freedom for the object of being loquacious with impunity. So there was no reason in the world for your taking him as a partner, except that he might learn with your money what a harvest money can produce. Nevertheless, induced by acquaintance and intimacy with the man, Quintius, as I have said, entered into a partnership with him as to those articles which were procured in Gaul. He had considerable property in cattle, and a well-cultivated and productive farm. Nævius is carried off from the halls of Licinius,<sup>1</sup> and from the gang of criers, into Gaul and across the Alps; there is a great change in his situation,<sup>2</sup> none in his disposition; for he who from his boyhood had been proposing to himself gain without any outlay, as soon as he spent anything himself and brought it to the common stock, could not be content with a moderate profit. Nor is it any wonder if he, who had his voice for sale, thought that those things which he had acquired by his voice would be a great profit to him; so that without much moderation, he carried off whatever he could from the common stock to his private house for himself. And in this he was as industrious as if all who behaved in a partnership with exact good faith, were usually condemned in a trial before an arbitrator.<sup>3</sup> But concerning these matters I do not consider it necessary to say what Publius Quintius wishes me to mention; although the cause calls for it: yet as it only calls for it, and does not absolutely require it,<sup>4</sup> I will pass it over.

IV. When this partnership had now subsisted many years, and when Nævius had often been suspected by Quintius, and

<sup>1</sup> The Hall of Licinius, *i. e.* Licinius Crassus, was the celebrated one where he erected four columns of Hymettian marble, for the theatrical shows in his ædileship, and was one of the common resorts of auctioneers and criers.

<sup>2</sup> "Coelum non animum mutant qui trans mare currunt."—Hor. Epist. 1, ii. 27.

<sup>3</sup> The Latin has "*arbitrium pro socio condemnari*," on which Grævius says, "*Arbitrium pro socio*," is a formula of law, by which is signified an action and trial in a case of partnership if any one had cheated his partner; and Cicero means that Nævius was as industrious in cheating his partner, as if those who did not cheat were liable to be condemned, and not those who did cheat."

<sup>4</sup> The Latin has "*quia postulat non flagitat*," both words being nearly synonymous, but *flagito* being evidently a stronger word than *postulo*.

was not able conveniently to give an account of the transactions which he had carried on according to his caprice, and not on any system, Quintius dies in Gaul, when Nævius was there too, and dies suddenly. By his will he left this Publius Quintius his heir, in order that, as great grief would come to him by his death, great honour should also accrue to him. When he was dead, Publius Quintius soon after goes into Gaul. There he lives on terms of intimacy with that fellow Nævius. There they are together nearly a year, during which they had many communications with one another about their partnership, and about the whole of their accounts and their estate in Gaul; nor during that time did Nævius utter one single word about either the partnership owing him anything, or about Quintius having owed him anything on his private account. As there was some little debt left behind, the payment of which was to be provided for at Rome, this Publius Quintius issues notices that he shall put up to auction in Gaul, at Narbonne, those things which were his own private property. On this, this excellent man, Sextus Nævius, dissuades the man by many speeches from putting the things up to auction, saying that he would not be able at that time to sell so conveniently what he had advertised. That he had a sum of money at Rome, which if Quintius were wise he would consider their common property, from their brotherly intimacy, and also from his relationship with himself; for Nævius has married the cousin of Publius Quintius, and has children by her. Because Nævius was saying just what a good man ought, Quintius believed that he who imitated the language of good men, would imitate also their actions. He gives up the idea of having an auction; he goes to Rome; at the same time Nævius also leaves Gaul for Rome. As Caius Quintius had owed money to Publius Scapula, Publius Quintius referred it to you, O Caius Aquillius, to decide what he should pay his children. He preferred submitting to your decision in this matter, because, on account of the difference in the exchange, it was not sufficient to look in his books and see how much was owed, unless he had inquired at the temple of Castor<sup>1</sup> how much was to be paid in Roman money. You decide and determine, on account of the friendship existing

<sup>1</sup> Some have wished to alter *ad Castoris* here to *a quæstoribus*; but the temple of Castor was a place where much money was kept:—

Between you and the family of the Scapulæ, what was to be paid to them to a penny.

V. All these things Quintius did by the advice and at the instigation of Nævius: nor is there anything strange in his adopting the advice of the man whose assistance he thought at his service. For not only had he promised it in Gaul, but every day he kept on saying at Rome that he would pay the money as soon as he gave him a hint to do so. Quintius moreover saw that he was able to do so. He knew that he ought; he did not think that he was telling lies, because there was no reason why he should tell lies. He arranged, therefore, that he would pay the Scapulæ as if he had the money at home. He gives Nævius notice of it, and asks him to provide for the payment as he had said he would. Then that worthy man,—I hope he will not think I am laughing at him if I call him again a most worthy man,—as he thought that he was brought into a great strait, hoping to pin him down to his own terms at the very nick of time, says that he will not pay a penny, unless a decision is first come to about all the affairs and accounts of the partnership, and unless he knew that there would be no dispute between him and Quintius. We will look into these matters at a future time, says Quintius, but at present I wish you to provide, if you please, what you said you would. He says that he will not do so on any other condition; and that what he had promised no more concerned him, than it would if when he was holding a sale by auction, he had made any bidding at the command of the owner. Quintius being perplexed at this desertion, obtains a few days' delay from the Scapulæ; he sends into Gaul to have those things sold which he had advertised; being absent, he sells them at a less favourable time than before; he pays the Scapulæ with more disadvantage to himself than he would have done. Then of his own accord he calls Nævius to account, in order, since he suspected that there would be a dispute about something, to provide for the termination of the business as soon as possible, and with the smallest possible trouble. He appoints as his umpire his friend Marcus Trebel-

“*Æratâ multus in arca*

*Fiscus et ad vigilem ponendi Castora nummi.*”—*Juv. xiv. 260.*

and the precincts were accordingly much frequented by men skilful in computing accounts, and the exchange of money.

lius; we name a common friend, a relation of our own, Sextus Alphenus, who had been brought up in his house, and with whom he was exceedingly intimate. No agreement could be come to; because the one was willing to put up with a slight loss, but the other was not content with a moderate booty. So from that time the matter was referred to legal decision.<sup>1</sup> After many delays, and when much time had been wasted in that business, and nothing had been done, Nævius appeared before the judge.

VI. I beseech you, O Caius Aquillius, and you the assessors in this suit, to observe carefully, in order that you may be able to understand the singular nature of this fraud, and the new method of trickery employed. He says that he had had a sale by auction, in Gaul; that he had sold what he thought fit; that he had taken care that the partnership should owe him nothing; that he would have no more to do with summoning any one, or with giving security; if Quintius had any business to transact with him, he had no objection. He, as he was desirous to revisit his farm in Gaul, does not summon the man at present; so he departs without giving security. After that, Quintius remains at Rome about thirty days. He gets any securities which he had given other people respite, so as to be able to go without hindrance into Gaul. He goes; he leaves Rome on the twenty-ninth of January, in the Consulship of Scipio and Norbanus;—I beg of you to remember the day. Lucius Albius the son of Sextus of the Quirine tribe, a good man and of the highest reputation for honour, set out with him. When they had come to the place called the fords of Volaterra, they see a great friend of Nævius, who was bringing him some slaves from Gaul to be sold, Lucius Publicius by name, who when he arrived in Rome told Nævius in what place he had seen Quintius; and unless this had been told Nævius by Publicius, the matter would not so soon have come to trial. Then Nævius sends his slaves round to his friends; he summons himself all his associates from the halls of Licinius and from the jaws of the shambles, and entreats them to come to the booth of Sextus by the second hour of

<sup>1</sup> Lit. "recognizances were entered into." When the prætor had granted an action, the plaintiff required the defendant to give security for his appearance before the prætor on a stated day, commonly the day but one after the *in jus vocatio*.

the next day. They come in crowds; he makes oath that Publius Quintius has not appeared to his bail, and that he has appeared to his. A long protest to this effect is sealed with the seals of noble men. They depart: Nævius demands of Burrienus the prætor, that by his edict he may take possession of Quintius's goods.<sup>1</sup> He urged the confiscation of the property of that man with whom he had had intimacy, with whom he actually was in partnership, between whom and himself there was a relationship, which while his children lived could not possibly be annulled. From which act it could easily be perceived that there is no bond so holy and solemn, that avarice is not in the habit of weakening and violating it. In truth, if friendship is kept up by truth, society by good faith, relationship by affection, it is inevitable that he who has endeavoured to despoil his friend, his partner, and his relation of fame and fortune, should confess himself worthless and perfidious and impious. Sextus Alphenus, the agent of Publius Quintius, the intimate friend and relation of Sextus Nævius, tears down the bills; carries off one little slave whom Nævius had laid hold of; gives notice that he is the agent, and that it is only fair that that fellow should consult the fame and fortunes of Publius Quintius, and await his arrival. But if he would not do so, and believed that by such methods he could bring him into the conditions which he proposed, then he asked nothing as a favour, and if Nævius chose to go to law, he would defend him at the trial. While this is being done at Rome, meantime Quintius, contrary to law and to custom, and to the edicts of the prætors, is driven by force by the slaves which belonged to both him and Nævius, as partners, from their common lands and estates.

VII. Think, O Caius Aquillius, that Nævius did everything at Rome with moderation and good sense, if this which was done in Gaul in obedience to his letters was done rightly and legally. Quintius being expelled and turned out of his farm, having received a most notorious injury, flies to Caius Flaccus the general, who was at that time in the province; whom I name to do him honour as his dignity demands. How strongly he was of opinion that that action called for

<sup>1</sup> If either party did not appear on the appointed day, he was said "*vadimonium deserere*," and the prætor gave to the other party the "*bonorum possessio*." *Vide* Smith's Dict. Ant. p. 9. v. *Actio*.

punishment you will be able to learn from his decrees. Meantime Alphenus was fighting every day at Rome with that old gladiator. He had the people indeed on his side, because that fellow never ceased to aim at the head.<sup>1</sup> Nævius demanded that the agent should give security for payment on judgment being given. Alphenus says that it is not reasonable for an agent to give security, because the defendant would not be bound to give security if he were present himself. The tribunes are appealed to, and as a positive decision was demanded from them, the matter is terminated on the footing of Sextus Alphenus undertaking that Publius Quintius should answer to his bail by the thirteenth of September.

VIII. Quintius comes to Rome; he answers to his bail. That fellow, that most energetic man, the seizer of other men's goods, that invader, that robber, for a year and a half asks for nothing, keeps quiet, amuses Quintius by proposals as long as he can, and at last demands of Cnæus Dolabella, the prætor, that Quintius should give security for payment on judgment being given, according to the formula, "Because he demands it of him whose goods he has taken possession of for thirty days, according to the edict of the prætor." Quintius made no objection to his ordering him to give security, if his goods had been possessed, in accordance with the prætor's edict. He makes the order; how just a one I do not say,—this alone I do say, it was unprecedented: and I would rather not have said even this, since any one could have understood both its characters. He orders Publius Quintius to give security to Sextus Nævius, to try the point whether his goods had been taken possession of for thirty days, in accordance with the edict of the prætor. The friends who were then with Quintius objected to this: they showed that a decision ought to be come to as to the fact, so that either each should give security to the other, or else that neither should; that there was no necessity for the character of either being involved in the trial. Moreover, Quintius himself cried out that he was unwilling to give security, lest by so doing he should seem to admit that his goods had been taken possession of in ac-

<sup>1</sup> There is an allusion here to the fights of gladiators, in which the people disapproved of that gladiator who aimed too constantly at the vital parts of his adversary, so as to make the combat short. There is a pun here, *caput* meaning the head or life of the gladiator, and also the free condition of a citizen.

cordance with the edict: besides, if he gave a bond in that manner, he should be forced (as has now happened) to speak first in a trial affecting himself capitally. Dolabella (as high-born men are wont to do, who, whether they have begun to act rightly or wrongly, carry either conduct to such a height that no one born in our rank of life can overtake them) perseveres most bravely in committing injustice: he bids him either give security or give a bond; and meantime he orders our advocates, who objected to this, to be removed with great roughness.

IX. Quintius departs much embarrassed; and no wonder, when so miserable a choice was offered him, and one so unjust, that he must either himself convict himself of a capital offence if he gave security,<sup>1</sup> or open the cause himself in a capital trial if he gave a bond. As in the one case there was no reason why he should pass an unfavourable sentence on himself (for sentence passed by oneself is the hardest sentence of all), but in the other case there was hope of coming before such a man as a judge, as would show him the more favour the more without interest he was, he preferred to give a bond. He did so. He had you, O Caius Aquillius, for the judge; he pleaded according to his bond; in what I have now said consists the sum and the whole of the present trial.

You see, O Caius Aquillius, that it is a trial touching not the property of Publius Quintius, but his fame and fortunes. Though our ancestors have determined that he who is pleading for his life should speak last, you see that we, owing to this unprecedented accusation of the prosecutor's, are pleading our cause first. Moreover, you see that those who are more accustomed<sup>2</sup> to defend people are to-day acting as accusers; and that those talents are turned to do people injury, which have hitherto been employed in ministering to men's safety, and in assisting them. There remained but one thing more, which they put in execution yesterday,—namely, to proceed against you for the purpose of compelling you to limit the time allowed us for making our defence; and this they would easily have obtained from the prætor if you had not taught him

<sup>1</sup> Because the giving security now would be an admission that he had forfeited his recognizances before; which was liable to be punished with *infamia*.

<sup>2</sup> He means Hortensius.

what your rights and duties and business were. Nor was there any longer any assistant left to us but yourself by whose means we could obtain our rights against them. Nor was it even enough for them to obtain that which might be justified to everybody; so trifling and insignificant a thing do they think power to be which is not exercised with injustice.

X. But since Hortensius urges you to come to a decision, and requires of me that I should not waste time in speaking, and complains that when the former advocate was defending this action it never could be brought to a conclusion, I will not allow that suspicion to continue to exist, that we are unwilling for the matter to be decided, nor will I arrogate to myself a power of proving the case better than it has been proved before; nor yet will I make a long speech, because the cause has already been explained by him who has spoken before, and brevity, which is exceedingly agreeable to me, is required of me, who am neither able to devise<sup>1</sup> nor to utter many arguments. I will do what I have often observed you do, O Hortensius; I will distribute my argument on the entire cause into certain divisions. You always do so, because you are always able. I will do so in this cause, because in this cause I think I can. That power which nature gives you of being always able to do so, this cause gives me, so that I am able to do so to-day. I will appoint myself certain bounds and limits, out of which I cannot stray if I ever so much wish; so that both I may have a subject on which I may speak, and Hortensius may have allegations which he may answer, and you, O Caius Aquillius, may be able to perceive beforehand what topics you are going to hear discussed. We say, O Sextus Nævius, that you did not take possession of the goods of Publius Quintius in accordance with the edict of the prætor. On that point the security was given. I will show first, that there was no cause why you should require of the prætor power to take possession of the goods of Publius Quintius; in the second place, that you could not have taken possession of them according to the edict; lastly, that you did not take possession of them. I entreat you, O Caius Aquillius, and you too the assessors, to preserve carefully in your

<sup>1</sup> He mentions in the Brutus that he was at this time in a very delicate state of health. "Erat eo tempore in nobis summa gracilitas et infirmitas corporis." Brutus, 313.



recollections what I have undertaken. You will more easily comprehend the whole business if you recollect this; and you will easily recal me by the expression of your opinion if I attempt to overstep those barriers to which I have confined myself. I say that there was no reason why he should make the demand; I say that he could not have taken possession according to the edict; I say that he did not take possession. When I have proved these three things, I will sum up the whole.

XI. There was no reason why you should make the demand. How can this be proved? Because Quintius owed nothing whatever to Sextus Nævius, neither on account of the partnership, nor from any private debt. Who is a witness of this? Why, the same man who is our most bitter enemy. In this matter I will cite you—you, I say, O Nævius, as our witness. Quintius was with you in Gaul a year, and more than that, after the death of Caius Quintius. Prove that you ever demanded of him this vast sum of money, I know not how much; prove that you ever mentioned it, ever said it was owing, and I will admit that he owed it. Caius Quintius dies; who, as you say, owed you a large sum for some particular articles. His heir, Publius Quintius, comes into Gaul to you, to your joint estate,—comes to that place where not only the property was, but also all the accounts and all the books. Who would have been so careless in his private affairs, who so negligent, who so unlike you, O Sextus, as not, when the effects were gone from his hands who had contracted the debt, and had become the property of his heir, to inform the heir of it as soon as he saw him? to apply for the money? to give in his account? and if anything were disputed, to arrange it either in a friendly manner, or by the intervention of strict law? Is it not so? that which the best men do, those who wish their relations and friends to be affectionate towards them and honourable, would Sextus Nævius not do that, he who so burns, who is so hurried away by avarice, that he is unwilling to give up any part of his own property, lest he should leave some fraction to be any credit or advantage to this his near relation. And would he not demand the money, if any were owing, who, because that was not paid which was never owed, seeks to take away not the money only, but even the life of his relation? You were unwilling, I suppose, to be

troublesome to him whom you will not allow even to live as a free man! You were unwilling at that time modestly to ask that man for money, whom you now wish nefariously to murder! I suppose so. You were unwilling, or you did not dare, to ask a man who was your relation, who had a regard for you, a good man, a temperate man, a man older than yourself. Often (as sometimes happens with men), when you had fortified yourself, when you had determined to mention the money, when you had come ready prepared and having considered the matter, you being a nervous man, of virgin modesty, on a sudden checked yourself, your voice failed you, you did not dare to ask him for money whom you wished to ask, lest he should be unwilling to hear you. No doubt that was it.

XII. Let us believe this, that Sextus Nævius spared the ears of the man whose life he is attacking! If he had owed you money, O Sextus, you would have asked for it at once; if not at once, at all events soon after; if not soon after, at least after a time; in six months I should think; beyond all doubt at the close of the year: but for a year and a half, when you had every day an opportunity of reminding the man of the debt, you say not one word about it; but now, when nearly two years have passed, you ask for the money. What profligate and extravagant spendthrift, even before his property is diminished, but while it is still abundant, would have been so reckless as Sextus Nævius was? When I name the man, I seem to myself to have said enough. Caius Quintius owed you money; you never asked for it: he died; his property came to his heir; though you saw him every day, you did not ask for it for two years; will any one doubt which is the more probable, that Sextus Nævius would instantly have asked for what was owed to him, or that he would not have asked for two years? Had he no opportunity of asking? Why, he lived with you more than a year: could no measures be taken in Gaul? But there was law administered in the province, and trials were taking place at Rome. The only alternative remaining is, either extreme carelessness prevented you, or extraordinary liberality. If you call it carelessness, we shall wonder; if you call it kindness, we shall laugh; and what else you can call it I know not; it is proof enough that nothing was owing to Nævius, that for such a length of time he asked for nothing.

XIII. What if I show that this very thing which he is now doing is a proof that nothing is due? For what is Sextus Nævius doing now? About what is there a dispute? What is this trial on which we have now been occupied two years? What is the important business with which he is wearying so many eminent men? He is asking for his money. What now, at last? But let him ask; let us hear what he has to say. He wishes a decision to be come to concerning the accounts and disputes of the partnership. It is very late. However, better late than never; let us grant it. Oh, says he, I do not want that now, O Caius Aquillius; and I am not troubling myself about that now: Publius Quintius has had the use of my money for so many years; let him use it, I do not ask anything. What then are you contending for? is it with that object that you have often announced in many places,—that he may no longer be a citizen? that he may not keep that rank which hitherto he has most honourably preserved? that he may not be counted among the living? that he may be in peril of his life and all his honours? that he may have to plead his cause before the plaintiff speaks, and that when he has ended his speech he may then hear the voice of his accuser? What? What is the object of this? That you may the quicker arrive at your rights? But if you wished, that might be already done. That you may contend according to a more respectable form of procedure? But you cannot murder Publius Quintius, your own relation, without the greatest wickedness. That the trial may be facilitated? But neither does Caius Aquillius willingly decide on the life of another, nor has Quintus Hortensius been in the habit of pleading against a man's life. But what reply is made by us, O Caius Aquillius? He asks for his money: we deny that it is due. Let a trial take place instantly; we make no objection; is there anything more? If he is afraid that the money will not be forthcoming when the decision is given, let him take security that it shall be; and let him give security<sup>1</sup> for what I demand in the very same terms in which we give security. The matter can be terminated at once, O Caius Aquillius. You can at once depart, being delivered from an annoyance, I had almost said, no less than that Quintius is

In many cases both plaintiff and defendant might be required to give security, (*satis dare*.) Smith, Dict. Ant. p. 10, v. *Actio*

exposed to. What are we doing, Hortensius? what are we to say of this condition? Can we, some time or other, laying aside our weapons, discuss the money matter without hazard of any one's fortunes? Can we so prosecute our business, as to leave the life of our relation in safety? Can we adopt the character of a plaintiff, and lay aside that of an accuser? Yes, says he, I will take security from you, but I will not give you security.

XIV. But who is it that lays down for us these very reasonable conditions? who determines this,—that what is just towards Quintius is unjust towards Nævius? The goods of Quintius, says he, were taken possession of in accordance with the edict of the prætor. You demand then, that I should admit that; that we should establish by our own sentence, as having taken place, that which we go to trial expressly to prove never did take place. Can no means be found, O Caius Aquillius, for a man's arriving at his rights as expeditiously as may be without the disgrace and infamy and ruin of any one else? Forsooth, if anything were owed, he would ask for it: he would not prefer that all sorts of trials should take place, rather than that one from which all these arise. He, who for so many years never even asked Quintius for the money, when he had an opportunity of transacting business with him every day; he who, from the time when he first began to behave ill, has wasted all the time in adjournments and respiting the recognizances; he who, after he had withdrawn his recognizances, drove Quintius by treachery and violence from their joint estate; who, when he had ample opportunity, without any one's making objection, to try a civil action,<sup>1</sup> chose rather a charge that involved infamy; who, when he is brought back to this tribunal, whence all these proceedings arise, repudiates the most reasonable proposals; confesses that he is aiming, not at the money, but at the life and heart's blood of his adversary;—does he not openly say, “If anything were owing to me, I should demand it, and I should long ago have obtained it; I would not employ so much trouble, so unpopular a course of legal pro-

<sup>1</sup> With respect to its subject matter the *actio* was divided into two great divisions, the *in personam actio* and the *in rem actio*. The former was against a person who was bound to the plaintiff by contract or delict; the latter applied to those cases where a man claimed a property or a right. Smith, Dict. Ant. p. 7.

ceeding, and such a band of favourers of my cause, if I had to make a just demand; I have got to extort money from one unwilling, and in spite of him; I have got to tear and squeeze out of a man what he does not owe; Publius Quintius is to be cast down from all his fortune; every one who is powerful, or eloquent, or noble, must be brought into court with me; a force must be put upon truth, threats must be bandied about, dangers must be threatened; terrors must be brandished before his eyes, that being cowed and overcome by these things, he may at last yield of his own accord." And, in truth, all these things, when I see who are striving against us, and when I consider the party sitting opposite to me, seem to be impending over, and to be present to us, and to be impossible to be avoided by any means. But when, O Caius Aquillius, I bring my eyes and my mind back to you, the greater the labour and zeal with which all these things are done, the more trifling and powerless do I think them. Quintius then owed nothing, as you prove yourself. But what if he had owed you anything? would that have at once been a reason for your requiring leave from the prætor to take possession of his goods? I think that was neither according to law, nor expedient for any one. What then does he prove? He says that he had forfeited his recognizances.

XV. Before I prove that he had not done so, I choose, O Caius Aquillius, to consider both the fact itself and the conduct of Sextus Nævius, with reference to the principles of plain duty, and the common usages of men. He, as you say, had not appeared to his recognizances; he with whom you were connected by relationship, by partnership, by every sort of bond and ancient intimacy. Was it decent for you to go at once to the prætor? was it fair for you at once to demand to be allowed to take possession of his goods according to the edict? Did you betake yourself to these extreme measures and to these most hostile laws with such eagerness as to leave yourself nothing behind which you might be able to do still more bitter and cruel? For, what could happen more shameful to any human being, what more miserable or more bitter to a man; what disgrace could happen so heavy, what disaster can be imagined so intolerable? If fortune deprived any one of money, or if the injustice of another took it from him, still while his reputation is unimpeached, honour easily makes

amends for poverty. And some men, though stained with ignominy, or convicted in discreditable trials, still enjoy their wealth; are not forced to dance attendance (which is the most wretched of all states) on the power of another; and in their distresses they are relieved by this support and comfort; but he whose goods have been sold, who has seen not merely his ample estates, but even his necessary food and clothing put up under the hammer, with great disgrace to himself; he is not only erased from the list of men, but he is removed out of sight, if possible, even beneath the dead. An honourable<sup>1</sup> death forsooth often sets off even a base life, but a dishonoured life leaves no room to hope for even an honourable death. Therefore, in truth, when a man's goods are taken possession of according to the prætor's edict, all his fame and reputation is seized at the same time with his goods. A man about whom placards are posted in the most frequented places, is not allowed even to perish in silence and obscurity; a man who has assignees and trustees appointed to pronounce to him on what terms and conditions he is to be ruined; a man about whom the voice of the crier makes proclamation and proclaims his price,—he has a most bitter funeral procession while he is alive, if that may be considered a funeral in which men meet not as friends to do honour to his obsequies, but purchasers of his goods as executioners, to tear to pieces and divide the relics of his existence.

XVI. Therefore our ancestors determined that such a thing should seldom happen; the prætors have taken care that it should only happen after deliberation; good men, even when fraud is openly committed, when there is no opportunity of trying the case at law, still have recourse to this measure timidly and hesitatingly; not till they are compelled by force and necessity, unwillingly, when the recognizances have often been forfeited, when they have been often deceived and outwitted. For they consider how serious a matter it is to confiscate the property of another. A good man is unwilling to slay another, even according to law; for he would rather say that he had saved when he might have destroyed, than that he had destroyed when he could have saved. Good men

<sup>1</sup> Most of the commentators consider this passage corrupt, and propose various emendations of it. I have however thought it safer to adhere to the text of the MSS. as it stands in Orellius.

behave so to the most perfect strangers, aye, even to their greatest enemies, for the sake both of their reputation among men, and of the common rights of humanity; in order that, as they have not knowingly caused inconvenience to another, no inconvenience may lawfully befall them. He did not appear to his recognizances. Who? Your own relation. If that matter appeared of the greatest importance in itself, yet its magnitude would be lessened by the consideration of your relationship. He did not appear to his recognizances. Who? Your partner. You might forgive even a greater thing than this, to a man with whom either your inclination had connected you, or fortune had associated you. He did not appear to his recognizances. Who? He who was always in your company. You therefore have hurled upon him, who allowed it to happen once that he was not in your company, all those weapons which have been forged against those who have done many things for the sake of malversation and fraud. If your poundage was called in question, if in any trifling matter you were afraid of some trick, would you not have at once run off to Caius Aquillius, or to some other counsel? When the rights of friendship, of partnership, of relationship are at stake, when regard should have been had to your duty and your character, at that time you not only did not refer it to Caius Aquillius or to Lucius Lucilius, but you did not even consult yourself; you did not even say this to yourself,—“The two hours are passed; Quintius has not appeared to his recognizances; what shall I do?” If, in truth, you had said but these four words to yourself, “What shall I do?” your covetousness and avarice would have had breathing time; you would have given some room for reason and prudence; you would have recollected yourself; you would not have come to such baseness as to be forced to confess before such men that in the same hour in which he did not appear to his recognizances you took counsel how utterly to ruin the fortunes of your relation.

XVII. I now on your behalf consult these men, after the time has passed, and in an affair which is not mine, since you forgot to consult them in your own affair, and when it was the proper time. I ask of you, Caius Aquillius, Lucius Lucilius, Publius Quintilius, and Marcus Marcellus;—A certain partner and relation of mine has not appeared to his recog-

nizances, a man with whom I have a long standing intimacy, but a recent dispute about money matters. Can I demand of the prætor to be allowed to take possession of his goods? Or must I, as he has a house, a wife, and children at Rome, not rather give notice at his house? What is your opinion in this matter? If, in truth, I have rightly understood your kindness and prudence, I am not much mistaken what you will answer if you are consulted. You will say at first that I must wait; then, if he seems to be shirking the business and to be trifling with it too long, that I must have a meeting of our friends; must ask who his agent is; must give notice at his house. It can hardly be told how many steps there are which you would make answer ought to be taken before having recourse to this extreme and unnecessary course. What does Nævius say to all this? Forsooth, he laughs at our madness in expecting a consideration of the highest duty, or looking for the practices of good men in his conduct. What have I to do, says he, with all this sanctimoniousness and punctiliousness? Let good men, says he, look to these duties, but let them think of me thus; let them ask not what I have, but by what means I have acquired it, and in what rank I was born, and in what manner I was brought up. I remember, there is an old proverb about a buffoon; "that it is a much easier thing for him to become rich than to become the head of a family." This is what he says openly by his actions, if he does not dare to say it in words. If in truth he wishes to live according to the practices of good men, he has many things to learn and to unlearn, both which things are difficult to a man of his age.

XVIII. I did not hesitate, says he, when the recognizances were forfeited, to claim the confiscation of his goods. It was wickedly done; but since you claim this for yourself, and demand that it be granted to you, let us grant it. What if he has not forfeited his recognizances? if the whole of that plea has been invented by you with the most extreme dishonesty and wickedness? if there had actually been no securities given in any cause between you and Publius Quintius? What shall we call you? Wicked? why, even if the recognizances had been forfeited, yet in making such a demand and confiscation of his goods, you were proved to be most wicked. Malignant? you do not deny it. Dishonest? you have already



claimed that as your character, and you think it a fine thing. Audacious? covetous? perfidious? those are vulgar and worn-out imputations, but this conduct is novel and unheard-of. What then are we to say? I fear forsooth lest I should either use language severer than men's nature is inclined to bear, or else more gentle than the cause requires. You say that the recognizances were forfeited. Quintius the moment he returned to Rome asked you on what day the recognizances were drawn. You answered at once, on the fifth of February. Quintius, when departing, began to recollect on what day he left Rome for Gaul: he goes to his journal, he finds the day of his departure set down, the thirty-first of January. If he was at Rome on the fifth of February we have nothing to say against his having entered into recognizances with you. What then? how can this be found out? Lucius Albius went with him, a man of the highest honour; he shall give his evidence. Some friends accompanied both Albius and Quintius; they also shall give their evidence. Shall the letters of Publius Quintius, shall so many witnesses, all having the most undeniable reason for being able to know the truth, and no reason for speaking falsely, be compared with your witness to the recognizance? And shall Publius Quintius be harassed in a cause like this? and shall he any longer be subjected to the misery of such fear and danger? and shall the influence of an adversary alarm him more than the integrity of the judge comforts him? For he always lived in an unpolished and uncompanionable manner; he was of a melancholy and unsociable disposition; he has not frequented the Forum, or the Campus, or banquets. He so lived as to retain his friends by attention, and his property by economy; he loved the ancient system of duty, all the splendour of which has grown obsolete according to present fashions. But if, in a cause where the merits were equal, he seemed to come off the worse, that would be in no small degree to be complained of; but now, when he is in the right, he does not even demand to come off best; he submits to be worsted, only with these limitations, that he is not to be given up with his goods, his character, and all his fortunes, to the covetousness and cruelty of Sextus Nævius.

XIX. I have proved what I first promised to prove, O Caius Aquillius, that there was absolutely no cause why he

should make this demand; that neither was any money owed, and that if it were owed ever so much, nothing had been done to excuse recourse being had to such measures as these. Remark now, that the goods of Publius Quintius could not possibly have been taken possession of in accordance with the prætor's edict. Recite the edict. "He who for the sake of fraud has lain hid." That is not Quintius, unless they be hid who depart on their own business, leaving an agent behind them. "The man who has no heir." Even that is not he. "The man who leaves the country in exile." At what time, O Nævius, do you think Quintius ought to have been defended in his absence, or how? Then, when you were demanding leave to take possession of his goods? No one was present, for no one could guess that you were going to make such a demand; nor did it concern any one to object to that which the prætor ordered not to be done absolutely, but to be done according to his edict. What was the first opportunity, then, which was given to the agent of defending this absent man? When you were putting up the placards. Then Sextus Alphenus was present: he did not permit it; he tore down the notices. That which was the first step of duty was observed by the agent with the greatest diligence. Let us see what followed on this. You arrest the servant of Publius Quintius in public: you attempt to take him away. Alphenus does not permit it; he takes him from you by force; he takes care that he is led home to Quintius. Here too is seen in a high degree the attention of an industrious agent. You say that Quintius is in your debt; his agent denies it. You wish security to be given; he promises it. You call him into court; he follows you. You demand a trial; he does not object. What other could be the conduct of one defending a man in his absence I do not understand. But who was the agent? I suppose it was some insignificant man, poor, litigious, worthless, who might be able to endure the daily abuse of a wealthy buffoon. Nothing of the sort: he was a wealthy Roman knight; a man managing his own affairs well: he was, in short, the man whom Nævius himself, as often as he went into Gaul, left as his agent at Rome.

XX. And do you dare, O Sextus Nævius, to deny that Quintius was defended in his absence, when the same man defended him who used to defend you? and when he accepted

the trial on behalf of Quintius, to whom when departing you used to recommend and entrust your own property and character? Do you attempt to say that there was no one who defended Quintius at the trial? "I demanded," says he, "that security should be given." You demanded it unjustly. "The order was made." Alphenus objected. "He did, but the prætor made the decree." Therefore the tribunes were appealed to. "Here," said he, "I have you: that is not allowing a trial, nor defending a man at a trial, when you ask assistance from the tribunes." When I consider how prudent Hortensius is, I do not think that he will say this; but when I hear that he has said so before, and when I consider the cause itself, I do not see what else he can say; for he admits that Alphenus tore down the bills, undertook to give security, did not object to go to trial in the very terms which Nævius proposed; but on this condition, that according to custom and prescription, it should be before that magistrate who was appointed in order to give assistance.

You must either say that these things are not so; or that Caius Aquillius, being such a man as he is, on his oath, is to establish this law in the state: that he whose agent does not object to every trial which any one demands against him, whose agent dares to appeal from the prætor to the tribunes, is not defended at all, and may rightly have his goods taken possession of; may properly, while miserable, absent, and ignorant of it, have all the embellishments of his fortunes, all the ornaments of his life, taken from him with the greatest disgrace and ignominy. And this seems reasonable to no one. This certainly must be proved to the satisfaction of every one, that Quintius while absent was defended at the trial. And as that is the case, his goods were not taken possession of in accordance with the edict. But then, the tribunes of the people did not even hear his cause. I admit, if that be the case, that the agent ought to have obeyed the decree of the prætor. What; if Marcus Brutus openly said that he would intercede<sup>1</sup> unless some agreement was come to between Alphenus himself and Nævius; does not the appeal to the tribunes seem to have been interposed not for the sake of delay but of assistance?

<sup>1</sup> *Interceao* was the technical word for the interposition of the tribunes.

XXI. What is done next? Alphenus, in order that all men might see that Quintius was defended at the trial, that no suspicion might exist unfavourable either to his own duty, or to his principal's character, summons many excellent men, and, in the hearing of that fellow, calls them to witness that he begs this of him, in the first place, out of regard to their common intimacy, that he would not attempt to take any severe steps against Quintius in his absence without cause; but if he persevered in carrying on the contest in a most spiteful and hostile manner, that he is prepared by every upright and honourable method to defend him, and to prove that what he demanded was not owed, and that he accepted the trial which Nævius proposed. Many excellent men signed the document setting forth this fact and these conditions. While all matters are still unaltered, while the goods are neither advertised nor taken possession of, Alphenus promises Nævius that Quintius should appear to his recognizances. Quintius does appear to his recognizances. The matter lies in dispute while that fellow is spreading his calumnies for two years, until he could find out by what means the affair might be diverted out of the common course of proceeding, and the whole cause be confined to this single point to which it is now limited. What duty of an agent can possibly be mentioned, O Caius Aquilius, which seems to have been overlooked by Alphenus? What reason is alleged why it should be denied that Publius Quintius was defended in his absence? Is it that which I suppose Hortensius will allege, because he has lately mentioned it, and because Nævius is always harping on it, that Nævius was not contending on equal terms with Alphenus, at such a time, and with such magistrates? And if I were willing to admit that, they will, I suppose, grant this, that it is not the case that no one was the agent of Publius Quintius, but that he had one who was popular. But it is quite sufficient for me to prove that there was an agent, with whom he could have tried the matter. What sort of man he was, as long as he defended the man in his absence, according to law and before the proper magistrate, I think has nothing to do with the matter. "For he was," says he, "a man of the opposite party." No doubt; a man who had been brought up in your house, whom you from a youth had so trained up as not to favour any one of eminence, not even a gladi-

nor. If Alphenus had the same wish as you always especially entertained, was not the contest between you on equal terms in that matter? "Oh," says he, "he was an intimate friend of Brutus, and therefore he interposed." You on the other hand were an intimate friend of Burrienus, who gave an unjust decision; and, in short, of all those men who at that time were both very powerful with violence and wickedness, and who dared do all that they could. Did you wish to overcome those ~~men~~, who now are labouring with such zeal that you may be victorious? Dare to say that, not openly, but to these very men whom you have brought with you. Although I am unwilling to bring that matter up again by mentioning it, every recollection of which I think ought to be entirely effaced and destroyed.

XXII. This one thing I say, if Alphenus was an influential man because of his party zeal, Nævius was most influential; if Alphenus, relying on his personal interest, made any rather unjust demand, Nævius demanded, and obtained too, things much more unjust. Nor was there, as I think, any difference between your zeal. In ability, in experience, in cunning, you easily surpassed him. To say nothing of other things, this is sufficient: Alphenus was ruined with those men, and for the sake of those men to whom he was attached; you, after those men who were your friends could not get the better, took care that those who did get the better should be your friends. But if you think you had not then the same justice as Alphenus, because it was in his power to appeal to some one against you; because a magistrate was found before whom the cause of Alphenus could be fairly heard; what is Quintius to determine on at this time?—a man who has not as yet found any just magistrate, nor been able to procure the customary trial;<sup>1</sup> in whose case no condition, no security, no petition has been interposed,—I do not say a just one, but none at all that had ever been heard of before that time. I wish to try an action about money. You cannot. But that is the point in dispute. It does not concern me; you must plead to a

<sup>1</sup> The text is undoubtedly corrupt here. Some read "hæreret," some "cederet." I have adopted the text of Orellius; but the meaning is not very plain.

<sup>2</sup> "Because the matter in dispute was really a money matter, but the prætor ordered the trial to proceed *de probro*."—Hottoman.

capital charge. Accuse me then, if it must be so. No, says he, not unless you, in an unprecedented manner, first make your defence. You must plead; the time must be fixed at our pleasure; the judge himself shall be removed. What then? Shall you be able to find any advocate, a man of such ancient principles of duty as to despise our splendour and influence? Lucius Philippus will be my advocate; in eloquence, in dignity, and in honour, the most flourishing man in the state. Hortensius will speak for me; a man eminent for his genius, and nobility, and reputation; and other most noble and powerful men will accompany me into court, the number and appearance of whom may alarm not only Publius Quintius, who is defending himself on a capital charge, but even any one who is out of danger. This really is what an unequal contest is; not that one in which you were skirmishing against Alphenus. You did not leave him any place where he could make a stand against you. You must therefore either prove that Alphenus denied he was his agent, did not tear down the bills, and refused to go to trial; or, if all this was done, you must admit that you did not take possession of the goods of Publius Quintius in accordance with the edict.

XXIII. If, indeed, you did take possession of the things according to the edict, I ask you why they were not sold—why the others who were his securities and creditors did not meet together? Was there no one to whom Quintius owed money? There were some, there were many such; because Caius, his brother, had left some amount of debt behind him. What then was the reason? They were all men entirely strangers to him, and he owed them money, and yet not one was found so notoriously infamous as to dare to attack the character of Publius Quintius in his absence. There was one man, his relation, his partner, his intimate friend, Sextus Nævius, who, though he himself was in reality in debt to him, as if some extraordinary prize of wickedness was proposed to him, strove with the greatest eagerness to deprive his own relation, oppressed and ruined by his means, not only of property which he had honestly acquired, but even of that light which is common to all men. Where were the rest of the creditors? Even now at this very time where are they? Who is there who says he kept out of the way for the sake of fraud?

Who is there who denies that Quintius was defended in his absence? Not one is found. But, on the other hand, all men who either have or have had any transactions with him are present on his behalf, and are defending him; they are labouring that his good faith, known in many places, may not now be disparaged by the perfidy of Sextus Nævius. In a trial of this nature Nævius ought to have brought some witnesses out of that body, who could say; "He forfeited his recognizances in my case; he cheated me, he begged a day of me for the payment of a debt which he had denied; could not get him to trial; he kept out of the way; he left no agent:" none of all these things is said. Witnesses are being got ready to say it. But we shall examine into that, I suppose, when they have said it: but let them consider this one thing, that they are of weight only so far, that they can preserve that weight, if they also preserve the truth; if they neglect that, they are so insignificant that all men may see that influence is of avail not to support a lie, but only to prove the truth.

XXIV. I ask these two questions. First of all, on what account Nævius did not complete the business he had undertaken; that is, why he did not sell the goods which he had taken possession of in accordance with the edict: Secondly, why out of so many other creditors no one reinforced his demand; so that you must of necessity confess that neither was any one of them so rash, and that you yourself were unable to persevere in and accomplish that which you had most infamously begun. What if you yourself, O Sextus Nævius, decided that the goods of Publius Quintius had not been taken possession of according to the edict? I conceive that your evidence, which in a matter which did not concern yourself would be very worthless, ought to be of the greatest weight in an affair of your own when it makes against you. You bought the goods of Sextus Alphenus when Lucius Sylla, the dictator, sold them. You entered Quintius in your books as the partner in the purchase of these goods. I say no more. Did you enter into a voluntary partnership with that man who had cheated in a partnership to which he had succeeded

<sup>1</sup> *Nomen* is especially used in reference to debts, because not only the amount of the debts, but also the name of the debtor is entered in the account books. Riddle's Dict. in *v Nomen*.

by inheritance ; and did you by your own sentence approve of the man who you thought was stripped of his character and of all his fortunes ? I had fears indeed, O Caius Aquillius, that I could not stand my ground in this cause with a mind sufficiently fortified and resolute. I thought thus, that, as Hortensius was going to speak against me, and as Philip was going to listen to me carefully, I should through fear stumble in many particulars. I said to Quintus Roscius here, whose sister is the wife of Publius Quintius, when he asked of me, and, with the greatest earnestness, entreated me to defend his relation, that it was very difficult for me, not only to sum up a cause against such orators, but even to attempt to speak at all. When he pressed it more eagerly, I said to the man very familiarly, as our friendship justified, that a man appeared to me to have a very brazen face, who, while he was present, could attempt to use action in speaking, but those who contended with him himself, even though before that they seemed to have any skill or elegance, lost it, and that I was afraid lest something of the same sort would happen to me when I was going to speak against so great an artist.

XXV. Then Roscius said many other things with a view to encourage me, and in truth, if he were to say nothing he would still move any one by the very silent affection and zeal which he felt for his relation. In truth, as he is an artist of that sort that he alone seems worthy of being looked at when he is on the stage, so he is also a man of such a sort that he alone seems to deserve never to go thither. "But what," says he, "if you have such a cause as this, that you have only to make this plain, that there is no one in two or three days at most can walk seven hundred miles ? Will you still fear that you will not be able to argue this point against Hortensius ?" "No," said I. "But what is that to the purpose ?" "In truth," said he, "that is what the cause turns upon." "How so ?" He then explains to me an affair of that sort, and at the same time an action of Sextus Nævius, which, if that alone were alleged, ought to be sufficient. And I beg of you, O Caius Aquillius, and of you the assessors, that you will attend to it carefully. You will see, in truth, that on the one side there were engaged from the very beginning covetousness and audacity, that on the other side truth and modesty resisted as long as they could. You demand to be allowed to take possession of



his goods according to the edict. On what day? I wish to hear you yourself, O Nævius. I want this unheard-of action to be proved by the voice of the very man who has committed it. Mention the day, Nævius. The twentieth of February. Right. how far is it from hence to your estate in Gaul? I ask you, Nævius. Seven hundred miles. Very well: Quintius is driven off the estate. On what day? May we hear this also from you? Why are you silent? Tell me the day, I say. — He is ashamed to speak it. I understand; but he is ashamed too late, and to no purpose. He is driven off the estate on the twenty-third of February, O Caius Aquillius. Two days afterwards, or, even if any one had set off and run the moment he left the court, in under three days, he accomplishes seven hundred miles. O incredible thing! O inconsiderate covetousness! O winged messenger! The agents and satellites of Sextus Nævius come from Rome, across the Alps, among the Segusiani in two days. O happy man who has such messengers, or rather Pegasi.

XXVI. Here I, even if all the Crassi were to stand forth with all the Antonies, if you, O Lucius Philippus, who flourished among those men, choose to plead this cause, with Hortensius for your colleague, yet I must get the best of it. For everything does not depend, as you two think it does, on eloquence. There is still some truth so manifest that nothing can weaken it. Did you, before you made the demand to be allowed to take possession of his goods, send any one to take care that the master should be driven by force off the estate by his own slaves? Choose whichever you like; the one is incredible; the other abominable; and both are unheard-of before this time. Do you mean that any one ran over seven hundred miles in two days? Tell me. Do you deny it? Then you sent some one beforehand. I had rather you did. For if you were to say that, you would be seen to tell an impudent lie: when you confess this, you admit that you did a thing which you cannot conceal even by a lie. Will such a design, so covetous, so audacious, so precipitate, be approved of by Aquillius and by such men as he is? What does this madness, what does this haste, what does this precipitation intimate? Does it not prove violence? does it not prove wickedness? does it not prove robbery? does it not, in short, prove everything rather than right, than duty, or than mo-

desty? You send some one without the command of the prætor. With what intention? You knew he would order it. What then? When he had ordered it, could you not have sent then? You were about to ask him. When? Thirty days after. Yes, if nothing hindered you; if the same intention existed; if you were well; in short, if you were alive. The prætor would have made the order, I suppose, if he chose, if he was well, if he was in court, if no one objected, by giving security according to his decree, and by being willing to stand a trial. For, by the immortal gods, if Alphenus, the agent of Publius Quintius, were then willing to give security and to stand a trial, and in short to do everything which you chose, what would you do? Would you recal him whom you had sent into Gaul? But this man would have been already expelled from his farm, already driven headlong from his home, already (the most unworthy thing of all) assaulted by the hands of his own slaves, in obedience to your messenger and command. You would, forsooth, make amends for these things afterwards. Do you dare to speak of the life of any man, you who must admit this,—that you were so blinded by covetousness and avarice, that, though you did not know what would happen afterwards, but many things might happen, you placed your hope from a present crime in the uncertain event of the future? And I say this, just as if, at that very time when the prætor had ordered you to take possession according to his edict, you had sent any one to take possession, you either ought to, or could have ejected Publius Quintius from possession.

XXVII. Everything, O Caius Aquillius, is of such a nature that any one may be able to perceive that in this cause dishonesty and interest are contending with poverty and truth. How did the prætor order you to take possession? I suppose, in accordance with his edict. In what words was the recognizance drawn up? "If the goods of Publius Quintius have been taken possession of in accordance with the prætor's edict." Let us return to the edict. How does that enjoin you to take possession? Is there any pretence, O Caius Aquillius, if he took possession in quite a different way from that which the prætor enjoined, for denying that then he did not take possession according to the edict, but that I have beaten him in the trial? None, I imagine. Let us refer to the edict.—

"They who in accordance with my edict have come into possession." He is speaking of you, Nævius, as you think; for you say that you came into possession according to the edict. He defines for you what you are to do; he instructs you; he gives you precepts. "It seems that those ought to be in possession." How? "That which they can rightly secure in the place where they now are, let them secure there; that which they cannot, they may carry or lead away." What then? "It is not right," says he, "to drive away the owner against his will." The very man who with the object of cheating is keeping out of the way, the very man who deals dishonestly with all his creditors, he forbids to be driven off his farm against his will. As you are on your way to take possession, O Sextus Nævius, the prætor himself openly says to you—"Take possession in such manner that Nævius may have possession at the same time with you; take possession in such a manner that no violence may be offered to Quintius." What? how do you observe that? I say nothing of his not having been a man who was keeping out of the way, of his being a man who had a house, a wife, children, and an agent at Rome; I say nothing of all this: I say this, that the owner was expelled from his farm; that hands were laid on their master by his own slaves, before his own household gods; I say

\* \* \* \* \*

XXVIII. I say too that Nævius never even asked Quintius for the money, when he was with him, and might have sued him every day; because he preferred that all the most perplexing modes of legal proceedings should take place, to his own great discredit, and to the greatest danger of Publius Quintius, rather than allow of the simple trial about money matters which could have been got through in one day; from which one trial he admits that all these arose and proceeded. On which occasion I offered a condition, if he was determined to demand the money, that Publius Quintius should give security to submit to the decision, if he also, if Quintius had any demands upon him, would submit to the like conditions. I showed how many things ought to be done before a demand was made that the goods of a relation should be taken possession of; especially when he had at Rome his house, his wife, his children, and an agent who was equally an intimate friend

of both. I proved that when he said the recognizances were forfeited, there were actually no recognizances at all ; that on the day on which he says he gave him the promise, he was not even at Rome. I promised that I would make that plain by witnesses, who both must know the truth, and who had no reason for speaking falsely. I proved also that it was not possible that the goods should have been taken possession of according to the edict ; because he was neither said to have kept out of the way for the purpose of fraud, nor to have left the country in banishment. The charge remains, that no one defended him at the trial. In opposition to which I argued that he was most abundantly defended, and that not by a man unconnected with him, nor by any slanderous or worthless person, but by a Roman knight, his own relation and intimate friend, whom Sextus Nævius himself had been accustomed previously to leave as his own agent. And that even if he did appeal to the tribunes, he was not on that account the less prepared to submit to a trial ; and that Nævius had not had his rights wrested from him by the powerful interest of the agent ; that on the other hand he was so much superior to us in interest that he now scarcely gives us the liberty of breathing.

XXIX. I asked what the reason was why the goods had not been sold, since they had been taken possession of according to the edict. Secondly, I asked this also, on what account not one of so many creditors either did the same thing then, why not one speaks against him now, but why they are all striving for Publius Quintius ? Especially when in such a trial the testimonies of creditors are thought exceedingly material. After that, I employed the testimony of the adversary, who lately entered as his partner the man who, according to the language of his present claim,<sup>1</sup> he demonstrates was at that time not even in the number of living men. Then I mentioned that incredible rapidity, or rather audacity of his. I showed that it was inevitable, either that seven hundred miles had been run over in two days, or that Sextus Nævius had sent men to take possession many days before he demanded leave so to seize his goods. After that I recited the edict, which expressly forbade the owner to be driven off his

<sup>1</sup> *Intentio* was the technical legal term for the claim made by the plaintiff.

estate, by which it was plain that Nævius had not taken possession according to the edict, as he confessed that Quintius had been driven off his farm by force. But I thoroughly proved that the goods had actually not been taken possession of, because such a seizure of goods is looked at not as to part, but with respect to everything which can be seized or taken possession of. I said that he had a house at Rome which that fellow never even made an attempt on; that he had many slaves, of which he neither took possession of any, and did not even touch any; that there was one whom he attempted to touch; that he was forbidden to, and that he remained quiet. You know also that Sextus Nævius never came on to the private farms of Quintius even in Gaul. Lastly I proved that the private servants of Quintius were not all driven away from that very estate which he took possession of, having expelled his partner by force. From which, and from all the other sayings, and actions, and thoughts of Sextus Nævius, any one can understand that that fellow did nothing else, and is now doing nothing, but endeavouring by violence, by injustice, and by unfair means at this trial, to make the whole farm his own which belongs to both partners in common.

XXX. Now that I have summed up the whole cause, the affair itself and the magnitude of the danger, O Caius Aquilius, seem to make it necessary for Publius Quintius to solicit and entreat you and your colleagues, by his old age and his desolate condition, merely to follow the dictates of your own nature and goodness; so that as the truth is on his side, his necessitous state may move you to pity, rather than the influence of the other party to cruelty. From the self-same day when we came before you as judge, we began to disregard all the threats of those men, which before we were alarmed at. If cause was to contend with cause, we were sure that we could easily prove ours to any one; but as the course of life of the one was to be contrasted with the course of life of the other, we thought we had on that account even more need of you as our judge. For this is the very point now in question, whether the rustic and unpolished economy of my client can defend itself against the luxury and licentiousness of the other, or whether, homely as it is, and stripped of all ornaments, it is to be handed over naked to covetousness

and wantonness. Publius ~~Nævius~~ does not compare himself with you, O Sextus Nævius, he does not vie with you in riches or power. He gives up to you all the arts by which you are great; he confesses that he does not speak elegantly; that he is not able to say pleasant things to people; that he does not abandon a friendship when his friend is in distress, and fly off to another which is in flourishing circumstances; that he does not give magnificent and splendid banquets; that he has not a house closed against modesty and holiness, but open and as it were exposed to cupidity and debauchery; on the other hand he says that duty, good faith, industry, and a life which has been always austere and void of pleasure has been his choice; he knows that the opposite course is more fashionable, and that by such habits people have more influence. What then shall be done? They have not so much more influence, that those who, having abandoned the strict discipline of virtuous men, have chosen rather to follow the gains and extravagance of Gallonius,<sup>1</sup> and have even spent their lives in audacity and perfidy which were no part of his character, should have absolute dominion over the lives and fortunes of honourable men. If he may be allowed to live where ~~and~~ Sextus Nævius does not wish to, if there is room in the city for an honest man against the will of Nævius; if Publius Quintius may be allowed to breathe in opposition to the nod and sovereign power of Nævius; if, under your protection, he can preserve in opposition to the insolence of his enemy the ornaments which he has acquired by virtue, there is hope that this unfortunate and wretched man may at last be able to rest in peace. But if Nævius is to have power to do everything he chooses, and if he chooses what is unlawful, what is to be done? What God is to be appealed to? The faith of what man can we invoke? What complaints, what lamentations can be devised adequate to so great a calamity.

XXXI. It is a miserable thing to be despoiled of all one's fortunes; it is more miserable still to be so unjustly. It is a bitter thing to be circumvented by any one, more bitter still to be so by a relation. It is a calamitous thing to be stripped

<sup>1</sup> Gallonius was a crier also, branded by Horace as notorious for extravagance and luxury.

"Galloni præconis erat acipensere mensa  
Infamis."—Hor. Sat. ii. 2. 47.

of one's goods, more calamitous still if accompanied by disgrace. It is an intolerable injury to be slain by a brave and honourable man, more intolerable still to be slain by one whose voice has been prostituted to the trade of a crier. It is an unworthy thing to be conquered by one's equal or one's superior, more unworthy still by one's inferior, by one lower than oneself. It is a grievous thing to be handed over with one's goods to another, more grievous still to be handed over to an enemy. It is a horrible thing to have to plead to a capital charge, more horrible still to have to speak in one's own defence before one's accuser speaks. Quintius has looked round on all sides, has encountered every danger. He was not only unable to find a prætor from whom he could obtain a trial, much less one from whom he could obtain one on his own terms, but he could not even move the friends of Sextus Nævius, at whose feet he often lay, and that for a long time, entreating them by the immortal Gods either to contest the point with him according to law, or at least, if they must do him injustice, to do it without ignominy. Last of all he approached the haughty countenance of his very enemy; weeping he took the hand of Sextus Nævius, well practised in advertising the goods of his relations. He entreated him by the ashes of his dead brother, by the name of their relationship, by his own wife and children, to whom no one is a nearer relation than Publius Quintius, at length to take pity on him, to have some regard, if not for their relationship, at least for his age, if not for a man, at least for humanity; to terminate the matter on any conditions, as long as they were only endurable, leaving his character unimpeached. Being rejected by him, getting no assistance from his friends, being harassed and frightened by every magistrate, he has no one but you whom he can appeal to. To you he commends himself, to you he commends all his property and fortunes; to you he commends his character and his hopes for the remainder of his life. Harassed by much contumely, suffering under many injuries, he flies to you, not unworthy but unfortunate; driven out of a beautiful farm, with his enemies attempting to fix every possible mark of ignominy on him, seeing his adversary the owner of his paternal property, while he himself is unable to make up a dowry for his marriageable daughter, he has still done nothing inconsistent with his

former life. Therefore he begs this of you, O Caius Aquillius, that he may be allowed to carry with him out of this place the character and the probity which, now that his life is nearly come to an end, he brought with him before your tribunal. That he, of whose virtue no one ever doubted, may not in his sixtieth year be branded with disgrace, with stigma, and with the most shameful ignominy; that Sextus Nævius may not array himself in all his ornaments as spoils of victory; that it may not be owing to you that the character, which has accompanied Publius Quintius to his old age, does not attend him to the tomb.



## THE ORATION FOR SEXTUS ROSCIUS OF AMERIA.

## THE ARGUMENT.

Cicero himself in this speech calls this trial the first public, that is criminal cause in which he was engaged; and many critics consider it an earlier speech than the preceding one for Quintius. The case was this: The father of Sextus Roscius had been slain during the proscriptions of Sylla, and his estate, which was very large, had been sold for a very trifling sum to Lucius Cornelius Chrysogonus, a favourite slave to whom Sylla had given his freedom; and Chrysogonus, to secure possession of it, persuaded a man named Caius Erucius to accuse Roscius of having killed his father himself. Many lawyers refused to defend him, being afraid of Sylla, whose influence was openly used for his freedman. Roscius was acquitted. Cicero often refers with great complacency to his conduct in this suit, as a proof of his intrepidity, and of his resolute honesty in discharging the duties of an advocate without being dismayed at the opposition of the greatest men in Rome.

I. I IMAGINE that you, O Judges, are marvelling why it is that when so many most eminent orators and most noble men are sitting still, I above all others should get up, who neither for age, nor for ability, nor for influence, am to be compared to those who are sitting still. For all these men whom you see present at this trial think that a man ought to be defended against an injury contrived against him by unrivalled wickedness; but through the sad state of the times they do not dare to defend him themselves. So it comes to pass that they are present here because they are attending to their business, but they are silent because they are afraid of danger. What then? Am I the boldest of all these men? By no means. Am I then so much more attentive to my duties than the rest? I am not so covetous of even that praise, as to wish to rob others of it. What is it then which has impelled me beyond all the rest to undertake the cause of Sextus Roscius? Because, if any one of those men, men of the greatest weight and dignity, whom you see present, had spoken, had said one word about public affairs, as must be done in this cause, he would be thought to have said much more than he really had said: but

f I should say all the things which must be said with ever so much freedom, yet my speech will never go forth or be diffused among the people in the same manner. Secondly, because anything said by the others cannot be obscure, because of their nobility and dignity, and cannot be excused as being spoken carelessly, on account of their age and prudence ; but if I say anything with too much freedom, it may either be altogether concealed, because I have not yet mixed in public affairs, or pardoned on account of my youth ; although not only the method of pardoning, but even the habit of examining into the truth is now eradicated from the State. There is this reason, also, that perhaps the request to undertake this cause was made to the others so that they thought they could comply or refuse without prejudice to their duty ; but those men applied to me who have the greatest weight with me by reason of their friendship with me, of the kindnesses they have done me, and of their own dignity ; whose kindness to me I could not be ignorant of, whose authority I could not despise, whose desires I could not neglect.

II. On these accounts I have stood forward as the advocate in this cause, not as being the one selected who could plead with the greatest ability, but as the one left of the whole body who could do so with the least danger ; and not in order that Sextus Roscius might be defended by a sufficiently able advocacy, but that he might not be wholly abandoned. Perhaps you may ask, What is that dread, and what is that alarm which hinders so many, and such eminent men, from being willing, as they usually are, to plead on behalf of the life and fortunes of another ? And it is not strange that you are as yet ignorant of this, because all mention of the matter which has given rise to this trial has been designedly omitted by the accusers. What is that matter ? The property of the father of this Sextus Roscius, which is six millions of sesterces,<sup>1</sup> which one of the most powerful young men of our city at this present time, Lucius Cornelius Chrysogonus, says he bought of that most gallant and most illustrious man Lucius Sylla, whom I only name to do him honour, for two thousand sesterces. He, O judges, demands of you that, since he, without any right, has taken possession of the property of another, so abundant and so splendid, and as the life of Sextus Roscius appears to him to

<sup>1</sup> Between fifty and sixty thousand pounds of our money.

stand in the way of, and to hinder his possession of that property, you will efface from his mind every suspicion, and remove all his fear. He does not think that, while this man is safe, he himself can keep possession of the ample and splendid patrimony of this innocent man ; but if he be convicted and got rid of, he hopes he may be able to waste and squander in luxury what he has acquired by wickedness. He begs that you will take from his mind this uneasiness which day and night is pricking and harassing him, so as to profess yourselves his assistants in enjoying this his nefariously acquired booty. If his demand seems to you just and honourable, O judges, I, on the other hand, proffer this brief request, and one, as I persuade myself, somewhat more reasonable still.

III. First of all, I ask of Chrysogonus to be content with our money and our fortunes, and not to seek our blood and our lives. In the second place, I beg you, O judges, to resist the wickedness of audacious men ; to relieve the calamities of the innocent, and in the cause of Sextus Roscius to repel the danger which is being aimed at every one. But if any pretence for the accusation—if any suspicion of this act—if, in short, any, the least thing be found,—so that in bringing forward this accusation they shall seem to have had some real object,—if you find any cause whatever for it, except that plunder which I have mentioned, I will not object to the life of Sextus Roscius being abandoned to their pleasure. But if there is no other object in it, except to prevent anything being wanting to those men, whom nothing can satisfy, if this alone is contended for at this moment, that the condemnation of Sextus Roscius may be added as a sort of crown, as it were, to this rich and splendid booty,—though many things be infamous, still is not this the most infamous of all things, that you should be thought fitting men for these fellows now to expect to obtain by means of your sentences and your oaths, what they have hitherto been in the habit of obtaining by wickedness and by the sword ; that though you have been chosen out of the state into the senate because of your dignity, and out of the senate into this body because of your inflexible love of justice—still assassins and gladiators should ask of you, not only to allow them to escape the punishment which they ought to fear and dread at your hands for their crimes, but

also that they may depart from this court adorned and enriched with the spoils of Sextus Roscius?

IV. Of such important and such atrocious actions, I am aware that I can neither speak with sufficient propriety, nor complain with sufficient dignity, nor cry out against with sufficient freedom. For my want of capacity is a hindrance to my speaking with propriety; my age, to my speaking with dignity; the times themselves are an obstacle to my speaking with freedom. To this is added great fear, which both nature and my modesty cause me, and your dignity, and the violence of our adversaries, and the danger of Sextus Roscius. On which account, I beg and entreat of you, O judges, to hear what I have to say with attention, and with your favourable construction. Relying on your integrity and wisdom, I have undertaken a greater burden than, I am well aware, I am able to bear. If you, in some degree, lighten this burden, O judges, I will bear it as well as I can with zeal and industry. But if, as I do not expect, I am abandoned by you, still I will not fail in courage, and I will bear what I have undertaken as well as I can. But if I cannot support it, I had rather be overwhelmed by the weight of my duty, than either through treachery betray, or through weakness of mind desert, that which has been once honestly entrusted to me. I also, above all things, entreat you, O Marcus Fannius, to show yourself at this present time both to us and to the Roman people the same man that you formerly showed yourself to the Roman people when you before presided at the trial in this same cause.<sup>1</sup>

V. You see how great a crowd of men has come to this trial. You are aware how great is the expectation of men, and how great their desire that the decisions of the courts of law should be severe and impartial. After a long interval, this is the first cause about matters of bloodshed which has been brought into court, though most shameful and important murders have been committed in that interval. All men hope that while you are prætor, these trials concerning manifest crimes, and the daily murders which take place, will be conducted with no less severity than this one. We who are

<sup>1</sup> Fannius had been prætor, and before a cause came to actual trial, it came before the prætor, who decided whether there were sufficient grounds for allowing the trial to proceed; much as our grand jury does now.

pleading this cause adopt the exclamations which in other trials the accusers are in the habit of using. We entreat of you, O Marcus Fannius, and of you, O judges, to punish crimes with the greatest energy ; to resist audacious men with the greatest boldness ; to consider that unless you show in this cause what your disposition is, the covetousness and wickedness, and audacity of men will increase to such a pitch that murders will take place not only secretly, but even here in the forum, before your tribunal, O Marcus Fannius ; before your feet, O judges, among the very benches of the court. In truth, what else is aimed at by this trial, except that it may be lawful to commit such acts ? They are the accusers who have invaded this man's fortunes. He is pleading his cause as defendant, to whom these men have left nothing except misfortune. They are the accusers, to whom it was an advantage that the father of Sextus Roscius should be put to death. He is the defendant, to whom the death of his father has brought not only grief, but also poverty. They are the accusers, who have exceedingly desired to put this man himself to death. He is the defendant who has come even to this very trial with a guard, lest he should be slain here in this very place, before your eyes. Lastly, they are the accusers whom the people demand punishment on, as the guilty parties. He is the defendant, who remains as the only one left after the impious slaughter committed by them. And that you may be the more easily able to understand, O judges, that what has been done is still more infamous than what we mention, we will explain to you from the beginning how the matter was managed, so that you may the more easily be able to perceive both the misery of this most innocent man, and their audacity, and the calamity of the republic.

VI. Sextus Roscius, the father of this man, was a citizen<sup>1</sup> of Ameria, by far the first man not only of his municipality, but also of his neighbourhood, in birth, and nobility and wealth, and also of great influence, from the affection and the ties of hospitality by which he was connected with the most noble men of Rome. For he had not only connexions of hospitality with the Metelli, the Servilii, and the Scipios, but he had also actual acquaintance and intimacy with them ; families

<sup>1</sup> A *municipes* was a citizen of a *municipium*. For a full explanation of these terms see Smith, Dict. Ant. p. 259, v. *Colonia*.

which I name, as it is right I should, only to express my sense of their honour and dignity. And of all his property he has left this alone to his son,—for domestic robbers have possession of his patrimony, which they have seized by force—the fame and life of this innocent man is defended by his paternal connexions<sup>1</sup> and friends. As he had at all times been a favourer of the side of the nobility, so, too, in this last disturbance, when the dignity and safety of all the nobles was in danger, he, beyond all others in that neighbourhood, defended that party and that cause with all his might, and zeal, and influence. He thought it right, in truth, that he should fight in defence of their honour, on account of whom he himself was reckoned most honourable among his fellow-citizens. After the victory was declared, and we had given up arms, when men were being proscribed, and when they who were supposed to be enemies were being taken in every district, he was constantly at Rome, and in the Forum, and was daily in the sight of every one; so that he seemed rather to exult in the victory of the nobility, than to be afraid lest any disaster should result to him from it. He had an ancient quarrel with two Roscii of Ameria, one of whom I see sitting in the seats of the accusers, the other I hear is in possession of three of this man's farms; and if he had been as well able to guard against their enmity as he was in the habit of fearing it, he would be alive now. And, O judges, he was not afraid without reason. In these two Roscii, (one of whom is surnamed Capito; the one who is present here is called Magnus,) are men of this sort. One of them is an old and experienced gladiator, who has gained many victories, but this one here has lately betaken himself to him as his tutor: and though, before this contest, he was a mere tyro in knowledge, he easily surpassed his tutor himself in wickedness and audacity.

VII. For when this Sextus Roscius was at Ameria, but that Titus Roscius at Rome; while the former, the son, was diligently attending to the farm, and in obedience to his father's desire had given himself up entirely to his domestic affairs and to a rustic life, but the other man was constantly at Rome. Sextus Roscius, returning home after supper, is slain near the Palatine baths. I hope from this very fact, that it is not obscure on whom the suspicion of the crime falls; but

<sup>1</sup> The Latin word is *hospes*, answering to the Greek ξένος.

if the whole affair does not itself make plain that which as yet is only to be suspected, I give you leave to say my client is implicated in the guilt. When Sextus Roscius was slain, the first person who brings the news to Ameria, is a certain Mallius Glaucia, a man of no consideration, a freedman, the client and intimate friend of that Titus Roscius; and he brings the news to the house, not of the son, but of Titus Capito, his enemy, and though he had been slain about the first hour of the night, this messenger arrives at Ameria by the first dawn of day. In ten hours of the night he travelled fifty-six miles in a gig, not only to be the first to bring his enemy the wished-for news, but to show him the blood of his enemy still quite fresh, and the weapon only lately extracted from his body. Four days after this happened, news of the deed is brought to Chrysogonus to the camp of Lucius Sylla at Volaterra. The greatness of his fortune is pointed out to him, the excellence of his farms,—for he left behind him thirteen farms, which nearly all border on the Tiber,—the poverty and desolate condition of his son is mentioned; they point out that, as the father of this man, Sextus Roscius, a man so magnificent and so popular, was slain without any trouble, this man, imprudent and unpolished as he was, and unknown at Rome, might easily be removed. They promise their assistance for this business; not to detain you longer, O judges, a conspiracy is formed.

VIII. As at this time there was no mention of a proscription, and as even those who had been afraid of it before, were returning and thinking themselves now delivered from their dangers, the name of Sextus Roscius, a man most zealous for the nobility, is proscribed and his goods sold; Chrysogonus is the purchaser; three of his finest farms are given to Capito for his own, and he possesses them to this day; all the rest of his property that fellow Titus Roscius seizes in the name of Chrysogonus, as he says himself. This property, worth six millions of sesterces, is bought for two thousand. I well know, O judges, that all this was done without the knowledge of Lucius Sylla; and it is not strange that while he is surveying at the same time both the things which are past, and those which seem to be impending; when he alone has the authority to establish peace, and the power of carrying on war; when all are looking to him alone, and

he alone is directing all things ; when he is occupied incessantly by such numerous and such important affairs that he cannot breathe freely, it is not strange, I say, if he fails to notice some things ; especially when so many men are watching his busy condition, and catch their opportunity of doing something of this sort the moment he looks away. To this is added, that although he is fortunate, as indeed he is, yet no man can have such good fortune, as in a vast household to have no one, whether slave or freedman, of worthless character. In the meantime Titus Roscius, excellent man, the agent of Chrysogonus, comes to Ameria ; he enters on this man's farm ; turns this miserable man, overwhelmed with grief, who had not yet performed all the ceremonies of his father's funeral, naked out of his house, and drives him headlong from his paternal hearth and household gods ; he himself becomes the owner of abundant wealth. He who had been in great poverty when he had only his own property, became, as is usual, insolent when in possession of the property of another ; he carried many things openly off to his own house ; he removed still more privily ; he gave no little abundantly and extravagantly to his assistants ; the rest he sold at a regular auction.

IX. Which appeared to the citizens of Ameria so scandalous, that there was weeping and lamentation over the whole city. In truth, many things calculated to cause grief were brought at once before their eyes ; the most cruel death of a most prosperous man, Sextus Roscius, and the most scandalous distress of his son ; to whom that infamous robber had not left out of so rich a patrimony even enough for a road to his father's tomb ; the flagitious purchase of his property, the flagitious possession of it ; thefts, plunders, largesses. There was no one who would not rather have had it all burnt, than see Titus Roscius acting as owner of and glorying in the property of Sextus Roscius, a most virtuous and honourable man. Therefore a decree of their senate is immediately passed, that the ten chief men should go to Lucius Sylla, and explain to him what a man Sextus Roscius had been ; should complain of the wickedness and outrages of those fellows,

1 The *decuriones* were the senators in a colony. Only a *aecuric* could be a magistrate, and their body possessed whatever power had once belonged to the community. Smith, Dict. Ant. v. *Colonia*.



should entreat him to see to the preservation both of the character of the dead man, and of the fortunes of his innocent son. And observe, I entreat you, this decree—[*here the decree is read*—The deputies come to the camp. It is now seen, O judges, as I said before, that these crimes and atrocities were committed without the knowledge of Lucius Sylla. For immediately Chrysogonus himself comes to them, and sends some men of noble birth to them too, to beg them not to go to Sylla, and to promise them that Chrysogonus will do everything which they wish. But to such a degree was he alarmed, that he would rather have died than have let Sylla be informed of these things. These old-fashioned men, who judged of others by their own nature, when he pledged himself to have the name of Sextus Roscius removed from the lists of proscription, and to give up the farms unoccupied to his son, and when Titus Roscius Capito, who was one of the ten deputies, added his promise that it should be so, believed him; they returned to Ameria without presenting their petition. And at first those fellows began every day to put the matter off and to procrastinate; then they began to be more indifferent; to do nothing and to trifle with them; at last, as was easily perceived, they began to contrive plots against the life of this Sextus Roscius, and to think that they could no longer keep possession of another man's property while the owner was alive.

X. As soon as he perceived this, by the advice of his friends and relations he fled to Rome, and betook himself to Cæcilia, the daughter of Nepos, (whom I name to do her honour,) with whom his father had been exceedingly intimate; a woman in whom, O judges, even now, as all men are of opinion, as if it were to serve as a model, traces of the old-fashioned virtue remain. She received into her house Sextus Roscius, helpless, turned and driven out of his home and property, flying from the weapons and threats of robbers, and she assisted her guest now that he was overwhelmed and now that his safety was despaired of by every one. By her virtue and good faith and diligence it has been caused that he now is rather classed as a living man among the accused, than as a dead man among the proscribed. For after they perceived that the life of Sextus Roscius was protected with the greatest care, and that there was no possibility of their mur-

dering him, they adopted a counsel full of wickedness and audacity, namely, that of accusing him of parricide ; of procuring some veteran accuser to support the charge, who could say something even in a case in which there was no suspicion whatever ; and lastly, as they could not have any chance against him by the accusation, to prevail against him on account of the time ; for men began to say, that no trial had taken place for such a length of time, that the first man who was brought to trial ought to be condemned ; and they thought that he would have no advocates because of the influence of Chrysogonus ; that no one would say a word about the sale of the property and about that conspiracy ; that because of the mere name of parricide and the atrocity of the crime he would be put out of the way, without any trouble, as he was defended by no one. With this plan, and urged on to such a degree by this madness, they have handed the man over to you to be put to death, whom they themselves, when they wished, were unable to murder.

XI. What shall I complain of first? or from what point had I best begin, O judges? or what assistance shall I seek, or from whom? Shall I implore at this time the aid of the immortal gods, or that of the Roman people, or of your integrity,—you who have the supreme power? The father infamously murdered; the house besieged; the property taken away, seized and plundered by enemies; the life of the son, hostile to their purposes, attacked over and over again by sword and treachery. What wickedness does there seem to be wanting in these numberless atrocities? And yet they crown and add to them by other nefarious deeds,—they invent an incredible accusation; they procure witnesses against him and accusers of him by bribery; they offer the wretched man this alternative,—whether he would prefer to expose his neck to Roscius to be assassinated by him, or, being sewn in a sack, to lose his life with the greatest infamy. They thought advocates would be wanting to him; they are wanting. There is not wanting in truth, O judges, one who will speak with freedom, and who will defend him with integrity, which is quite sufficient in this cause, (since I have undertaken it.) And perhaps in undertaking this cause I may have acted rashly, in obedience to the impulses of youth; but since I have once undertaken it, although forsooth every sort of terror

and every possible danger were to threaten me on all sides, yet I will support and encounter them. I have deliberately resolved not only to say everything which I think is material to the cause, but to say it also willingly, boldly, and freely. Nothing can ever be of such importance in my mind that fear should be able to put a greater constraint on me than a regard to good faith. Who, indeed, is of so profligate a disposition, as, when he sees these things, to be able to be silent and to disregard them? You have murdered my father when he had not been proscribed; you have classed him when murdered in the number of proscribed persons; you have driven me by force from my house; you are in possession of my patrimony. What would you more? have you not come even before the bench with sword and arms, that you may either convict Sextus Roscius or murder him in this presence?

XII. We lately had a most audacious man in this city, Caius Fimbria, a man, as is well known among all except among those who are mad themselves, utterly insane. He, when at the funeral of Caius Marius, had contrived that Quintus Scævola, the most venerable and accomplished man in our city, should be wounded;—(a man in whose praise there is neither room to say much here, nor indeed is it possible to say more than the Roman people preserves in its recollection)—he, I say, brought an accusation against Scævola, when he found that he might possibly live. When the question was asked him, what he was going to accuse that man of, whom no one could praise in a manner sufficiently suitable to his worth, they say that the man, like a madman as he was, answered,—for not having received the whole weapon in his body. A more lamentable thing was never seen by the Roman people, unless it were the death of that same man, which was so important that it crushed and broke the hearts of all his fellow-citizens; for endeavouring to save whom by an arrangement, he was destroyed by them.<sup>1</sup> Is not this case very like that speech and action of Fimbria? You are accusing Sextus Roscius: Why so? Because he escaped out of your hands; because he did not allow himself to be murdered. The one action, because it was done against Scævola, appears scandalous; this one, because it is done by Chrysogonus, is intoler-

<sup>1</sup> Scævola was trying to effect an accommodation between the parties of Sylla and Marius when he was murdered by them.

able. For, in the name of the immortal gods, what is there in this cause that requires a defence? What topic is there requiring the ability of an advocate, or even very much needing eloquence of speech? Let us, O judges, unfold the whole case, and when it is set before our eyes, let us consider it; by this means you will easily understand on what the whole case turns, and on what matters I ought to dwell, and what decision you ought to come to.

XIII. There are three things, as I think, which are at the present time hindrances to Sextus Roscius:—the charge brought by his adversaries, their audacity, and their power. Erucius has taken on himself the pressing of this false charge as accuser; the Roscii have claimed for themselves that part which is to be executed by audacity; but Chryso-gonus, as being the person of the greatest influence, employs his influence in the contest. On all these points I am aware that I must speak. What then am I to say? I must not speak in the same manner on them all; because the first topic indeed belongs to my duty, but the two others the Roman people have imposed on you. I must efface the accusations; you ought both to resist the audacity, and at the earliest possible opportunity to extinguish and put down the pernicious and intolerable influence of men of that sort. Sextus Roscius is accused of having murdered his father. O ye immortal gods! a wicked and nefarious action, in which one crime every sort of wickedness appears to be contained. In truth, if, as is well said by wise men, affection is often injured by a look, what sufficiently severe punishment can be devised against him who has inflicted death on his parent, for whom all divine and human laws bound him to be willing to die himself, if occasion required? In the case of so enormous, so atrocious, so singular a crime, as this one which has been committed so rarely, that, if it is ever heard of, it is accounted like a portent and prodigy—what arguments do you think, O Caius Erucius, you as the accuser ought to use? Ought you not to prove the singular audacity of him who is accused of it? and his savage manners, and brutal nature, and his life devoted to every sort of vice and crime, his whole character, in short, given up to profligacy and abandoned? None of which things have you alleged against Sextus Roscius, not even for the sake of making the imputation.

XIV. Sextus Roscius has murdered his father. What sort of man is he? is he a young man, corrupted, and led on by worthless men? He is more than forty years old. Is he forsooth an old assassin, a bold man, and one well practised in murder? You have not this so much as mentioned by the accuser. To be sure, then, luxury, and the magnitude of his debts, and the ungovernable desires of his disposition, have urged the man to this wickedness? Erucius acquitted him of luxury, when he said that he was scarcely ever present at any banquet. But he never owed anything. Further, what evil desires could exist in that man who, as his accuser himself objected to him, has always lived in the country, and spent his time in cultivating his land; a mode of life which is utterly removed from covetousness, and inseparably allied to virtue? What was it then which inspired Sextus Roscius with such madness as that? Oh, says he, he did not please his father. He did not please his father? For what reason? for it must have been both a just and an important and a notorious reason. For as this is incredible, that death should be inflicted on a father by a son, without many and most weighty reasons; so this, too, is not probable, that a son should be hated by his father, without many and important and necessary causes. Let us return again to the same point, and ask what vices existed in this his only son of such importance as to make him incur the displeasure of his father. But it is notorious he had no vices. His father then was mad to hate him whom he had begotten, without any cause. But he was the most reasonable and sensible of men. This, then, is evident, that, if the father was not crazy, nor his son profligate, the father had no cause for displeasure, nor the son for crime.

XV. I know not, says he, what cause for displeasure there was; but I know that displeasure existed; because formerly, when he had two sons, he chose that other one, who is dead, to be at all times with himself, but sent this other one to his farms in the country. The same thing which happened to Erucius in supporting this wicked and trifling charge, has happened to me in advocating a most righteous cause. He could find no means of supporting this trumped-up charge; I can hardly find out by what arguments I am to invalidate and get rid of such trifling circumstances. What do you say,

Erucius? Did Sextus Roscius entrust so many farms, and such fine and productive ones to his son to cultivate and manage, for the sake of getting rid of and punishing him? What can this mean? Do not fathers of families who have children, particularly men of that class of municipalities in the country, do they not think it a most desirable thing for them that their sons should attend in a great degree to their domestic affairs, and should devote much of their labour and attention to cultivating their farms? Did he send him off to those farms that he might remain on the land and merely have life kept in him at this country seat? that he might be deprived of all conveniences? What? if it is proved that he not only managed the cultivation of the farms, but was accustomed himself to have certain of the farms for his own, even during the lifetime of his father? Will his industrious and rural life still be called removal and banishment? You see, O Erucius, how far removed your line of argument is from the fact itself, and from truth. That which fathers usually do, you find fault with as an unprecedented thing; that which is done out of kindness, that you accuse as having been done from dislike; that which a father granted his son as an honour, that you say he did with the object of punishing him. Not that you are not aware of all this, but you are so wholly without any arguments to bring forward, that you think it necessary to plead not only against us, but even against the very nature of things, and against the customs or men, and the opinion of every one.

XVI. Oh but, when he had two sons, he never let one be away from him, and he allowed the other to remain in the country. I beg you, O Erucius, to take what I am going to say in good part; for I am going to say it, not for the sake of finding fault, but to warn you. If fortune did not give to you to know the father whose son you are, so that you could understand what was the affection of fathers towards their children; still, at all events, nature has given you no small share of human feeling. To this is added a zeal for learning, so that you are not unversed in literature. Does that old man in *Cæcilius*, (to quote a play,) appear to have less affection for Eutyclus, his son, who lives in the country, than for his other one Chærestratus? for that, I think, is his name; do you think that he keeps one with him in the city

to do him honour, and sends the other into the country in order to punish him? Why do you have recourse to such trifling? you will say. As if it were a hard matter for me to bring forward ever so many by name, of my own tribe, or my own neighbours, (not to wander too far off,) who wish those sons for whom they have the greatest regard, to be diligent farmers. But it is an odious step to quote known men, when it is uncertain whether they would like their names to be used; and no one is likely to be better known to you than this same Eutychus; and certainly it has nothing to do with the argument, whether I name this youth in a play, or some one of the country about Veii. In truth, I think that these things are invented by poets in order that we may see our manners sketched under the character of strangers, and the image of our daily life represented under the guise of fiction. Come now; turn your thoughts, if you please, to reality, and consider not only in Umbria and that neighbourhood, but in these old municipal towns, what pursuits are most praised by fathers of families. You will at once see that, from want of real grounds of accusation, you have imputed that which is his greatest praise to Sextus Roscius as a fault and a crime.

XVII. But not only do children do this by the wish of their fathers, but I have myself known many men (and so, unless I am deceived, has every one of you) who are inflamed of their own accord with a fondness for what relates to the cultivation of land, and who think this rural life, which you think ought to be a disgrace to and a charge against a man, the most honourable and the most delightful. What do you think of this very Sextus Roscius? How great is his fondness for, and shrewdness in rural affairs! As I hear from his relations, most honourable men, you are not more skilful in this your business of an accuser, than he is in his. But, as I think, since it seems good to Chrysogonus, who has left him no farm, he will be able now to forget this skill of his, and to give up this taste. And although that is a sad and a scandalous thing, yet he will bear it, O judges, with equanimity, if, by your verdict, he can preserve his life and his character; but this is intolerable, if he is both to have this calamity brought upon him on account of the goodness and number of his farms, and if that is especially to be imputed to him as a

crime that he cultivated them with great care ; so that it is not to be misery enough to have cultivated them for others, not for himself, unless it is also to be accounted a crime that he cultivated them at all.

XVIII. In truth, O Erucius, you would have been a ridiculous accuser, if you had been born in those times when men were sent for from the plough to be made consuls. Certainly you, who think it a crime to have superintended the cultivation of a farm, would consider that Atilius, whom those who were sent to him found sowing seed with his own hand, a most base and dishonourable man. But, forsooth, our ancestors judged very differently both of him and of all other such men. And therefore from a very small and powerless state they left us one very great and very prosperous. For they diligently cultivated their own lands, they did not graspingly desire those of others ; by which conduct they enlarged the republic, and this dominion, and the name of the Roman people, with lands, and conquered cities, and subjected nations. Nor do I bring forward these instances in order to compare them with these matters which we are now investigating ; but in order that that may be understood ; that, as in the times of our ancestors, the highest and most illustrious men, who ought at all times to have been sitting at the helm of the republic, yet devoted much of their attention and time to the cultivation of their lands ; that man ought to be pardoned, who avows himself a rustic, for having lived constantly in the country, especially when he could do nothing which was either more pleasing to his father, or more delightful to himself, or in reality more honourable. The bitter dislike of the father to the son, then, is proved by this, O Erucius, that he allowed him to remain in the country. Is there anything else ? Certainly, says he, there is. For he was thinking of disinheriting him. I hear you. Now you are saying something which may have a bearing on the business, for you will grant, I think, that those other arguments are trifling and childish. He never went to any feasts with his father. Of course not, as he very seldom came to town at all. People very seldom asked him to their houses. No wonder, for a man who did not live in the city, and was not likely to ask them in return.

XIX. But you are aware that these things too are trifling.



Let us consider that which we began with, than which no more certain argument of dislike can possibly be found. The father was thinking of disinheriting his son. I do not ask on what account. I ask how you know it? Although you ought to mention and enumerate all the reasons. And it was the duty of a regular accuser, who was accusing a man of such wickedness, to unfold all the vice and sins of a son which had exasperated the father so as to enable him to bring his mind to subdue nature herself—to banish from his mind that affection so deeply implanted in it—to forget in short that he was a father; and all this I do not think could have happened without great errors on the part of the son. But I give you leave to pass over those things, which, as you are silent, you admit have no existence. At all events you ought to make it evident that he did intend to disinherit him. What then do you allege to make us think that that was the case? You can say nothing with truth. Invent something at least with probability in it; that you may not manifestly be convicted of doing what you are openly doing—insulting the fortunes of this unhappy man, and the dignity of these noble judges. He meant to disinherit his son. On what account? I don't know. Did he disinherit him? No. Who hindered him? He was thinking of it. He was thinking of it? Who did he tell? No one. What is abusing the court of justice, and the laws, and your majesty, O judges, for the purposes of gain and lust, but accusing men in this manner, and bringing imputations against them which you not only are not able to prove, but which you do not even attempt to? There is not one of us, O Erucius, who does not know that you have no enmity against Sextus Roscius. All men see on what account you come here as his adversary. They know that you are induced to do so by this man's money. What then? Still you ought to have been desirous of gain with such limitations as to think that the opinion of all these men, and the Remmian<sup>1</sup> law ought to have some weight.

XX. It is a useful thing for there to be many accusers in a city, in order that audacity may be kept in check by fear;

<sup>1</sup> The Remmia Lex fixed the punishment for *calumniæ*; but it is not known when this law was passed, nor what were its penalties.--Smith, Dict. Ant. v. *Calumniæ*.

but it is only useful with this limitation, that we are not to be manifestly mocked by accusers. A man is innocent. But although he is free from guilt he is not free from suspicion. Although it is a lamentable thing, still I can, to some extent, pardon a man who accuses him. For when he has anything which he can say, imputing a crime, or fixing a suspicion, he does not appear knowingly to be openly mocking and calumniating. On which account we all easily allow that there should be as many accusers as possible ; because an innocent man, if he be accused, can be acquitted ; a guilty man, unless he be accused cannot be convicted. But it is more desirable that an innocent man should be acquitted, than that a guilty man should not be brought to trial. Food for the geese is contracted for at the public expense, and dogs are maintained in the Capitol, to give notice if thieves come. But they cannot distinguish thieves. Accordingly they give notice if any one comes by night to the Capitol ; and because that is a suspicious thing, although they are but beasts, yet they oftenest err on that side which is the more prudent one. But if the dogs barked by day also, when any one came to pay honour to the gods, I imagine their legs would be broken for being active then also, when there was no suspicion. The notion of accusers is very much the same. Some of you are geese, who only cry out, and have no power to hurt, some are dogs who can both bark and bite. We see that food is provided for you ; but you ought chiefly to attack those who deserve it. This is most pleasing to the people ; then if you will, then you may bark on suspicion when it seems probable that some one has committed a crime. That may be allowed. But if you act in such a way as to accuse a man of having murdered his father, without being able to say why or how ; and if you are only barking without any ground for suspicion, no one, indeed, will break your legs ; but if I know these judges well, they will so firmly affix to your heads that letter<sup>1</sup> to which you are so hostile that you hate all the Calends too, that you shall hereafter be able to accuse no one but your own fortunes.

<sup>1</sup> The letter was K, which was branded on the forehead of those who were convicted of bringing false accusations, being the first letter of the word *kolumnia* as it was originally spelt. It was also the first letter of the word *kalendæ*, and on the calends of each month debts were accustomed to be got in, and bonds were liable to be paid.

XXI. What have you given me to defend my client against, my good accuser? And what ground have you given these judges for any suspicion? He was afraid of being disinherited. I hear you. But no one says what ground he had for fear. His father had it in contemplation. Prove it. There is no proof; there is no mention of any one with whom he deliberated about it—whom he told of it; there is no circumstance from which it could occur to your minds to suspect it. When you bring accusations in this manner, O Erucius, do you not plainly say this? “I know what I have received, but I do not know what to say. I have had regard to that alone which Chrysogonus said, that no one would be his advocate; that there was no one who would dare at this time to say a word about the purchase of the property, and about that conspiracy.” This false opinion prompted you to this dishonesty. You would not in truth have said a word if you had thought that any one would answer you. It were worth while, if you have noticed it, O judges, to consider this man’s carelessness in bringing forward his accusations. I imagine, when he saw what men were sitting on those benches, that he inquired whether this man or that man was going to defend him; that he never even dreamt of me, because I have never pleaded any public cause before. After he found that no one was going to defend him of those men who have the ability and are in the habit of so doing, he began to be so careless that, when it suited his fancy he sat down, then he walked about, sometimes he even called his boy, I suppose to give him orders for supper, and utterly overlooked your assembly and all this court as if it had been a complete desert.

XXII. At length he summed up. He sat down. I got up. He seemed to breathe again because no one else rose to speak other than I. I began to speak. I noticed, O judges, that he was joking and doing other things, up to the time when I named Chrysogonus; but as soon as I touched him, my man at once raised himself up. He seemed to be astonished. I knew what had pinched him. I named him a second time, and a third. After, men began to run hither and thither, I suppose to tell Chrysogonus that there was some one who dared to speak contrary to his will, that the cause was going on differently from what he expected, that the purchase of the goods was being ripped up; that the

conspiracy was being severely handled ; that his influence and power was being disregarded ; that the judges were attending diligently ; that the matter appeared scandalous to the people. And since you were deceived in all this, O Erucius, and since you see that everything is altered ; that the cause on behalf of Sextus Roscius is argued, if not as it should be, at all events with freedom, since you see that he is defended whom you thought was abandoned, that those who you expected would deliver him up to you are judging impartially, give us again, at last, some of your old skill and prudence ; confess that you came hither with the hope that there would be a robbery here, not a trial. A trial is held on a charge of parricide, and no reason is alleged by the accuser why the son has slain his father. That which, in even the least offences and in the more trifling crimes, which are more frequent and of almost daily occurrence, is asked most earnestly and as the very first question, namely what motive there was for the offence ; that Erucius does not think necessary to be asked in a case of parricide. A charge which, O judges, even when many motives appear to concur, and to be connected with one another, is still not rashly believed, nor is such a case allowed to depend on slight conjecture, nor is any uncertain witness listened to, nor is the matter decided by the ability of the accuser. Many crimes previously committed must be proved, and a most profligate life on the part of the prisoner, and singular audacity, and not only audacity, but the most extreme frenzy and madness. When all these things are proved, still there must exist express traces of the crime ; where, in what manner, by whose means, and at what time the crime was committed. And unless these proofs are numerous and evident—so wicked, so atrocious, so nefarious a deed cannot be believed. For the power of human feeling is great ; the connexion of blood is of mighty power ; nature herself cries out against suspicions of this sort ; it is a most undeniable portent and prodigy, for any one to exist in human shape, who so far outruns the beasts in savageness, as in a most scandalous manner to deprive those of life by whose means he has himself beheld this most delicious light of life ; when birth, and bringing up, and nature herself make even beasts friendly to each other.

XXIII. Not many years ago they say that Titus Clœlius, a

citizen of Terracina, a well-known man, when, having supped, he had retired to rest in the same room with his two youthful sons, was found in the morning with his throat cut : when no servant could be found nor any free man, on whom suspicion of the deed could be fixed, and his two sons of that age lying near him said that they did not even know what had been done ; the sons were accused of the parricide. What followed ? it was, indeed, a suspicious business ; that neither of them were aware of it, and that some one had ventured to introduce himself into that chamber, especially at that time when two young men were in the same place, who might easily have heard the noise and defended him. Moreover, there was no one on whom suspicion of the deed could fall. Still as it was plain to the judges that they were found sleeping with the door open, the young men were acquitted and released from all suspicion. For no one thought that there was any one who, when he had violated all divine and human laws by a nefarious crime, could immediately go to sleep ; because they who have committed such a crime not only cannot rest free from care, but cannot even breathe without fear.

XXIV. Do you not see in the case of those whom the poets have handed down to us, as having, for the sake of avenging their father, inflicted punishment on their mother, especially when they were said to have done so at the command and in obedience to the oracles of the immortal gods, how the furies nevertheless haunt them, and never suffer them to rest, because they could not be pious without wickedness. And this is the truth, O judges. The blood of one's father and mother has great power, great obligation, is a most holy thing, and if any stain of that falls on one, it not only cannot be washed out, but it drips down into the very soul, so that extreme frenzy and madness follow it. For do not believe, as you often see it written in fables, that they who have done anything impiously and wickedly are really driven about and frightened by the furies with burning torches. It is his own dishonesty and the terrors of his own conscience that especially harass each individual ; his own wickedness drives each criminal about and affects him with madness ; his own evil thoughts, his own evil conscience terrifies him. These are to the wicked their incessant and domestic furies,

which night and day exact from wicked sons punishment for the crimes committed against their parents. This enormity of the crime is the cause why, unless a parricide is proved in a manner almost visible, it is not credible ; unless a man youth has been base, unless his life has been stained with every sort of wickedness, unless his extravagance has been prodigal and accompanied with shame and disgrace, unless his audacity has been violent, unless his rashness has been such as to be not far removed from insanity. There must be, besides a hatred of his father, a fear of his father's reproof—worthless friends, slaves privy to the deed, a convenient opportunity, a place fitly selected for the business. I had almost said the judges must see his hands stained with his father's blood, if they are to believe so monstrous, so barbarous, so terrible a crime. On which account, the less credible it is unless it be proved, the more terribly is it to be punished if it be proved.

XXV. Therefore, it may be understood by many circumstances that our ancestors surpassed other nations not only in arms, but also in wisdom and prudence ; and also most especially by this, that they devise a singular punishment for the impious. And in this matter consider how far they surpassed in prudence those who are said to have been the wisest of all nations. The state of the Athenians is said to have been the wisest while it enjoyed the supremacy. Moreover of that state they say that Solon was the wisest man, he who made the laws which they use even to this day. When he was asked why he had appointed no punishment for him who killed his father, he answered that he had not supposed that any one would do so. He is said to have done wisely in establishing nothing about a crime which had up to that time never been committed, lest he should seem not so much to forbid it as to put people in mind of it. How much more wisely did our ancestors act ! for as they understood that there was nothing so holy that audacity did not sometimes violate it, they devised a singular punishment for parricides in order that they whom nature herself had not been able to retain in their duty, might be kept from crime by the enormity of the punishment. They ordered them to be sown alive in a sack, and in that condition to be thrown into the river

XXV. O singular wisdom, O judges ! Do they not seem to have cut this man off and separated him from nature ; from whom they took away at once the heaven, the sun, water and earth, so that he who had slain him, from whom he himself was born, might be deprived of all those things from which everything is said to derive its birth. They would not throw his body to wild beasts, lest we should find the very beasts who had touched such wickedness, more savage ; they would not throw them naked into the river, lest when they were carried down into the sea, they should pollute that also, by which all other things which have been polluted are believed to be purified. There is nothing in short so vile or so common that they left them any share in it. Indeed what is so common as breath to the living, earth to the dead, the sea to those who float, the shore to those who are cast up by the sea ? These men so live, while they are able to live at all, that they are unable to draw breath from heaven ; they so die that earth does not touch their bones ; they are tossed about by the waves so that they are never washed ; lastly, they are cast up by the sea so, that when dead they do not even rest on the rocks. Do you think, O Erucius, that you can prove to such men as these your charge of so enormous a crime, a crime to which so remarkable a punishment is affixed, if you do not allege any motive for the crime ? If you were accusing him before the very purchasers of his property, and if Chrysogonus were presiding at that trial, still you would have come more carefully and with more preparation. Is it that you do not see what the cause really is, or before whom it is being pleaded ? The cause in question is parricide ; which cannot be undertaken without many motives ; and it is being tried before very wise men, who are aware that no one commits the very slightest crime without any motive whatever.

XXVII. Be it so ; you are unable to allege any motive. Although I ought at once to gain my cause, yet I will not insist on this, and I will concede to you in this cause what I would not concede in another, relying on this man's innocence. I do not ask you why Sextus Roscius killed his father ; I ask you how he killed him ? So I ask of you, O Caius Erucius, how, and I will so deal with you, that I will on this topic give you leave to answer me or to interrupt me, or even, if you wish to at all, to ask me questions. How did he kill

im? Did he strike him himself, or did he commit him to others to be murdered? If you say he did it himself, he was not at Rome; if you say he did it by the instrumentality of others, I ask you were they slaves or free men? who were they? Did they come from the same place, from Ameria, or were they assassins of this city? If they came from Ameria, who are they, why are they not named? If they are of Rome, how did Roscius make acquaintance with them? who for many years had not come to Rome, and who never was there more than three days. Where did he meet them? with whom did he speak? how did he persuade them? Did he give them a bribe? to whom did he give it? by whose agency did he give it? whence did he get it, and how much did he give? Are not these the steps by which one generally arrives at the main fact of guilt? And let it occur to you at the same time how you have painted this man's life; that you have described him as an unpolished and country-mannered man; that he never held conversation with any one, that he had never dwelt in the city. And in this I pass over that thing which might be a strong argument for me to prove his innocence, that atrocities of this sort are not usually produced among country manners, in a sober course of life, in an unpolished and rough sort of existence. As you cannot find every sort of crop, nor every tree, in every field, so every sort of crime is not engendered in every sort of life. In a city, luxury is engendered; avarice is inevitably produced by luxury; audacity must spring from avarice, and out of audacity arises every wickedness and every crime. But a country life, which you call a clownish one, is the teacher of economy, of industry, and of justice.

XXVIII. But I will say no more of this. I ask then by whose instrumentality did this man, who, as you yourself say, never mixed with men, contrive to accomplish this terrible crime with such secrecy, especially while absent? There are many things, O judges, which are false, and which can still be argued so as to cause suspicion. But in this matter, if any grounds for suspicion can be discovered, I will admit that there is guilt. Sextus Roscius is murdered at Rome, while his son is at his farm at Ameria. He sent letters. I suppose, to some assassin, he who knew no one at Rome. He sent for some one—but when? He sent a messenger—whom? or to



whom? Did he persuade any one by bribes, by influence, by hope, by promises? None of these things can even be invented against him, and yet a trial for parricide is going on. The only remaining alternative is that he managed it by means of slaves. Oh ye immortal gods, how miserable and disastrous is our lot. That which under such an accusation is usually a protection to the innocent, to offer his slaves to the question, that it is not allowed to Sextus Roscius to do. You, who accuse him, have all his slaves. There is not one boy to bring him his daily food left to Sextus Roscius out of so large a household. I appeal to you now, Publius Scipio, to you Metellus, while you were acting as his advocates, while you were pleading his cause, did not Sextus Roscius often demand of his adversaries that two of his father's slaves should be put to the question? Do you remember that you, O Titus Roscius, refused it? What? Where are those slaves? They are waiting on Chrysogonus, O judges; they are honoured and valued by him. Even now I demand that they be put to the question; he begs and entreats it. What are you doing? Why do you refuse? Doubt now, O judges, if you can, by whom Sextus Roscius was murdered; whether by him, who, on account of his death, is exposed to poverty and treachery, who has not even opportunity allowed him of making inquiry into his father's death; or by those who shun investigation, who are in possession of his property, who live amid murder, and by murder. Everything in this cause, O judges, is lamentable and scandalous; but there is nothing which can be mentioned more bitter or more iniquitous than this. The son is not allowed to put his father's slaves to the question concerning his father's death. He is not to be master of his own slaves so long as to put them to the question concerning his father's death. I will come again, and that speedily, to this topic. For all this relates to the Roscii; and I have promised that I will speak of their audacity when I have effaced the accusations of Erucius.

XXIX. Now, Erucius, I come to you. You must inevitably agree with me, if he is really implicated in this crime, that he either committed it with his own hand, which you deny, or by means of some other men, either freemen or slaves. Were they freemen? You can neither show that he had any opportunity of meeting them, nor by what means he

could persuade them, nor where he saw them, nor by whose agency he trafficked with them, nor by what hope, or what bribe he persuaded them. I show, on the other hand, not only that Sextus Roscius did nothing of all this, but that he was not even able to do anything, because he had neither been at Rome for many years, nor did he ever leave his farm without some object. The name of slaves appeared to remain to you, to which, when driven from your other suspicions, you might fly as to a harbour, when you strike upon such a rock that you not only see the accusation rebound back from it, but perceive that every suspicion falls upon you yourselves. What is it, then? Whither has the accuser betaken himself in his dearth of arguments? The time, says he, was such that men were constantly being killed with impunity; so that you, from the great number of assassins, could effect this without any trouble. Meantime you seem to me, O Erucius, to be wishing to obtain two articles for one payment; to blacken our characters in this trial, and to accuse those very men from whom you have received payment. What do you say? Men were constantly being killed? By whose agency? and by whom? Do you not perceive that you have been brought here by brokers? What next? Are we ignorant that in these times the same men were brokers of men's lives as well as of their possessions? Shall those men then, who at that time used to run about armed night and day, who spent all their time in rapine and murder, object to Sextus Roscius the bitterness and iniquity of that time? and will they think that troops of assassins, among whom they themselves were leaders and chiefs, can be made a ground of accusation against him? who not only was not at Rome, but who was utterly ignorant of everything that was being done at Rome, because he was continually in the country, as you yourself admit. I fear that I may be wearisome to you, O judges, or that I may seem to distrust your capacity, if I dwell longer on matters which are so evident. The whole accusation of Erucius, as I think, is at an end; unless perhaps you expect me to refute the charges which he has brought against us of peculation and of other imaginary crimes of that sort; charges unheard of by us before this time, and quite novel; which he appeared to me to be spouting out of some other speech which he was composing against some other criminal; so wholly were they unconnected

with either the crime of parricide, or with him who is now on his trial. But as he accuses us of these things with his bare word, it is sufficient to deny them with our bare word. If there is any point which he is keeping back to prove by witnesses, there also, as in this cause, he shall find us more ready than he expected.

XXX. I come now to that point to which my desire does not lead me, but good faith towards my client. For if I wished to accuse men, I should accuse those men rather by accusing whom I might become more important, which I have determined not to do, as long as the alternatives of accusing and defending are both open to me. For that man appears to me the most honourable who arrives at a higher rank by his own virtue, not he who rises by the distress and misfortunes of another. Let us cease for awhile to examine into these matters which are unimportant; let us inquire where the guilt is, and where it can be detected. By this time you will understand, O Erucius, by how many suspicious circumstances a real crime must be proved, although I shall not mention every thing, and shall touch on every thing slightly. And I would not do even that if it were not necessary, and it shall be a sign that I am doing it against my will, that I will not pursue the point further than the safety of Roscius and my own good faith requires. You found no motive in Sextus Roscius; but I do find one in Titus Roscius. For I have to do with you now, O Titus Roscius, since you are sitting there and openly professing yourself an enemy. We shall see about Capito afterwards, if he comes forward as a witness, as I hear he is ready to do; then he shall hear of other victories of his, which he does not suspect that I ever even heard. That Lucius Cassius, whom the Roman people used to consider a most impartial and able judge, used constantly to ask at trials, "to whom it had been any advantage?" The life of men is so directed that no one attempts to proceed to crime without some hope of advantage. Those who were about to be tried avoided and dreaded him as an investigator and a judge; because, although he was a friend of truth, he yet seemed not so much inclined by nature to mercy, as drawn by circumstances to severity. I, although a man is presiding at this trial who is both brave against audacity, and very merciful to innocence, would yet willingly suffer myself to speak in behalf of Sextus Roscius,

either before that very acute judge himself, or before other judges like him, whose very name those who have to stand a trial shudder at even now.

XXXI. For when those judges saw in this cause that those men are in possession of abundant wealth, and that he is in the greatest beggary, they would not ask who had got advantage from the deed, but they would connect the manifest crime and suspicion of guilt rather with the plunder than with the poverty. What if this be added to that consideration that you were previously poor? what if it be added that you are avaricious? what if it be added that you are audacious? what if it be added that you were the greatest enemy of the man who has been murdered? need any further motive be sought for, which may have impelled you to such a crime? But which of all these particulars can be denied? The poverty of the man is such that it cannot be concealed, and it is only the more conspicuous the more it is kept out of sight. Your avarice you make a parade of when you form an alliance with an utter stranger against the fortunes of a fellow-citizen and a relation. How audacious you are (to pass over other points), all men may understand from this, that out of the whole troop, that is to say, out of so many assassins, you alone were found to sit with the accusers, and not only to show them your countenance, but even to volunteer it. You must admit that you had enmity against Sextus Roscius, and great disputes about family affairs. It remains, O judges, that we must now consider which of the two rather killed Sextus Roscius; did he to whom riches accrued by his death, or did he to whom beggary was the result? Did he who, before that, was poor, or he, who after that became most indigent? Did he, who burning with avarice rushes in like an enemy against his own relations, or he who has always lived in such a manner as to have no acquaintance with exorbitant gains, or with any profit beyond that which he procured with toil? Did he who, of all the brokers<sup>1</sup> is the most audacious, or he who, because of the insolence of the forum and of the public courts, dreads not only the bench, but even the city itself? Lastly, O judges, what is most material of all to the argument in my opinion—did his enemy do it or his son?

<sup>1</sup> There is a pun here on the word *sector*, which means not only a broker, but also a cut-throat murderer.

XXXII. If you, O Erucius, had so many and such strong arguments against a criminal, how long you would speak; how you would plume yourself,—time indeed would fail you before words did. In truth, on each of these topics the materials are such that you might spend a whole day on each. And I could do the same; for I will not derogate so much from my own claims, though I arrogate nothing, as to believe that you can speak with more fluency than I can. But I, perhaps, owing to the number of advocates, may be classed in the common body; the battle of Cannæ<sup>1</sup> has made you a sufficiently respectable accuser. We have seen many men slain, not at Thrasymenus, but at Servilius.<sup>2</sup> “Who was not wounded there with Phrygian<sup>3</sup> steel?” I need not enumerate all,—the Curtii, the Marii, the Mamerci, whom age now exempted from battles; and, lastly, the aged Priam himself, Antistius,<sup>4</sup> whom not only his age, but even the laws excused from going to battle. There are now six hundred men, whom nobody even mentions by name because of their meanness, who are accusers of men on charges of murdering and poisoning; all of whom, as far as I am concerned, I hope may find a livelihood. For there is no harm in there being as many dogs as possible, where there are many men to be watched, and many things to be guarded. But, as is often the case, the

<sup>1</sup> There is a little dispute as to Cicero's exact meaning here. Some think there is a sort of pun on the similarity of sound between *Cannensis* and *Cinnanensis*, and that allusion is intended to the destruction of Cinna's army, in which a great number of Roman knights were slain. Facciolati thinks that the battle of Cannæ is mentioned, not on account of the battle itself but of what followed it; so that as, after the battle of Cannæ, the dictator was forced to intrust arms even to slaves, now, after the proscriptions of Sylla, the most worthless men were allowed to put themselves forth as accusers.

<sup>2</sup> The *lacus Servilius* was at Rome, and was the place where Sylla murdered a great many Romans, and set up their heads, even the heads of senators, to public view; so that Seneca says of the lake, “*id enim proscriptionis Sullanæ spoliolum est.*”

<sup>3</sup> This is a fragment of a play of Ennius; by the words, “Phrygian steel” he points out that these murders were chiefly committed by slaves, great numbers of whom had lately been imported from Phrygia. Facciolati thinks too that allusion is made to the Oriental and luxurious manners of Sylla.

<sup>4</sup> In the *Brutus* Cicero speaks of Antistius as a tolerable speaker; he calls him here Priam, meaning that he acted as a sort of leader and king among the accusers.

violence and tumultuous nature of war brings many things to pass without the knowledge of the generals. While he who was administering the main government was occupied in other matters, there were men who in the meantime were curing their own wounds; who rushed about in the darkness and threw everything into confusion as if eternal night had enveloped the whole Republic. And by such men as these I wonder that the courts of justice were not burnt, that there might be no trace left of any judicial proceedings; for they did destroy both judges and accusers. There is this advantage, that they lived in such a manner that even if they wished it, they could not put to death all the witnesses; for as long as the race of men exists, there will not be wanting men to accuse them: as long as the state lasts, trials will take place. But as I began to say, both Erucius, if he had these arguments to use which I have mentioned, in any cause of his, would be able to speak on them as long as he pleased, and I can do the same. But I choose, as I said before, to pass by them lightly, and only just to touch on each particular, so that all men may perceive that I am not accusing men of my own inclination, but only defending my own client from a sense of duty.

XXXIII. I see therefore that there were many causes which urged that man to this crime. Let us now see whether he had any opportunity of committing it. Where was Sextus Roscius slain?—at Rome. What of you, O Roscius? Where were you at that time?—at Rome. But what is that to the purpose? many other men were there too. As if the point now were, who of so vast a crowd slew him, and as if this were not rather the question, whether it is more probable that he who was slain at Rome was slain by that man who was constantly at Rome at that time, or by him who for many years had never come to Rome at all? Come, let us consider now the other circumstances which might make it easy for him. There was at that time a multitude of assassins, as Erucius has stated, and men were being killed with impunity. What!—what was that multitude? A multitude, I imagine, either of those who were occupied in getting possession of men's property, or of those who were hired by them to murder some one. If you think it was composed of those who coveted other men's property, you are one of that

number,—you who are enriched by our wealth; if of those whom they who call them by the lightest name call slayers, inquire to whom they are bound, and whose dependents they are, believe me you will find it is some one of your own confederacy; and whatever you say to the contrary, compare it with our defence, and by this means the cause of Sextus Roscius will be most easily contrasted with yours. You will say, “what follows if I was constantly at Rome?” I shall answer, “But I was never there at all.” “I confess that I am a broker, but so are many other men also.” “But I, as you yourself accuse me of being, am a countryman and a rustic.” “It does not follow at once, because I have been present with a troop of assassins, that I am an assassin myself.” “But at all events I, who never had even the acquaintance of assassins, am far removed from such a crime.” There are many things which may be mentioned, by which it may be understood that you had the greatest facilities for committing this crime, which I pass over, not only because I do not desire to accuse, but still more on this account,—because if I were to wish to enumerate all the murders which were then committed on the same account as that on which Sextus Roscius was slain, I fear lest my speech would seem to refer to others also.

XXXIV. Let us examine now briefly, as we have done in the other particulars, what was done by you, O Titus Roscius, after the death of Sextus Roscius; and these things are so open and notorious, that by the gods, O judges, I am unwilling to mention them. For whatever your conduct may be, O Titus Roscius, I am afraid of appearing to be so eager to save my client, as to be quite regardless whether I spare you or not. And as I am afraid of this, and as I wish to spare you in some degree, as far as I can, saving my duty to my client, I will again change my purpose. For the thoughts of your countenance present here occur to my mind, that you, when all the rest of your companions were flying and hiding themselves in order that this trial might appear to be not concerning their plunder, not concerning this man's crime, should select this part above all others for yourself, to appear at the trial and sit with the accuser, by which action you gain nothing beyond causing your impudence and audacity to be known to all mortals. After Sextus Roscius is slain, who is

the first to take the news to Ameria? Mallius Glaucia, whom I have named before, your own client and intimate friend. What did it concern him above all men to bring the news of what, if you had not previously formed some plan with reference to his death and property, and had formed no conspiracy with any one else, having either the crime or its reward for its object, concerned you least of all men? Oh, Mallius brought the news of his own accord! What did it concern him, I beg? or, as he did not come to Ameria on account of this business, did it happen by chance that he was the first to tell the news which he had heard at Rome? On what account did he come to Ameria? I cannot conjecture, says he. I will bring the matter to such a point that there shall be no need of conjecture. On what account did he announce it first to Roscius Capito? When the house, and wife, and children of Sextus Roscius were at Ameria; when he had so many kinsmen and relations on the best possible terms with himself, on what account did it happen that that client of yours, the reporter of your wickedness, told it to Titus Roscius Capito above all men?—He was slain returning home from supper. It was not yet dawn when it was known at Ameria. Why was this incredible speed? What does this extraordinary haste and expedition intimate? I do not ask who struck the blow; you have nothing to fear, O Glaucia. I do not shake you to see if you have any weapon about you. I am not examining that point; I do not think I am at all concerned with that. Since I have found out by whose design he was murdered, by whose hand he was murdered I do not care. I assume one point, which your open wickedness and the evident state of the case gives me. Where, or from whom, did Glaucia hear of it? Who knew it so immediately? Suppose he did hear of it immediately; what was the affair which compelled to take so long a journey in one night? What was the great necessity which pressed upon him, so as to make him, if he was going to Ameria of his own accord, set out from Rome at that time of night, and devote no part of the night to sleep?

XXXV. In a case so evident as this must we seek for arguments, or hunt for conjectures? Do you not seem, O judges, actually to behold with your own eyes what you have been hearing? Do you not see that unhappy man, ignorant of his



fate, returning from supper? Do you not see the ambush that is laid? the sudden attack? Is not Glaucia before your eyes, present at the murder? Is not that Titus Roscius present? Is he not with his own hands placing that Automedon in the chariot, the messenger of his most horrible wickedness and nefarious victory? Is he not entreating him to keep awake that night? to labour for his honour? to take the news to Capito as speedily as possible? Why was it that he wished Capito to be the first to know it? I do not know, only I see this, that Capito is a partner in this property. I see that, of thirteen farms, he is in possession of three of the finest. I hear besides, that this suspicion is not fixed upon Capito for the first time now; that he has gained many infamous victories; but that this is the first very splendid<sup>1</sup> one which he has gained at Rome; that there is no manner of committing murder in which he has not murdered many men; many by the sword, many by poison. I can even tell you of one man whom, contrary to the custom of our ancestors, he threw from the bridge into the Tiber, when he was not sixty years of age;<sup>2</sup> and if he comes forward, or when he comes forward, for I know that he will come forward, he shall hear of him. Only let him come; let him unfold that volume of his which I can prove that Erucius wrote for him, which they say that he displayed to Sextus Roscius, and threatened that he would mention everything contained in it in his evidence. O the excellent witness, O judges; O gravity worthy of being attended to; O honourable course of life! such that you may with willing minds make your oaths depend upon his testimony! In truth we should not see the crimes of these men so clearly if cupidity, and avarice, and audacity, did not render them blind.

XXXVI. One of them sent a swift messenger from the very

<sup>1</sup> The Latin word is *lemniscatus*, literally, adorned with ribands hanging down as from a garland or crown. *Palma lemniscata* is a palm branch (i.e. a token of victory,) given to a gladiator or general when the victory was very remarkable. Cicero understands it of a murder which was connected with very great gains. Riddle, Lat. Dict. v. *Lemniscatus*.

<sup>2</sup> There is a pun here on the word *pons*. *Pons* means not only a bridge, but also the platform over which men passed to give their votes at elections; and men above sixty had no votes, and as having none were called *dēpontati* or *dejecti de ponte*.

scene of murder to Ameria, to his partner and his tutor ; so that if every one wished to conceal his knowledge of whom the guilt belonged to, yet he himself placed his wickedness visibly before the eyes of all men. The other (if the immortal Gods will only let him) is going to give evidence also against Sextus Roscius. As if the matter now in question were, whether what he said is to be believed, or whether what he did is to be punished. Therefore it was established by the custom of our ancestors, that even in the most insignificant matters, the most honourable men should not be allowed to give evidence in their own cause. Africanus, who declares by his surname that he subdued a third part of the whole world, still, if a case of his own were being tried, would not give evidence. For I do not venture to say with respect to such a man as that, if he did give evidence he would not be believed. See now everything is altered and changed for the worse. When there is a trial about property and about murder, a man is going to give evidence, who is both a broker and an assassin ; that is, he who is himself the purchaser and possessor of that very property about which the trial is taking place, and who contrived the murder of the man whose death is being inquired into. What do you want, O most excellent man ? Have you anything to say ? Listen to me. Take care not to be wanting to yourself ; your own interest to a great extent is at stake. You have done many things wickedly, many things audaciously, many things scandalously ; one thing foolishly, and that of your own accord, not by the advice of Erucius. There was no need for you to sit there. For no man employs a dumb accuser, or calls him as a witness, who rises from the accuser's bench. There must be added to this, that that cupidity of yours should have been a little more kept back and concealed. Now what is there that any one of you desire to hear, when what you do is such that you seem to have done them expressly for our advantage against your own interest ? Come now, let us see, O judges, what followed immediately after.

XXXVII. The news of the death of Sextus Roscius is carried to Volaterra, to the camp of Lucius Sylla, to Chrysogonus, four days after he is murdered. I now again ask who sent that messenger. Is it not evident that it was the same man who sent the news to Ameria ? Chrysogonus takes care

that his goods shall be immediately sold : he who had neither known the man nor his estate. But how did it occur to him to wish for the farms of a man who was unknown to him, whom he had never seen in his life? You are accustomed, O judges, when you hear anything of this sort to say at once, Some fellow-citizen or neighbour must have told him ; they generally tell these things ; most men are betrayed by such. Here there is no ground for your entertaining this suspicion ; for I will not argue thus. It is probable that the Roscii gave information of that matter to Chrysogonus, for there was of old, friendship between them and Chrysogonus ; for though the Roscii had many ancient patrons and friends hereditarily connected with them, they ceased to pay any attention and respect to them, and betook themselves to the protection and support of Chrysogonus. I can say all this with truth ; for in this cause I have no need to rely on conjecture. I know to a certainty that they themselves do not deny that Chrysogonus made the attack on this property at their instigation. If you see with your own eyes who has received a part of the reward for the information, can you possibly doubt, O judges, who gave the information? Who then are in possession of that property ; and to whom did Chrysogonus give a share in it? The two Roscii!—Any one else? No one else, O judges. Is there then any doubt that they put this plunder in Chrysogonus's way, who have received from him a share of the plunder? Come now let us consider the action of the Roscii by the judgment of Chrysogonus himself. If in that contest the Roscii had done nothing which was worth speaking of, on what account were they presented with such rewards by Chrysogonus? If they did nothing more than inform him of the fact, was it not enough for him to thank them? Why are these farms of such value immediately given to Capito? Why does that fellow Roscius possess all the rest in common property with Chrysogonus? Is it not evident, O judges, that Chrysogonus, understanding the whole business, gave them as spoils to the Roscii?

XXXVIII. Capito came as a deputy to the camp, as one of the ten chief men of Ameria. Learn from his behaviour on this deputation the whole life and nature and manners of the man. Unless you are of opinion, O judges, that there is no duty and no right so holy and solemn that his wickedness and

perfidy has not tampered with and violated it, then judge him to be a very excellent man. He is the hindrance to Sylla's being informed of this affair; he betrays the plans and intentions of the other deputies to Chrysogonus; he gives him warning to take care that the affair be not conducted openly; he points out to him, that if the sale of the property be prevented, he will lose a large sum of money, and that he himself will be in danger of his life. He proceeds to spur him on, to deceive those who were joined in the commission with him; to warn him continually to take care; to hold out treacherously false hopes to the others; in concert with him to devise plans against them, to betray their counsels to him; with him to bargain for his share in the plunder, and, relying constantly on some delay or other, to cut off from his colleagues all access to Sylla. Lastly, owing to his being the prompter, the adviser, the go-between, the deputies did not see Sylla; deceived by his faith, or rather by his perfidy, as you may know from themselves, if the accuser is willing to produce them<sup>1</sup> as witnesses, they brought back home with a false hope instead of a reality. In private affairs if any one had managed a business entrusted to him, I will not say maliciously for the sake of his own gain and advantage, but even carelessly, our ancestors thought that he had incurred the greatest disgrace. Therefore, legal proceedings for betrayal of a commission are established, involving penalties no less disgraceful than those for theft. I suppose because, in cases where we ourselves cannot be present, the vicarious faith of friends is substituted; and he who impairs that confidence, attacks the common bulwark of all men, and as far as depends on him, disturbs the bonds of society. For we cannot do everything ourselves; different people are more capable in different matters. On that account friendships are formed, that the common advantage of all may be secured by mutual good offices. Why do you undertake a commission, if you are either going to neglect it or to turn it to your own advantage? Why do you offer yourself to me, and by feigned service hinder and prevent my advantage? Get out of the way, I will do my business by means of some one else. You undertake the burden of a duty which you think you are able to support; a duty which does not<sup>(1)</sup>

<sup>1</sup> In a question of fact the accuser alone was permitted to summon witnesses; the defendant could not do so

appear very heavy to those who are not very worthless themselves.

XXXIX: This fault therefore is very base, because it violates two most holy things, friendship and confidence; for men commonly do not entrust anything except to a friend, and do not trust any one except one whom they think faithful. It is therefore the part of a most abandoned man, at the same time to dissolve friendship and to deceive him who would not have been injured unless he had trusted him. Is it not so? In the most trifling affairs he who neglects a commission, must be condemned by a most dishonouring sentence; in a matter of this importance, when he to whom the character of the dead, the fortunes of the living have been recommended and entrusted, loads the dead with ignominy and the living with poverty, shall he be reckoned among honourable men, shall he even be reckoned a man at all? In trifling affairs, in affairs of a private nature, even carelessness is accounted a crime, and is liable to a sentence branding a man with infamy; because, if the commission be properly executed, the man who has given the commission may feel at his ease and be careless about it: he who has undertaken the commission may not. In so important an affair as this, which was done by public order and so entrusted to him, what punishment ought to be inflicted on that man who has not hindered some private advantage by his carelessness, but has polluted and stained by his treachery the solemnity of the very commission itself? or by what sentence shall he be condemned? If Sextus Roscius had entrusted this matter to him privately to transact and determine upon with Chrysogonus, and to involve his credit in the matter if it seemed to him to be necessary—if he who had undertaken the affair had turned ever so minute a point of the business to his own advantage, would he not, if convicted by the judge, have been compelled to make restitution, and would he not have lost all credit? Now it is not Sextus Roscius who gave him this commission, but what is a much more serious thing, Sextus Roscius himself, with his character, his life, and all his property, is publicly entrusted by the senators to Roscius; and, of this trust, Titus Roscius has converted not some small portion to his own advantage, but has turned him entirely out of his property; he has bargained for three farms for himself; he has considered the intertion of the

senators and of all his fellow-citizens of just as much value as his own integrity.

XL. Moreover, consider now, O judges, the other matters, that you may see that no crime can be imagined with which that fellow has not disgraced himself. In less important matters, to deceive one's partner is a most shameful thing, and equally base with that which I have mentioned before. And rightly; because he who has communicated an affair to another thinks that he has procured assistance for himself. To whose good faith, then, shall a man have recourse who is injured by the want of faith in the man whom he has trusted? But these offences are to be punished with the greatest severity which are guarded against with the greatest difficulty. We can be reserved towards strangers; intimate friends must see many things more openly; but how can we guard against a companion? for even to be afraid of him is to do violence to the rights of duty. Our ancestors therefore rightly thought that he who had deceived his companion ought not to be considered in the number of good men. But Titus Roscius did not deceive one friend alone in a money matter, (which, although it be a grave offence, still appears possible in some degree to be borne) but he led on, cajoled, and deserted nine most honourable men, betrayed them to their adversaries, and deceived them with every circumstance of fraud and perfidy. They who could suspect nothing of his wickedness, ought not to have been afraid of the partner of their duties; they did not see his malice, they trusted his false speech. Therefore these most honourable men are now, on account of his treachery, thought to have been incautious and improvident. He who was at the beginning a traitor, then a deserter,—who at first reported the counsels of his companions to their adversaries, and then entered into a confederacy with the adversaries themselves, even now terrifies us, and threatens us, adorned with his three farms, that is, with the prizes of his wickedness. In such a life as his, O judges, amid such numerous and enormous crimes, you will find this crime too, with which the present trial is concerned. In truth you ought to make investigation on this principle; where you see that many things have been done avariciously, many audaciously, many wickedly, many perfidiously, there you ought to think that wickedness also lies hid among so many crimes; although this indeed

does not lie hid at all, which is so manifest and exposed to view, that it may be perceived, not by those vices which it is evident exist in him, but even if any one of those vices be doubted of, he may be convicted of it by the evidence of this crime. What then, I ask, shall we say, O judges? Does this gladiator seem entirely to have thrown off his former character? or does that pupil of his seem to yield but little to his master in skill? Their avarice is equal, their dishonesty similar, their impudence is the same; the audacity of the one is twin-sister to the audacity of the other.

XLI. Now forsooth, since you have seen the good faith of the master, listen to the justice of the pupil. I have already said before, that two slaves have been continually begged of them to be put to the question. You have always refused it, O Titus Roscius. I ask of you whether they who asked it were unworthy to obtain it? or had he, on whose behalf they asked it, no influence with you? or did the matter itself appear unjust? The most noble and respectable men of our state, whom I have named before, made the request, who have lived in such a manner, and are so esteemed by the Roman people, that there is no one who would not think whatever they said reasonable. And they made the request on behalf of a most miserable and unfortunate man, who would wish even himself to be submitted to the torture, provided the inquiry into his father's death might go on. Moreover, the thing demanded of you was such that it made no difference whether you refused it or confessed yourself guilty of the crime. And as this is the case, I ask of you why you refused it? When Sextus Roscius was murdered they were there. The slaves themselves, as far as I am concerned, I neither accuse nor acquit; but the point which I see you contending for, namely, that they be not submitted to the question, is full of suspicion. But the reason of their being held in such horror by you, must be that they know something, which, if they were to tell, will be pernicious to you. Oh, say you, it is unjust to put questions to slaves against their masters. Is any such question meant to be put? For Sextus Roscius is the defendant, and when inquiry is being made into his conduct, you do not say that you are their masters. Oh, they are with Chrysogonus. I suppose so; Chrysogonus is so taken with their learning and accomplishments, that he

wishes these men—men little better than labourers from the training of a rustic master of a family at Ameria, to mingle with his elegant youths, masters of every art and every refinement—youths picked out of many of the politest households. That cannot be the truth, O judges; it is not probable that Chrysogonus has taken a fancy to their learning or their politeness, or that he should be acquainted with their industry and fidelity in the business of a household. There is something which is hidden; and the more studiously it is hidden and kept back by them, so much the more is it visible and conspicuous.

XLII. What, then, are we to think? Is Chrysogonus unwilling that these men shall be put to the question for the sake of concealing his own crime? Not so, O judges; I do not think that the same arguments apply to every one. As far as I am concerned, I have no suspicion of the sort respecting Chrysogonus, and this is not the first time that it has occurred to me to say so. You recollect that I so divided the cause at the beginning; into the accusation, the whole arguing of which was entrusted to Erucius; and into audacity, the business of which was assigned to the Roscii;—whatever crime, whatever wickedness, whatever bloodshed there is, all that is the business of the Roscii. We say that the excessive interest and power of Chrysogonus is a hindrance to us, and can by no means be endured; and that it ought not only to be weakened, but even to be punished by you, since you have the power given to you. I think this; that he who wishes these men to be put to the question, whom it is evident were present when the murder was committed, is desirous to find out the truth; that he who refuses it, though he does not dare admit it in words, yet does in truth by his actions, confesses himself guilty of the crime. I said at the beginning, O judges, that I was unwilling to say more of the wickedness of those men than the cause required, and than necessity itself compelled me to say. For many circumstances can be alleged, and every one of them can be discussed with many arguments. But I cannot do for any length of time, nor diligently, what I do against my will, and by compulsion. Those things which could by no means be passed over, I have lightly touched upon, O judges; those things which depend upon suspicion, and which, if I begin to speak of them, will require a copious discussion, I commit to your capacities and to your conjectures.



XLIII. I come now to that golden name of Chrysogonus, under which name the whole confederacy is set up,—concerning whom, O judges, I am at a loss both how to speak and how to hold my tongue; for if I say nothing, I leave out a great part of my argument, and if I speak, I fear that not he alone (about whom I am not concerned), but others also may think themselves injured; although the case is such that it does not appear necessary to say much against the common cause of the brokers. For this cause is, in truth, a novel and an extraordinary cause. Chrysogonus is the purchaser of the property of Sextus Roscius. Let us see this first, on what pretence the property of that man was sold, or how they could be sold. And I will not put this question, O judges, so as to imply that it is a scandalous thing for the property of an innocent man to be sold at all. For if these things are to be freely listened to and freely spoken, Sextus Roscius was not a man of such importance in the state as to make us complain of his fortune more than of that of others. But I ask this, how could they be sold even by that very law which is enacted about proscriptions, whether it be the Valerian<sup>1</sup> or Cornelian law,—for I neither know nor understand which it is—but by that very law itself how could the property of Sextus Roscius be sold? For they say it is written in it, “that the property of those men who have been proscribed is to be sold;” in which number Sextus Roscius is not one: “or of those who have been slain in the garrisons of the opposite party.” While there were any garrisons, he was in the garrisons of Sylla; after they laid down their arms, returning from supper, he was slain at Rome in a time of perfect peace. If he was slain by law, I admit that his property was sold by law too; but if it is evident that he was slain contrary to all laws, not merely to old laws, but to the new ones also, then I ask by what right, or in what manner, or by what law they were sold?

XLIV. You ask, against whom do I say this, O Erucius. Not against him whom you are meaning and thinking of; for

<sup>1</sup> This is a pun on the name of Chrysogonus, as derived from the Greek word χρῶς, gold; and γένος, birth.

<sup>2</sup> Valerius Flaccus had been created *Interrex* on the death of the two consuls, Marius and Carbo. He appointed Sylla dictator, and passed a law that whatever Sylla had done should be ratified; so that Cicero's meaning here is, that he does not know which was the nominal author of the law he is quoting, Valerius or Sylla.

both my speech from the very beginning, and also his own eminent virtue, at all times has acquitted Sylla. I say that Chrysogonus did all this in order to tell lies; in order to make out Roscius to have been a bad citizen; in order to represent him as slain among the opposite party; in order to prevent Lucius Sylla from being rightly informed of these matters by the deputies from Ameria. Last of all, I suspect that this property was never sold at all; and this matter I will open presently, O judges, if you will give me leave. For I think it is set down in the law on what day these proscriptions and sales shall take place, forsooth on the first of January. Some months afterwards the man was slain, and his property is said to have been sold. Now, either this property has never been returned in the public accounts, and we are cheated by this scoundrel more cleverly than we think, or, if they were returned, then the public accounts have some way or other been tampered with, for it is quite evident that the property could not have been sold according to law. I am aware, O judges, that I am investigating this point prematurely, and that I am erring as greatly as if, while I ought to be curing a mortal sickness of Sextus Roscius, I were mending a whitlow; for he is not anxious about his money; he has no regard to any pecuniary advantage; he thinks he can easily endure his poverty, if he is released from this unworthy suspicion, from this false accusation. But I entreat you, O judges, to listen to the few things I have still to say, under the idea that I am speaking partly for myself, and partly for Sextus Roscius. For the things which appear to me unworthy and intolerable, and which I think concern all men unless we are prudent, those things I now mention to you for my own sake, from the real feelings and indignation of my mind. What relates to the misfortunes of the life, and to the cause of my client, and what he wishes to be said for him, and with what condition he will be content, you shall hear, O judges, immediately at the end of my speech. I ask this of Chrysogonus of my own accord, leaving Sextus Roscius out of the question.

XLV. First of all, why the property of a virtuous citizen was sold? Next, why the property of a man who was neither proscribed, nor slain in the garrisons of the opposite party, were sold; when the law was made against them alone? Next, why were they sold long after the day which is appointed by

the law? Next, why were they sold for so little? And if he shall choose, as worthless and wicked freedmen are accustomed to do, to refer all this to his patrons, he will do himself no good by that. For there is no one who does not know that on account of the immensity of his business, many men did many things of which Lucius Sylla knew very little. Is it right, then, that in these matters anything should be passed over without the ruler knowing it? It is not right, O judges, but it is inevitable. In truth, if the great and kind Jupiter, by whose will and command the heaven, the earth, and the seas are governed, has often by too violent winds, or by immoderate tempests, or by too much heat, or by intolerable cold, injured men, destroyed cities, or ruined the crops; nothing of which do we suppose to have taken place, for the sake of causing injury, by the divine intention, but owing to the power and magnitude of the affairs of the world; but on the other hand we see that the advantages which we have the benefit of, and the light which we enjoy, and the air which we breathe, are all given to and bestowed upon us by him; how can we wonder that Lucius Sylla, when he alone was governing the whole republic, and administering the affairs of the whole world, and strengthening by his laws the majesty of the empire, which he had recovered by arms, should have been forced to leave some things unnoticed? Unless this is strange that human faculties have not a power which divine might is unable to attain to. But to say no more about what has happened already, cannot any one thoroughly understand from what is happening now, that Chrysogonus alone is the author and contriver of all this, and that it is he who caused Sextus Roscius to be accused? this trial in which Erucius says that he is the accuser out of regard for honour . . . .

\* \* \* \* \*

XLVI. They think they are leading a convenient life, and one arranged rationally, who have a house among the Salentini or Brutii, from which they can scarcely receive news three times a year. Another comes down to you from his palace on the Palatine; he has for the purposes of relaxation to his mind a pleasant suburban villa, and many farms besides, and not one which is not beautiful and contiguous; a house filled with Corinthian and Delian vessels, among which is that celebrated stove which he has lately bought at so great a price, that

passers by, who heard the money being counted out thought that a farm was being sold. What quantities besides of embossed plate, of embroidered quilts; of paintings of statues, and of marble, do you think he has in his house? All, forsooth, that in a time of disturbance and rapine can be crammed into one house from the plunder of many magnificent families. But why should I mention how vast a household too was his, and in what various trades was it instructed? I say nothing of those ordinary arts, cooks, bakers, and litter-bearers; he has so many slaves to gratify his mind and ears, that the whole neighbourhood resounds with the daily music of voices, and stringed instruments, and flutes. In such a life as this, O judges, how great a daily expense, and what extravagance do you think there must be? And what banquets? Honourable no doubt in such a house; if that is to be called a house rather than a workshop of wickedness, and a lodging for every sort of iniquity. In what a style he himself flutters through the forum, with his hair curled and perfumed, and with a great retinue of citizens, you yourselves behold, O judges; in truth you see how he despises every one, how he thinks no one a human being but himself, how he thinks himself the only happy, the only powerful man. But if I were to wish to mention what he does and what he attempts, O judges, I am afraid that some ignorant people would think that I wish to injure the cause of the nobility, and to detract from their victory; although I have a right to find fault if anything in that party displeases me. For I am not afraid that any one will suppose that I have a disposition disaffected to the cause of the nobility.

XLVII. They who know me, know that I, to the extent of my small and insignificant power, (when that which I was most eager for could not be brought about, I mean an accommodation between the parties) laboured to ensure the victory of that party which got it. For who was there who did not see that meanness was disputing with dignity for the highest honours? a contest in which it was the part of an abandoned citizen not to unite himself to those, by whose safety dignity at home and authority abroad would be preserved. And that all this was done, and that his proper honour and rank was restored to every one, I rejoice, O judges, and am exceedingly delighted; and I know that it was all done by the kindness

of the gods, by the zeal of the Roman people, by the wisdom, and government, and good fortune<sup>1</sup> of Lucius Sylla. I have no business to find fault with punishment having been inflicted on those who laboured with all their energies on the other side; and I approve of honours having been paid to the brave men whose assistance was eminent in the transaction of all these matters. And I consider that the struggle was to a great extent with this object, and I confess that I shared in that desire in the part I took. But if the object was, and if arms were taken with the view of causing the lowest of the people to be enriched with the property of others, and of enabling them to make attacks on the fortunes of every one, and if it is unlawful not only to hinder that by deed, but even to blame it in words, then the Roman people seems to me not to have been strengthened and restored by that war, but to have been subdued and crushed. But the case is totally different: nothing of this, O judges, is the truth: the cause of the nobility will not only not be injured if you resist these men, but it will even be embellished.

XI.VIII. In truth, they who are inclined to find fault with this, complain that Chrysogonus has so much influence; they who praise it, declare that he has not so much allowed him. And now it is impossible for any one to be either so foolish or so worthless as to say: "I wish it were allowed me, I would have said . . ." You may say . . . "I would have done . . ." You may do . . . No one hinders you. "I would have decreed . . ." "Decree, only decree rightly, every one will approve." "I should have judged . . ." All will praise you if you judge rightly and properly. While it was necessary and while the case made it inevitable, one man had all the power, and after he created magistrates and established laws, his own proper office and authority was restored to every one. And if those who recovered it wish to retain it, they will be able to retain it for ever. But if they either participate in or approve of these acts of murder and rapine, these enormous and prodigal expenses—I do not wish to say anything too severe against them; not even as an omen; but this one thing I do say; unless those nobles of ours are

<sup>1</sup> Cicero dwells on the *Felicitas* of Sylla, because *Felix* was the name which Sylla himself assumed, priding himself especially on his good fortune.

vigilant, and virtuous, and brave, and merciful, they must abandon their honours to those men in whom these qualities do exist. Let them, therefore, cease at least to say that a man speaks badly, if he speak truly and with freedom ; let them cease to make common cause with Chrysogonus ; let them cease to think, if he be injured, that any injury has been done to them ; let them see how shameful and miserable a thing it is that they, who could not tolerate the splendour of the knights, should be able to endure the domination of a most worthless slave—a domination, which, O judges, was formerly exerted in other matters, but now you see what a road it is making for itself, what a course it is aiming at, against your good faith, against your oaths, against your decisions, against almost the only thing which remains uncorrupted and holy in the state. Does Chrysogonus think that in this particular too he has some influence ? Does he even wish to be powerful in this ? O miserable and bitter circumstance ! Nor, in truth, am I indignant at this, because I am afraid that he may have some influence ; but I complain of the mere fact of his having dared this, of his having hoped that with such men as these he could have any influence to the injury of an innocent man.

XLIX. Is it for this that the nobility has roused itself, that it has recovered the republic by arms and the sword,—in order that freedmen and slaves might be able to maltreat the property of the nobles, and all your fortunes and ours, at their pleasure ? If that was the object, I confess that I erred in being anxious for their success. I admit that I was mad in espousing their party, although I espoused it, O judges, without taking up arms. But if the victory of the nobles ought to be an ornament and an advantage to the republic and the Roman people, then, too, my speech ought to be very acceptable to every virtuous and noble man. But if there be any one who thinks that he and his cause is injured when Chrysogonus is found fault with, he does not understand his cause, I may almost say he does not know himself. For the cause will be rendered more splendid by resisting every worthless man. The worthless favourers of Chrysogonus, who think that his cause and theirs are identical, are injured themselves by separating themselves from such splendour. But all this that I have been now saying, as I mentioned before, is said

on my own account, though the republic, and my own indignation, and the injuries done by these fellows, have compelled me to say it. But Roscius is indignant at none of these things; he accuses no one; he does not complain of the loss of his patrimony; he, ignorant of the world, rustic and clown that he is, thinks that all those things which you say were done by Sylla were done regularly, legally and according to the law of nations. If he is only exempted from blame and acquitted of this nefarious accusation, he will be glad to leave the court; if he is freed from this unworthy suspicion, he says that he can give up all his property with equanimity. He begs and entreats you, O Chrysogonus, if he has converted no part of his father's most ample possessions to his own use; if he has defrauded you in no particular; if he has given up to you and paid over and weighed out to you all his possessions with the most scrupulous faith; if he has given up to you the very garment with which he was clothed, and the ring off his finger; if he has stripped himself bare of everything, and has excepted nothing,—he entreats you, I say, that he may be allowed to pass his life in innocence and indigence, supported by the assistance of his friends.

L. "You are in possession of my farms," says he; "I am living on the charity of others; I do not object to that, both because I have a calm mind, and because it is inevitable. My own house is open to you, and is closed against myself. I endure that. You are master of my numerous household; I have not one slave. I submit to that, and think it is to be borne." What would you have more? What are you aiming at? Why are you attacking me now? In what point do you think your desires injured by me? In what point do I stand in the way of your advantage? In what do I hinder you? If you wish to slay the man for the sake of his spoils, you have despoiled him. What do you want more? If you want to slay him out of enmity, what enmity have you against him whose farms you took possession of before you knew himself? If you fear him, can you fear anything from him who you see is unable to ward off so atrocious an injury from himself? If, because the possessions which belonged to Roscius have become yours, on that account you seek to destroy his son, do you not show that you are afraid of that which you above all other men ought not

to be afraid of; namely, that some time or other their father's property may be restored to the children of proscribed persons? You do wrong, O Chrysogonus, if you place greater hope of being able to preserve your purchase, than in those exploits which Lucius Sylla has performed. But if you have no cause for wishing this unhappy man to be afflicted with such a grievous calamity; if he has given up to you everything but his life, and has reserved to himself nothing of his paternal property, not even as a memorial of his father,—then, in the name of the gods, what is the meaning of this cruelty, of this savage and inhuman disposition? What bandit was ever so wicked, what pirate was ever so barbarous, as to prefer stripping off his spoils from his victim stained with his blood, when he might possess his plunder unstained, without blood? You know that the man has nothing, dares do nothing, has no power, has never harboured a thought against your estate; and yet you attack him whom you cannot fear, and ought not to hate; and when you see he has nothing left which you can take away from him—unless you are indignant at this, that you see him sitting with his clothes on in this court whom you turned naked out of his patrimony, as if off a wreck; as if you did not know that he is both fed and clothed by Cæcilia, the daughter of Balearicus,<sup>1</sup> the sister of Nepos, a most incomparable woman, who, though she had a most illustrious father, most honourable uncles, a most accomplished brother, yet, though she was a woman, carried her virtue so far, as to confer on them no less honour by her character than she herself received from their dignity.

LI. Does it appear to you a shameful thing that he is defended with earnestness? Believe me, if, in return for the hospitality and kindness of his father, all his hereditary friends were to choose to be present and dared to speak with freedom, he would be defended numerous enough; and if, because of the greatness of the injury, and because the interests of the whole republic are imperilled by his danger, they all were to punish this conduct, you would not in truth be able to sit in

<sup>1</sup> In the tenth chapter she is called the daughter of Metellus Nepos; so, if the reading there be correct, it must be corrupt here, which is probably the case. According to Grævius, she was a woman held in such esteem that, in the Marsic war, the temple of Juno Sospita was restored by a decree of the senate in compliance with a dream seen by her, as Cicero records in the treatise *De Divinatione*.



that place. Now he is defended so that his adversaries ought not to be indignant at it, and ought not to think that they are surpassed in power. What is done at home is done by means of Cæcilia ; the management of what takes place in the forum and court of justice, Messala, as you, O judges, see, has undertaken. And if he were of an age and strength equal to it, he would speak himself for Sextus Roscius. But since his age is an obstacle to his speaking, and also his modesty which sets off his age, he has entrusted the cause to me, who he knew was desirous of it for his sake, and who ought to be so. He himself, by his assiduity, by his wisdom, by his influence, and by his industry, has taken care that the life of Sextus Roscius, having been saved out of the hands of assassins, should be committed to the decisions of the judges. Of a truth, O judges, it was for this nobility that the greatest part of the city was in arms ; this was all done that the nobles might be restored to the state, who would act as you see Messala acting ; who would defend the life of an innocent man ; who would resist injury ; who would rather show what power they had in procuring the safety than the destruction of another. And if all who were born in the same rank did the same, the republic would be less harassed by them, and they themselves would be less harassed by envy

LII. But if, O judges, we cannot prevail with Chrysogonus to be content with our money, and not to aim at our life ; if he cannot be induced, when he has taken from us everything which was our private property, not to wish to take away this light of life also which we have in common with all the world ; if he does not consider it sufficient to glut his avarice with money, if he be not also dyed with blood cruelly shed,—there is one refuge, O judges ; there is one hope left to Sextus Roscius, the same which is left to the republic,—your ancient kindness and mercy ; and if that remain, we can even yet be saved. But if that cruelty which at present stalks abroad in the republic has made your dispositions also more harsh and cruel, (but that can never be the case,) then there is an end of everything, O judges ; it is better to live among brute beasts than in such a savage state of things as this. Are you reserved for this ? Are you chosen for this ? to condemn those whom cut-throats and assassins have not been able to murder ? Good generals are accustomed to do this, when they engage in

battle,—to place soldiers in that spot where they think the enemy will retreat, and then if any escape from the battle they make an onset on them unexpectedly. I suppose in the same way those purchasers of property think that you, that such men as you, are sitting here to catch those who have escaped out of their hands. God forbid, O judges, that this which our ancestors thought fit to style the public council, should now be considered a guard to brokers! Do not you perceive, O judges, that the sole object of all this is to get rid of the children of proscribed persons by any means; and that the first step to such a proceeding is sought for in your oaths and in the danger of Sextus Roscius? Is there any doubt to whom the guilt belongs, when you see on one side a broker, an enemy, an assassin, the same being also now our accuser, and on the other side a needy man, the son of the murdered man, highly thought of by his friends, on whom not only no crime but no suspicion even can be fixed? Do you see anything else whatever against Roscius except that his father's property has been sold?

LIII. And if you also undertake that cause; if you offer your aid in that business; if you sit there in order that the children of those men whose goods have been sold may be brought before you; beware, in God's name, O judges, lest a new and much more cruel proscription shall seem to have been commenced by you. Though the former one was directed against those who could take arms, yet the Senate would not adopt it lest anything should appear to be done by the public authority more severe than had been established by the usages of our ancestors. And unless you by your sentence reject and spurn from yourselves this one which concerns their children and the cradles of their infant babes, consider, in God's name, O judges, to what a state you think the republic will arrive.

It behoves wise men, and men endowed with the authority and power with which you are endowed, to remedy especially those evils by which the republic is especially injured. There is not one of you who does not understand that the Roman people, who used formerly to be thought extremely merciful towards its enemies, is at present suffering from cruelty exercised towards its fellow-citizens. Remove this disease out of the state, O judges. Do not allow it to remain any longer

in the republic; having not only this evil in itself, that it has destroyed so many citizens in a most atrocious manner, but that through habituating them to sights of distress, it has even taken away clemency from the hearts of most merciful men. For when every hour we see or hear of something very cruel being done, even we who are by nature most merciful, through the constant repetition of miseries, lose from our minds every feeling of humanity.

---

## THE SPEECH FOR QUINTIUS ROSCIUS THE ACTOR.

### THE ARGUMENT.

AFTER the last speech, which was delivered A. U. C. 674, Cicero went to Athens, where he remained eighteen months; and after his return he did not employ himself at first as an advocate, but devoted himself rather to philosophical studies. But in the third year, A. U. C. 677, when his friend Roscius, the comic actor, was interested in a cause, he returned to the bar. The subject of the action in which this speech was delivered was this:—A man of the name of Fannius Chærea had articted a young slave to Roscius, on condition that Roscius was to teach him the art of acting, and that he and Fannius were afterwards to share his earnings. The slave was afterwards killed, and Roscius brought an action against the man who had killed him, Quintus Flavius by name, and received as damages a farm worth 100,000 sesterces—for his half-share in the slave, according to his own account, but as the full value of the slave according to Fannius; but the fact was that Fannius also had brought an action against Flavius, and had recovered similar damages. Fannius sued Roscius for 50,000 sesterces, as his share of the damages which he, (Roscius,) had received from Flavius, suppressing the fact of his having obtained a similar sum himself. The beginning of this speech is lost, and also a considerable portion at the end.

I. . . . HE, forsooth, excellent man, and of singular integrity, endeavours in his own cause to bring forward his own account-books as witnesses. Men are accustomed to say. . . .<sup>1</sup> Did I endeavour to corrupt such a man as that, so as to induce him to make a false entry for my sake? I am waiting

<sup>1</sup> There is a hiatus here, so that though there are some words more in the Latin text, which I have omitted, it is impossible to make any sense of them.

till Chærea uses this argument. Was I able to induce this hand to be full of falsehood, and these fingers to make a false entry? But if he produces his accounts, Roscius will also produce his. These words will appear in the books of the one, but not in those of the other. Why should you trust one rather than the other? Oh, would he ever have written it if he had not borne this expense by his authority? No, says the other, would he not have written it if he had given the authority? For just as it is discreditable to put down what is not owed, so it is dishonest not to put down what you do owe. For his accounts are just as much condemned who omits to make an entry of the truth, as his who puts down what is false. But see now to what, relying on the abundance and cogency of my arguments, I am now coming. If Caius Fannius produces in his own behalf his accounts of money received and paid, written at his own pleasure, I do not object to your giving your decision in his favour. What brother would show so much indulgence to a brother, what father to a son, as to consider whatever he entered in this manner proof of a fact? Oh, Roscius will ratify it. Produce your books; what you were convinced of, he will be convinced of; what was approved of by you, will be approved of by him. A little while ago we demanded the accounts of Marcus Perperna, and of Publius Satrius. Now, O Caius Fannius Chærea, we demand your accounts alone, and we do not object to the action being decided by them—Why then do you not produce them? Does he not keep accounts? Indeed he does most carefully. Does he not enter small matters in his books? Indeed he does—everything. Is this a small and trifling sum? It is 100,000 sesterces. How is it that such an extraordinary sum is omitted?—how is it that a hundred thousand sesterces, received and expended, are not down in the books? Oh, ye immortal gods! that there should be any one endued with such audacity, as to dare to demand a sum which he is afraid to enter in his account-books; not to hesitate to swear before the court to what, when not on his oath, he scrupled to put on paper; to endeavour to persuade another of what he is unable to make out to his own satisfaction.

II. He says that I am indignant, and sent the accounts too soon; he confesses that he has not this sum entered in his book of money received and expended; but he asserts that it

does occur in his memoranda. Are you then so fond of yourself, have you such a magnificent opinion of yourself, as to ask for money from us on the strength, not of your account-books, but of your memoranda? To read one's account-books instead of producing witnesses, is a piece of arrogance; but is it not insanity to produce mere notes of writings and scraps of paper? If memoranda have the same force and authority, and are arranged with the same care as accounts, where is the need of making an account-book? of making out careful lists? of keeping a regular order? of making a permanent record of old writings? But if we have adopted the custom of making account-books, because we put no trust in flying memoranda, shall that which, by all individuals, is considered unimportant and not to be relied on, be considered important and holy before a judge? Why is it that we write down memoranda carelessly, that we make up account-books carefully? For what reason? Because the one is to last a month, the other for ever; these are immediately expunged, those are religiously preserved; these embrace the recollection of a short time, those pledge the good faith and honesty of a man for ever; these are thrown away, those are arranged in order. Therefore, no one ever produced memoranda at a trial; men do produce accounts, and read entries in books.

III. You, O Caius Piso, a man of the greatest good faith, and virtue, and dignity, and authority, would not venture to demand money on the strength of memoranda. I need not say any more about matters in which the custom is so notorious; but I ask you this, which is very material to the question, How long ago is it, O Fannius, that you made this entry in your memoranda? He blushes; he does not know what to answer; he is at a loss for anything to invent off-hand. "It is two months ago," you will say; yet it ought to have been copied into the account-book of money received and paid. "It is more than six months." Why then is it left so long in the memorandum-book? What if it is more than three years ago? How is it that, when every one else who makes up account-books transfers his accounts every month almost into his books, you allow this sum to remain among your memoranda more than three years? Have you all other sums of money received and expended regularly entered, or not? If not, how is it that you make up your books? If

you have, how is it that, when you were entering all other items in regular order, you leave this sum, which was one of the greatest of all in amount, for more than three years in your memoranda? "You did not like it to be known that Roscius was in your debt." Why did you put it down at all? "You were asked not to enter it." Why did you put it down in your memoranda? But, although I think this is strong enough, yet I cannot satisfy myself unless I get evidence from Caius Fannius himself that this money is not owed to him. It is a great thing which I am attempting; it is a difficult thing which I am undertaking; yet I will agree that Roscius shall not gain the verdict unless he has the same man both for his adversary and for his witness.

IV. A definite sum of money was owed to you, which is now sought to be recovered at law; and security for a legitimate portion of it has been given. In this case, if you have demanded one sesterce more than is owed to you, you have lost your cause; because trial before a judge is one thing, arbitration is another.<sup>1</sup> Trial before a judge is about a definite sum of money; arbitration about one which is not determined. We come before a judge so as either to gain the whole suit or

<sup>1</sup> Professor Long's explanation of the difference here laid down is little more than a translation of and comment on this passage. He says, "The following is the distinction between *arbitrium* and *judicium* according to Cicero. (Pro Rosc. Com. 4.) In a *judicium* the demand was of a certain or definite amount, (*pecuniæ certæ*); in an *arbitrium* the amount was not determined (*incertæ*.) In a *judicium* the plaintiff obtained all that he claimed or nothing, as the words of the formula show, "Si paret H. S. 1000 dari oportere." (Compare Gaius, iv. 50.) The corresponding words in the formula *arbitraria* were "Quantum æquius melius, id dari;" and their equivalents were "ex fide bonâ; ut inter bonos bene agier." (Top. 17)... If the matter was brought before a *judex*, properly so called, the *judicium* was constituted with a *pæna*, that is *per sponsionem*; there was no *pæna* when an arbiter was demanded, and the proceeding was by the formula *arbitraria*. The proceeding by the *sponsio* then was the strict one, "Angustissima formula sponsionis," (Cic. pro Rosc. Com. 14); that of the *arbitrium* was *ex fide bona*, and the arbiter, though he was bound by the instructions of the formula, was allowed a greater latitude by its terms. The engagement between the parties who accepted an arbiter, by which they bound themselves to abide by his *arbitrium*, was *compromissum*. (Pro Rosc. Com. 4.) But this term was also employed, as it appears, to express the engagement by which parties agreed to settle their differences by arbitration, without the intervention of the prætor. Smith, Dict. Ant. v. 536 v. *Judex*.

to lose it ; we go before an arbiter on the understanding that we may not get all we asked, and on the other hand may not get nothing. Of that the very words of the formula are a proof. What is the formula in a trial before a judge ? Direct, severe, and simple ; “if it be plain that fifty thousand sesterces ought to be paid.” Unless he makes it plain that fifty thousand sesterces to a single farthing are due to him, he loses his cause. What is the formula in a cause brought before an arbiter ? “That whatever is just and right shall be given.” But that man confesses that he is asking more than is owed to him, but that he will be satisfied and more than satisfied with what is given him by the arbiter. Therefore the one has confidence in his case, the other distrusts his. And as this is the case, I ask you why you made an agreement to abide by arbitration in a matter involving this sum, this very fifty thousand sesterces, and the credit of your own account-books ? why you admitted an arbitrator in such a case to decide what it was right and proper should be paid to you ; or secured to you by bond, if it so seemed good to him ? Who was the arbitrator in this matter ? I wish he were at Rome. He is at Rome. I wish he were in court. He is. I wish he were sitting as assessor to Caius Piso. He is Caius Piso himself. Did you take the same man for both arbitrator, and judge ? Did you permit to the same man unlimited liberty of varying his decision, and also limit him to the strictest formula of the bond ? Who ever went before an arbitrator and got all that he demanded ? No one ; for he only got all that it was just should be given him. You have come before a judge for the very same sum for which you had recourse to an arbiter. Other men, when they see that their cause is failing before a judge, fly to an arbitrator. This man has dared to come from an arbiter to a judge, who when he admitted an arbitrator about this money, and about the credit due to his account-books, gave a plain indication that no money was owing to him. Already two-thirds of the cause are over. He admits that he has not set down the sum as due, and he does not venture to say that he has entered it as paid, since he does not produce his books. The only alternative remaining, is for him to assert that he had received a promise of it ; for otherwise I do not see how he can possibly demand a definite sum of money.

V. Did you receive a promise of it? When? On what day? At what time? In whose presence? Who says that I made such a promise? No one. If I were to make an end of speaking here, I appear to have said enough to acquit myself as far as my good faith and diligence are at stake—to have said enough for the cause and dispute, enough for the formula and bond; I seem to have said enough to satisfy the judge why judgment ought to pass for Roscius. A definite sum of money has been demanded; security is given for a third part of it; this money must either have been given, or set down as paid, or promised. Fannius admits it was not given; the books of Fannius prove that it has not been set down as paid; the silence of witnesses proves that it was never promised. What do we want more? Because the defendant is a man to whom money has always seemed of no value, but character of the very highest, and the judge is a man whom we are no less anxious to have think well of us than to decide favourably for us, and the bar present is such, that on account of its extraordinary brilliancy we ought to feel almost as much respect for it as for another judge,—we will speak as if every regular trial, every honorary arbitration, every domestic duty were included and comprehended in the present formula. That former oration was necessary, this shall be a voluntary one; the other was addressed to the judge, this is addressed to Caius Piso; that was on behalf of a defendant, this is on behalf of Roscius; the one was prepared to gain a victory, this one to preserve a good character.

VI. You demand, O Fannius, a sum of money from Roscius. What sum? Is it money which is owed to you from the partnership? or money which has been promised and assured to you by his liberality? One demand is important and odious, the other is more trifling and easy to be got rid of. Is it a sum which is owing from the partnership? What are you saying? This is neither to be borne lightly nor to be defended carelessly. For if there are any private actions of the greatest, I may almost say, of capital importance, they are these three,—the actions about trust, about guardianship, and about partnership. For it is equally perfidious and wicked to break faith, which is the bond of life, and to defraud one's ward who has come under one's guardianship,



and to deceive a partner who has connected himself with one in business. And as this is the case, let us consider who it is who in this instance has deceived and cheated his partner. For his past life shall silently give us a trustworthy and important testimony one way or other. Is it Quintus Roscius? What do you say? Does not, as fire dropped upon water is immediately extinguished and cooled, so, does not, I say, a false accusation, when brought in contact with a most pure and holy life, instantly fall and become extinguished? Has Roscius cheated his partner? Can this guilt belong to this man? who, in truth, (I say it boldly,) has more honesty than skill, more truth than learning; whom the Roman people think even a better man than he is an actor; who is as worthy of the stage because of his skill, as he is worthy of the senate on account of his moderation. But why am I so foolish as to say anything about Roscius to Piso? I suppose I am recommending an unknown man in many words. Is there any man in the whole world of whom you have a better opinion? Is there any man who appears to you more pure, more modest, more humane, more regardful of his duty, more liberal? Have even you, O Saturius, who appear against him, have you a different opinion? Is it not true that as often as you have mentioned his name in the cause, you have said that he was a good man, and have spoken of him with expressions of respect? which no one is in the habit of doing except in the case of either a most honourable man, or of a most dear friend. While doing so, in truth, you appeared to me ridiculously inconstant in both injuring and praising the same man; in calling him at the same time a most excellent man and a most dishonest man. You were speaking of the man with respect, and calling him a most exemplary man, and at the same time you were accusing him of having cheated his partner. But I imagine the truth is, your praise was prompted by truth; the accusation by your duty to your client. You were speaking of Roscius as you really thought; you were conducting the cause according to the will of Chærea. Roscius cheated him.

VII. This, in truth, seems absurd to the ears and minds of men. What? If he had got hold of some man, rich, timid, foolish and indolent, who was unable to go to law with him, still it would be incredible. But let us see whom he has

cheated. Roscius has cheated Caius Fannius Chærea. I beg and entreat you, who know them both, compare the lives of the two men together ; you who do not know them, compare the countenance of both. Does not his very head, and those eyebrows entirely shaved off, seem to smell of wickedness, and to proclaim cunning ? Does he not from his toe-nails to his head, if the voiceless figure of a man's person can enable men to conjecture his character, seem wholly made up of fraud, and cheating, and lies ? He who has his head and eyebrows always shaved that he may not be said to have one hair of an honest man about him. And Roscius has been accustomed to represent his figure admirably on the stage, and yet he does not meet with the gratitude due to such kindness. For when he acts Ballio, that most worthless and perjured pimp, he represents Chærea. That foul, and impure, and detestable character is represented in this man's manners, and nature, and life. And why he should have thought Roscius like himself, in dishonesty and wickedness, I do not know ; unless, perhaps, because he observed that he imitated himself admirably in the character of the pimp. Wherefore consider over and over again, O Caius Piso, who is said to have cheated, and who to have been cheated. Roscius is said to have cheated Fannius ? What is that ? The honest man is said to have cheated the rogue ; the modest man, the shameless one ; the chaste man, the perjurer ; the unpractised man, the cunning one ; the liberal man is said to have cheated the covetous one. It is incredible how, if Fannius were said to have cheated Roscius, each fact would appear probable from the character of each man ; both that Fannius had acted wickedly, and that Roscius had been cheated by his imprudence. So when Roscius is accused of having cheated Fannius, both parts of the story are incredible, both that Roscius should have sought anything covetously, and that Fannius should have lost anything by his good-nature.

VIII. Such is the beginning. Let us see what follows. Quintus Roscius has cheated Fannius of 50,000 sesterces. On what account ? Saturius smiles ; a cunning fellow, as he seems to himself. He says, for the sake of the fifty thousand sesterces. I see ; but yet I ask why he was so exceedingly desirous of this particular fifty thousand sesterces ? For certainly, O Marcus Perperna and Caius Piso, they would not

have been of such consequence to either of you, as to make you cheat your partner. I ask, then, why they were of such consequence to Roscius? Was he in want of money? No, he was even a rich man. Was he in debt? On the contrary, he was living within his income. Was he avaricious? Far from it; even before he was a rich man he was always most liberal and munificent. Oh, in the name of good faith, of gods, and men! he who once refused to make a gain of three hundred thousand sesterces—for he certainly both could and would have earned three hundred thousand sesterces if Dionysia<sup>1</sup> can earn two hundred thousand,—did he seek to acquire fifty thousand by the greatest dishonesty, and wickedness and treachery? And that sum was immense, this trifling; that was honourable, this sordid; that was pleasant, this bitter; that would have been his own, this must have been stated on an action and a trial. In these last ten years he might have earned six millions of sesterces most honourably. He would not; he undertook the labour entitled to gain, but refused the gain of his labour. He did not yet desist from serving the Roman people; he has long since ceased to benefit himself. Would you even do this, O Fannius? And if you were able to receive such profits, would you not act with all your gestures, and even at the risk of your life? Say now that you have been cheated of fifty thousand sesterces by Roscius, who has refused such enormous sums, not because he was too indolent to labour for them, but out of a magnificence of liberality. What now shall I say of these things which I know to a certainty occur to your minds, O judges? Roscius cheated you in a partnership. There are laws, there are formularies<sup>2</sup> established for every case, that no one may make a blunder, either as to the legal description of injury which he has suffered, or as to the sort of action he should bring; for public formulæ have been given by the prætor to suit every evil, or vexation, or inconvenience, or

<sup>1</sup> Dionysia was a celebrated dancer.

<sup>2</sup> "As the *formulæ* comprehended, or were supposed to comprehend, every possible form of action that could be required by a plaintiff, it was presumed that he could find among all the *formulæ* some one which was adapted to his case; and he was accordingly supposed to be without excuse if he did not take pains to select the proper formula."—Cic. *pro Rosc. Com.* 8. Smith, *Dict. Ant.* p. 9, v. *Actio*.

calamity, or injury which any one can suffer · and to these each private action is adapted.

IX. And as this is the case, I ask why you have not Roscius as your partner before an arbitrator? Did you not know the formula? It was most notorious. Were you unwilling to adopt severe proceedings? Why so? On account of your ancient intimacy? Why then do you injure him now? On account of the integrity of the man? Why then do you accuse him now? On account of the magnitude of the crime? Is it so? The man whom you could not circumvent before an arbitrator, to whose decision such a matter properly belonged, will you seek to convict before a judge, who has no power of arbitrating in it? Either, then, bring this charge where it may be discussed, or do not bring it where it may not: although the charge is already done away with by your own evidence; for when you declined to adopt that formula, you showed that he had committed no fraud against the partnership. Oh, he made a covenant. Has he account-books, or not? If he has not, how is the covenant shown? If he has, why do you not tell us? Say now, if you dare, that Roscius begged of you to appoint his own intimate friend arbitrator. He did not beg you to. Say that he made a covenant in order to procure his acquittal. He made no covenant. Ask why then he was acquitted? Because he was a man of the most perfect innocence and integrity. For what happened? You came of your own accord to the house of Roscius; you apologised to him; you begged him to announce to the judge that you had acted hastily, and to pardon you; you said that you would not appear against him; you said loudly that he owed you nothing on account of the partnership. He gave notice to the judge; he was acquitted. And still do you dare to mention dishonesty and theft? He persists in his impudence. I did all this, says he, for he had made a covenant with me. Yes, I suppose to procure his acquittal. What reason had he to fear that he would be condemned? Oh, the matter was evident, the theft was undeniable. A theft of what? He begins, in a manner to create great expectations, to relate his partnership with the old actor.

X. Panurgus, says he, was a slave of Fannius. He had an equal share in him with Roscius. Here in the first place Satrius began to complain bitterly that Roscius had had a

share in him given to him for nothing, when he had become the property of Fannius by purchase. That liberal man, forsooth, that extravagant man; that man overflowing with kindness, made a present of his share to Roscius? No doubt of it. Since he rested on this point for a while, it is necessary for me also to dwell a little on it. You say, O Saturius, that Panurgus was the private property of Fannius. But I say that the whole of him belonged to Roscius, for how much of him belonged to Fannius? His body. How much to Roscius? His education. His person was of no value; his skill was valuable. As far as he belonged to Fannius, he was not worth fifty thousand sesterces; as far as he belonged to Roscius, he was worth more than a hundred thousand. For no one looked at him because of his person; but people estimated him by his skill as a comic actor. For those limbs could not earn by themselves more than twelve sesterces; owing to the education which was given him by Roscius, he let himself out for not less than a hundred thousand. Oh, tricky and scandalous partnership, when the one brings what is worth fifty thousand sesterces into the partnership, the other what is worth a hundred thousand; unless you are indignant at this, that you took the fifty thousand out of your strong box, and Roscius got his hundred thousand out of his learning and skill. For what was it that Panurgus brought with him on the stage? What was the expectation formed of him? why was there such zeal for him, such partiality to him? Because he was the pupil of Roscius. They who loved the one, favoured the other; they who admired the one, approved of the other; lastly, all who had heard the name of the one, thought the other well-trained and accomplished. And this is the way with the common people; they estimate few things by the real truth, many things by prejudice. Very few observed what he knew, but every one asked where he had been taught; they thought that nothing poor or bad could be produced by him. If he had come from Statilius, even if he had surpassed Roscius in skill, no one would have been able to see it. For just as no one supposes that a good son can be born to a worthless father, so no one would suppose that a good comedian could be formed by a very bad actor; but because he came from Roscius, he appeared to know more than he really did know.

XI. And this lately did actually happen in the case of *Eros* the comedian, for he, after he was driven off the stage, not merely by hisses, but even by reproaches, took refuge, as at an altar, in the house, and instruction, and patronage, and name of *Roscius*. Therefore, in a very short time he who had not been even one of the lowest class of actors, came to be reckoned among the very first comedians. What was it that raised him? This man's commendation alone; who not only took this *Panurgus* home that he might have the name of a pupil of *Roscius*, but who also instructed him with the greatest pains and energy and patience. For the more skilful and ingenious any one is, the more vehement and laborious is he in teaching his art; for that which he himself caught quickly, he is tortured by seeing slowly comprehended by another. My speech has extended itself to some length, in order that you may thoroughly understand the conditions of this partnership. What then followed? A man of *Tarquinius*, *Quintus Flavius* by name, slew this *Panurgus*, the common slave of *Roscius* and *Fannius*, and you appointed me as the advocate to conduct the action about that business. The cause having been commenced, and an action being appointed according to the formula, "for injury and loss inflicted," you brought it to a conclusion with *Flavius*, without my privity. Was it for the half share, or for the entire partnership? I will speak plainly. Was it for myself, or for myself and for yourself? Was it for myself alone? I could do so according to the precedent set by many people; it is lawful to do so; many men have legally done so; I have done you no injury in that matter. Do you demand what is due to you? Exact it, and carry it off. Let every one have and follow up his portion of his right. "But you managed your affair very well." "Do you too manage yours well." "You get your half share valued at a high price." "Do you too get yours valued at a high price." "You get a hundred thousand sesterces,"—if indeed that be true. "Then do you also get a hundred thousand sesterces."

XII. But you may easily, both in belief and in speaking of it, have exaggerated the terms on which *Roscius* concluded his business; in fact and reality you will find them moderate and unimportant. For he got a farm at a time when the prices of farms were very low,—a farm which had not a house on it, and was not well cultivated in any respect, which is

worth much more now than it was. And no wonder, for at that time, on account of the calamities of the republic, every one's possessions were uncertain ; now, by the kindness of the immortal gods, the fortunes of every one are well assured: then it was an uncultivated farm, without a house; now it is beautifully cultivated, with an excellent villa on it. But since by nature you are so malevolent, I will never relieve you from that vexation and that anxiety. Roscius managed his business well; he got a most fertile farm. What is that to you? Do you settle your half of the matter anyhow you please. He then changes his plan of attack, and endeavours to invent a story which he cannot prove. "You," says he, "arranged the whole matter, and not your share of it only." The whole cause then is brought to this point,—whether Roscius came to a settlement with Flavius for his own share, or for the whole partnership; for I confess that, if Roscius touched anything on their joint account, he ought to pay it to the partnership. Did he settle the quarrel of the partnership, and not merely his own, when he received this farm from Flavius? If so, why did he not give security to Flavius, that no one else should make any demand on him? He who settles his own demand only, leaves to the rest their right of action unimpaired; he who acts for his partners, gives security that none of them shall afterwards make any demand. Why did it not occur to Flavius to take this precaution for himself? Was he, forsooth, not aware that Panurgus belonged to a partnership? He knew that. Was he not aware that Fannius was Roscius' partner? Thoroughly; for he himself had a law-suit commenced with him. Why then does he settle this action, and not exact an agreement that no one shall make any further demand on him? Why does he lose the farm, and yet get no release from this action? Why does he act in so inexperienced a manner, as neither to bind Roscius by any stipulation, nor on the other hand to get a release from Fannius' action? This first argument, drawn both from the rules of civil rights, and from the customs prevailing with respect to such security, is a most important and powerful one, which I would press at greater length, if I had not other more undeniable and manifest proofs in the cause.

XIII. And that you may not say I have promised this on insufficient grounds, I will call you—you, I say, Fannius—from

your seat as a witness against yourself.—What is your charge? That Roscius settled with Flavius on behalf of the partnership.—When? Four years ago.—What is my defence? That Roscius settled with Flavius for his share in the property. You yourself, three years ago, made a new engagement with Roscius.—What? Recite that stipulation plainly.—Attend, I beg you, O Piso—I am compelling Fannius against his will, and though he is shuffling off in every direction, to give evidence against himself. For what are the words of this new agreement? “Whatever I receive from Flavius, I undertake to pay one half of to Roscius.” These are your words, O Fannius. What can you get from Flavius, if Flavius owes you nothing? Moreover, why does he now enter into a mutual engagement about a sum which he has already exacted some time ago? But what can Flavius be going to give you, if he has already paid Roscius everything that he owed? Why is this new mutual arrangement interposed in so old an affair, in a matter so entirely settled, in a partnership which has been dissolved? Who is the drawer up of this agreement? who is the witness? who is the arbitrator? who? You, O Piso: for you begged Quintus Roscius to give Fannius fifteen thousand sesterces, for his care, for his labour, for having been his agent, and for having given security, on this condition, that, if he get anything from Flavius, he should give half of that sum to Roscius. Does not that agreement seem to show you with sufficient clearness that Roscius settled the affair on his own behalf alone? But perhaps this also may occur to you, that Fannius did in requital promise Roscius half of whatever he might get from Flavius, but that he got nothing at all. What has that to do with it? You ought to regard not the result of the demand, but the beginning of the mutual agreement. And it does not follow, if he did not choose to prosecute his demand, that he did not for all that, as far as it depended on him, show his opinion that Roscius had only settled his own claim, and not the claim of the partnership. What more? Suppose I make it evident, that after the whole settlement ~~were~~ by Roscius, after this fresh mutual agreement entered ~~into~~ by Fannius, Fannius also recovered a hundred thousand sesterces from Flavius, for the loss of Panurgus? Will he after that still dare to sport with the character of that most excellent man, Quintus Roscius?



XIV. I asked a little before,—what was very material to the business,—on what account Flavius, when (as they say) he was settling the whole claim, did neither take security from Roscius, nor obtain a release from all demands from Fannius? But now I ask how it was that, when he had settled the whole affair with Roscius, he paid also a hundred thousand sesterces to Fannius on his separate account? (a thing still more strange and incredible.) I should like to know, O Saturius, what answer are you preparing to give to this? Whether you are going to say that Fannius never got a hundred thousand sesterces from Flavius at all, or that he got them for some other claim, and on some other account? If you say it was on some other account, what dealings had you ever had with him? None. Had you obtained any verdict against him? No. I am wasting time to no purpose. He never, he says, got a hundred thousand sesterces from Flavius at all, neither on account of Panurgus, nor of any one else. If I prove that, after this recent agreement with Roscius, you did get a hundred thousand sesterces from Flavius, what have you to allege why you should not leave the court defeated with disgrace? By what witness then shall I make this plain? This affair, as I imagine, came to trial. Certainly. Who was the plaintiff? Fannius. Who the defendant? Flavius. Who was the judge? Cluvius. Of all these men I must produce one as witness who can say that the money was paid. Who of these is the most authoritative witness? Beyond all controversy, he who was approved of as judge by the sentence of every one. Which of the three then will you look to me for as a witness? The plaintiff? That is Fannius; he will never give evidence against himself. The defendant? That is Flavius. He has been dead some time. The judge? That is Cluvius. What does he say? That Flavius did pay a hundred thousand sesterces to Fannius on account of Panurgus. And if you look at the rank of Cluvius, he is a Roman knight; if at his life, he is a most illustrious man; if at your own opinion of him, you chose him as judge; if to his truth, he has said what he both could know, and ought to know. Deny now, deny, if you can, that credit ought to be given to a Roman knight, to an honest man, to your own judge. He looks round; he fumes; he denies that we are going to recite the testimony of Cluvius. We will recite it; you are mistaken. you are con-

soling yourself with a slight and empty hope. Recite the testimony of Titus Manilius and Caius Luscius Ocrea, two senators, most accomplished men, who heard it from Cluvius.

*(The secretary reads the evidence of Manilius and Luscius.)*

What do you say now—that we are not to believe Luscius and Manilius, or that we are not to believe Cluvius? I will speak more plainly and openly.

XV. Did Luscius and Manilius hear nothing from Cluvius about the hundred thousand sesterces? or did Cluvius say what was false to Luscius and Manilius? On this point I am of a calm and easy mind, and I am not particularly anxious as to which way you answer. For the cause of Roscius is fortified by the strongest and most solemn evidence of most excellent men. If you have taken time enough to consider to which you will refuse belief on their oath, answer me. Do you say that one must not believe Manilius and Luscius? Say it. Dare to say it. Such a saying suits your obstinacy, your arrogance, your whole life. What! Are you waiting till I say presently of Luscius and Manilius that they are as to rank senators; as to age, old; as to their nature, pious and religious; as to their property, rich and wealthy! I will not do so; I will not, on pretence of giving these men the credit due to a life passed with the greatest strictness, put myself in so bad a light as to venture to panegyryze men so much older and nobler than myself, whose characters stand in no need of my praise. My youth is in more need of their favourable opinion than their strict old age is of my commendation. But you, O Piso, must deliberate and consider for a long time whether you will rather believe Chærea, though not on his oath, and in his own cause, or Manilius and Luscius on their oaths, in a cause in which they have no interest. The remaining alternative is for him to contend that Cluvius told a falsehood to Luscius and Manilius. And, if he does that, how great is his impudence! Will he throw discredit on that man as a witness whom he approved of as a judge? Will he say that you ought not to trust that man whom he has trusted himself? Will he disparage the credit of that man as a witness to the judge, when on account of his opinion of his good faith and scrupulousness as a judge, he brought witnesses before him? When I produce that man as a witness, will he dare to find fault with him, when if I were to bring him as a judge even, he

would be bound not to decline him? Oh, but, says he, he was not on his oath when he said that to Luscius and Manilius. Would you believe him, if he said it on his oath?

XVI. But what is the difference between a perjurer and a liar? He who is in the habit of lying, is in the habit of per-juring himself. The man whom I can induce to tell a lie, I shall easily be able to prevail on to take a false oath. For he who has once departed from truth, is easily led on, with no greater scruples to perjury than to a lie. For who is influenced by just a mention of the gods in the way of deprecating their anger, and not by the influence of conscience? Because the same punishment which is appointed by the immortal gods for a perjurer, is appointed also for a liar. For the immortal gods are accustomed to be indignant and angry, not on account of the form of words in which an oath is contained, but on account of the treachery and malice by which a plot is laid to deceive any one. But I, on the contrary, argue in this way. The authority of Cluvius would be less if he were speaking on his oath, than it is now when he is not speaking on his oath. For then, perhaps, he might seem to bad men over eager in being a witness in a cause in which he had been judge. But now he must appear to all his enemies most upright and most wise, inasmuch as he only tells his intimate friends what he knows. Say now, if you can, if the business, if the cause permits you to, that Cluvius has spoken falsely. Has Cluvius spoken falsely? Truth itself lays its hand upon me, and compels me to stop, and dwell on this point for a short time. Whence was all this lie drawn, and where was it forged? Roscius, forsooth, is a deep and crafty man. He began to think of this from the first. Since, said he to himself, Fannius claims fifty thousand sesterces from me, I will ask Caius Cluvius, a Roman knight, a most accomplished man, to tell a lie for my sake; to say that a settlement was made which was not made; that a hundred thousand sesterces were given by Flavius to Fannius, which were not given. This is the first idea of a wicked mind, of a miserable disposition, of a man of no sense. What came next? After he had thoroughly made up his mind, he came to Cluvius. What sort of a man was he? an insignificant man? No, a most influential one. A fickle man? A most consistent one. An intimate friend of his? A perfect stranger. After he had

saluted him, he began to ask him, in gentle and elegant language to be sure,—“Tell a lie for my sake, tell some excellent men, your own intimate friends who are here with you, that Flavius settled with Fannius about Panurgus, though in truth he did not; tell them that he paid a hundred thousand sesterces, though in reality he did not pay a penny.” What answer did he give? “Oh, indeed, I will willingly and eagerly tell lies for your sake; and if at any time you wish me to perjure myself in order to make a little profit, know that I am quite ready; you need not have taken so much trouble as to come to me yourself; you could have arranged such a trifle as this by a messenger.”

XVII. Oh, the faith of gods and men! Would Roscius ever have asked this of Cluvius, even if he had had a hundred millions of sesterces at stake on the issue of the trial? Or would Cluvius have granted it to Roscius at his request, even if he had been to be a sharer in the whole booty? I scarcely, by the gods, think that you, O Fannius, would dare to make this request to Ballio, or to any one like him; and that you would be able to succeed in a matter not only false, but in its nature incredible. For I say nothing about Roscius and Cluvius being excellent men. I imagine them for this occasion to be worthless. Roscius, then, suborned Cluvius as a false witness. Why did he do it so late? Why did he do so when the second payment was to be made, not when the first was? for already he had paid fifty thousand sesterces. Secondly; if Cluvius was, by this time, persuaded to tell lies, why did he say that a hundred thousand sesterces had been given to Fannius by Flavius, rather than three hundred thousand; when, according to the mutual agreement, a half-share of it belonged to Roscius. By this time you see, O Caius Piso, that Roscius had made his demand for himself alone, and had made no demand for the partnership. When Saturius perceives that this is proved, he does not dare to resist and struggle against the truth. He finds another subterfuge of dishonesty and treachery in the same track. “I admit,” says he, “that Roscius demanded his own share from Flavius; I admit that he left Fannius’s right to make a similar demand entire and unimpaired; but I contend that what he got for himself became the common property of the partnership”—than which nothing more tricky or more scandalous can be

said. For I ask whether Roscius had the power to demand his share from the partnership, or not? If he could not, how did he get it? If he could, how was it that he did not demand it for himself? For that which is demanded for one's self, is certainly not exacted for another. Is it so? If he had made a demand of what belonged to the entire partnership, all would equally have shared what then came in. Now, when he demanded what was a part of his own share, did he not demand for himself alone what he got?

XVIII. What is the difference between him who goes to law for himself, and him who is assigned as agent for another? He who commences an action for himself, makes his demand for himself alone. No one can prefer a claim for another except him who is constituted his agent. Is it not so? If he had been your agent, you would get your own, because he had gained the action. But he preferred this claim in his own name; so what he got he got for himself, and not for you. But if any one can make a claim on behalf of another, who is not appointed his agent, I ask why then, when Panurgus was slain, and an action was commenced against Fannius on the plea of injury sustained by the loss, you were made the agent of Roscius for that action? especially when, according to what you now say, whatever claim you made for yourself you made for him; whatever recompense you exacted for yourself, would belong to the partnership. But if nothing would have come to Roscius which you had got from Flavius, unless he had appointed you agent for his action, so nothing ought to come to you which Roscius has exacted for his share, since he was not appointed your agent. For what answer can you make to this case, O Fannius? When Roscius settled with Flavius for his own share, did he leave you your right of action, or not? If he did not leave it you, how was it that you afterwards exacted a hundred thousand sesterces from him? If he did leave it, why do you claim from him what you ought to demand and follow up yourself? For partnership is very like inheritance, and, as it were, its twin sister. As a partner has a share in a partnership, so an heir has a share in an inheritance. As an heir prefers a claim for himself alone, and not for his co-heirs, so a partner prefers a claim for himself alone, and not for his partners. And as each prefers a claim for his own share, so he makes payments for his share alone; the

heir, out of the share which he has received of the inheritance, the partner, out of that property with which he entered into the partnership. As Roscius could have executed a release to Flavius in his own name, so as to prevent you from preferring any claim ; so, as he only exacted his own share, and left you your right to prefer a claim unimpaired, he ought not to share what he got with you—unless, indeed, you, by a perversion of all justice, are able to rob him of what is his, though you are not able to extort your own rights from another. Satrius persists in his opinion, that whatever a partner claims for himself becomes the property of the partnership. But if that be true, how great (plague take it !) was the folly of Roscius, who, by the advice and influence of lawyers, made a mutual agreement with Fannius, very carefully, that he should pay him half of whatever he got from Flavius ; if indeed, without any security or mutual agreement, nevertheless, Fannius owed it to the partnership ; that is to say, to Roscius.

[The rest of this speech is lost.]

## THE SPEECH AGAINST QUINTUS CÆCILIUS.

## THE ARGUMENT.

The provinces of the quæstors being distributed to them by lot, the province of Sicily fell to Cicero; Sextus Peducæus being the prætor. In his discharge of the duties of his office he very much ingratiated himself with the Sicilians, and at his departure he assured them of his assistance in whatever business they might have at Rome. Three years after his return from Sicily he was elected to the ædileship, being now in his thirty-seventh year, the earliest age at which a man could be ædile. Before his entrance into this office he undertook the prosecution of Caius Verres, late prætor of Sicily, who was accused of having treated the Sicilians with the greatest rapacity and tyranny. All the cities of Sicily concurred in this prosecution except Syracuse and Messana, as Verres had kept on good terms with them through fear of their riches and influence. The other towns all by a joint petition to Cicero entreated him to take the management of the prosecution, and he consented; Verres was supported by the Scipios, by the Metelli, and Hortensius. As soon as Cicero had agreed to undertake the management of the business, Quintus Cæcilius Niger came forth, a Sicilian by birth, who had been quæstor to Verres, and (being in reality the tool of Verres, and making this demand in order to stifle the prosecution) demanded that the management of it should be entrusted to him; partly on the ground that he was a Sicilian, partly because he was, as he stated, a personal enemy of Verres; also he alleged, that having been his quæstor in Sicily, he knew better than Cicero could know the crimes which Verres really had committed. Cicero replies to this with many reasons why the conduct of the prosecution should be committed to him, especially because he did not volunteer to take it up, but is urged by a sense of duty, being begged to do so by all the Sicilians; and also because he is in every respect well able to conduct it, from his acquaintance with the country and with the Sicilians.

There is some question why this speech is called *Divinatio*, and different reasons have been alleged for it; some saying that it is because it refers to what is to be done, not to what has been done: others, that it is so called because no witnesses and no documents are produced, and the judges, having to decide on the arguments of the speakers alone, are forced to guess their way. Cicero carried his point, and the prosecution was entrusted to him.

I. If any one of you, O judges, or of those who are present here, marvels perhaps at me, that I, who have for so many years been occupied in public causes and trials in such a manner

that I have defended many men but have prosecuted no one should now on a sudden change my usual purpose, and descend to act as accuser ;—he, if he becomes acquainted with the cause and reason of my present intention, will both approve of what I am doing, and will think, I am sure, that no one ought to be preferred to me as manager of this cause. As I had been quæstor in Sicily, O judges, and had departed from that province so as to leave among all the Sicilians a pleasing and lasting recollection of my quæstorship and of my name, it happened, that while they thought their chief protection lay in many of their ancient patrons, they thought there was also some support for their fortunes secured in me, who, being now plundered and harassed, have all frequently come to me by the public authority, entreating me to undertake the cause and the defence of all their fortunes. They say that I repeatedly promised and repeatedly assured them, that, if any time should arrive when they wanted anything of me, I would not be wanting to their service. They said that the time had come for me to defend not only the advantages they enjoyed, but even the life and safety of the whole province ; that they had now not even any gods in their cities to whom they could flee, because Caius Verres had carried off their most sacred images from the very holiest temples. That whatever luxury could accomplish in the way of vice, cruelty in the way of punishment, avarice in the way of plunder, or arrogance in the way of insult, had all been borne by them for the last three years, while this one man was prætor. That they begged and entreated that I would not reject them as suppliants, who, while I was in safety, ought to be suppliants to no one.

II. I was vexed and distressed, O judges, at being brought into such a strait, as to be forced either to let those men's hopes deceive them who had entreated succour and assistance of me, or else, when I had from my very earliest youth devoted myself entirely to defending men, to be now, under the compulsion of the occasion and of my duty, transferred to the part of an accuser. I told them that they had an advocate in Quintus Cæcilius, who had been quæstor in the same province after I was quæstor there. But the very thing which I thought would have been an assistance to me in getting rid of this difficulty, was above all things a hindrance to me ; for



they would have much more easily excused me if they had not known him, or if he had never been among them as quæstor. I was induced, O judges, by the considerations of duty, good faith, and pity ; by the example of many good men ; by the ancient customs and habits of our ancestors, to think that I ought to take upon myself this burden of labour and duty, not for any purpose of my own, but in the time of need to my friends. In which business, however, this fact consoles me, O judges, that this pleading of mine which seems to be an accusation is not to be considered an accusation, but rather a defence. For I am defending many men, many cities, the whole province of Sicily. So that, if one person is to be accused by me, I still almost appear to remain firm in my original purpose, and not entirely to have given up defending and assisting men. But if I had this cause so deserving, so illustrious, and so important ; if either the Sicilians had not demanded this of me, or I had not had such an intimate connexion with the Sicilians ; and if I were to profess that what I am doing I am doing for the sake of the republic, in order that a man endowed with unprecedented covetousness, audacity, and wickedness,—whose thefts and crimes we have known to be most enormous and most infamous, not in Sicily alone, but in Achaia, in Asia, in Cilicia, in Pamphylia, and even at Rome, before the eyes of all men,—should be brought to trial by my instrumentality, still, who would there be who could find fault with my act or my intention ?

III. What is there, in the name of gods and men ! by which I can at the present moment confer a greater benefit on the republic ? What is there which either ought to be more pleasing to the Roman people, or which can be more desirable in the eyes of the allies and of foreign nations, or more adapted to secure the safety and fortunes of all men ? The provinces depopulated, harassed, and utterly overturned ; the allies and tributaries of the Roman people afflicted and miserable, are seeking now not for any hope of safety, but for comfort in their destruction. They who wish the administration of justice still to remain in the hands of the senatorial body, complain that they cannot procure proper accusers ; those who are able to act as accusers, complain of the want of impartiality in the decisions. In the meantime the Roman people, although it suffers under many disadvantages and

difficulties, yet desires nothing in the republic so much as the restoration of the ancient authority and importance to the courts of law. It is from a regret at the state of our courts of law that the restoration of the power of the tribunes<sup>1</sup> is so eagerly demanded again. It is in consequence of the uncertainty of the courts of law, that another class<sup>2</sup> is demanded to determine law-suits; owing to the crimes and infamy of the judges, even the office of censor, which formerly was used to be accounted too severe by the people, is now again demanded, and has become popular and praiseworthy. In a time of such licentiousness on the part of the wicked, of daily complaint on the part of the Roman people, of dishonour in the courts of law, of unpopularity of the whole senate, as I thought that this was the only remedy for these numerous evils, for men who were both capable and upright to undertake the cause of the republic and the laws, I confess that I, for the sake of promoting the universal safety, devoted myself to upholding that part of the republic which was in the greatest danger. Now that I have shown the motives by which I was influenced to undertake the cause, I must necessarily speak of our contention, that, in appointing an accuser, you may have some certain line of conduct to follow. I understand the matter thus, O judges:—when any man is accused of extortion, if there be a contest between any parties as to who may best be entrusted with the prosecution, these two points ought to be regarded most especially; first, whom they, to whom the injury is said to have been done, wish most to be their counsel; and secondly, whom he, who is accused of having done those injuries, would least wish to be so.

IV. In this cause, O judges, although I think both these

<sup>1</sup> Sylla in his reform of the constitution on the early aristocratic principles, left to the tribunes only the *jus auxiliandi*, but deprived them of the right of making legislative or other proposals either to the senate or to the comitia without having previously obtained the sanction of the senate. But this arrangement did not last, for Pompey restored them to their former rights. Smith, Dict. Ant. p. 990, v. *Tribunis*.

<sup>2</sup> Caius Gracchus had procured a law to be passed, that the Roman knights should be the judges; and they acted as such for forty years. After his victory over Marius, Sylla made a law that the judges should be selected from the senate. This arrangement had lasted ten years with the effect mentioned here by Cicero; and Aurelius Cotta was at this time proposing a law that the judges should be taken from the senators, knights, and tribuni aerarii, jointly.

points plain, yet I will dilate upon each, and first on that which ought to have the greatest influence with you, that is to say, on the inclination of those to whom the injuries have been done; of those for whose sake this trial for extortion has been instituted. Caius Verres is said for three years to have depopulated the province of Sicily, to have desolated the cities of the Sicilians, to have made the houses empty, to have plundered the temples. The whole nation of the Sicilians is present, and complains of this. They fly for protection to my good faith, which they have proved and long known; they entreat assistance for themselves from you and from the laws of the Roman people through my instrumentality; they desire me to be their defender in these their calamities; they desire me to be the avenger of their injuries, the advocate of their rights, and the pleader of their whole cause. Will you, O Quintus Cæcilius, say this, that I have not approached the cause at the request of the Sicilians? or that the desire of those most excellent and most faithful allies ought not to be of great influence with these judges? If you dare to say that which Caius Verres, whose enemy you are pretending to be, wishes especially to be believed,—that the Sicilians did not make this request to me,—you will in the first place be supporting the cause of your enemy, against whom it is considered that no vague presumption, but that an actual decision has been come to, in the fact that has become notorious, that all the Sicilians have begged for me as their advocate against his injuries. If you, his enemy, deny that this is the case, which he himself to whom the fact is most injurious does not dare to deny, take care lest you seem to carry on your enmity in too friendly a manner. In the second place, there are witnesses, the most illustrious men of our states, all of whom it is not necessary that I should name; those who are present I will appeal to; while, if I were speaking falsely, they are the men whom I should least wish to be witnesses of my impudence. He, who is one of the assessors on this trial, Caius Marcellus, knows it; he, whom I see here present, Cnæus Lentulus Marcellinus, knows it; on whose good faith and protection the Sicilians principally depend, because the whole of that province is inalienably connected with the name of the Marcelli. These men know that this request was not only made to me, but that it was made so frequently and with such

earnestness, that I had no alternative except either to undertake the cause, or to repudiate the duty of friendship. But why do I cite these men as witnesses, as if the matter were doubtful or unknown? Most noble men are present here from the whole province, who being present, beg and entreat you, O judges, not to let your judgment differ from their judgment in selecting an advocate for their cause. Deputations from every city in the whole of Sicily, except two,<sup>1</sup> are present; and if deputations from those two were present also, two of the very most serious of the crimes would be lessened in which these cities are implicated with Caius Verres. But why have they entreated this protection from me above all men? If it were doubtful whether they had entreated it from me or not, I could tell why they had entreated it; but now, when it is so evident that you can see it with your eyes, I know not why it should be any injury to me to have it imputed to me that I was selected above all men. But I do not arrogate any such thing to myself, and I not only do not say it, but I do not wish even to leave any one to believe that I have been preferred to every possible advocate. That is not the fact but a consideration of the opportunities of each individual, and of his health, and of his aptitude for conducting this cause, has been taken into account. My desire and sentiments on this matter have always been these, that I would rather that any one of those who are fit for it should undertake it than I; but I had rather that I should undertake it myself than that no one should.

V. The next thing is, since it is evident that the Sicilians have demanded this of me, for us to inquire whether it is right that this fact should have any influence on you and on your judgments; whether the allies of the Roman people, your suppliants, ought to have any weight with you in a matter of extortion committed on themselves. And why need I say much on such a point as this? as if there were any doubt that the whole law about extortion was established for the sake of the allies. For when citizens have been robbed of

<sup>1</sup> Cicero means Syracuse and Messana, which did not join in the outcry against Verres, because Verres had resided at Syracuse, and had enriched that city with some of the plunder which he had taken from other cities; and he had treated Messana, in the same way, which place he had made the repository of his plunder till he could export it to Italy.

their money, it is usually sought to be recovered by civil action and by a private suit. This is a law affecting the allies,—this is a right of foreign nations. They have this fortress somewhat less strongly fortified now than it was formerly, but still if there be any hope left which can console the minds of the allies, it is all placed in this law. And strict guardians of this law have long since been required, not only by the Roman people, but by the most distant nations. Who then is there who can deny that it is right that the trial should be conducted according to the wish of those men for whose sake the law has been established? All Sicily, if it could speak with one voice, would say this:—"All the gold, all the silver, all the ornaments which were in my cities, in my private houses, or in my temples,—all the rights which I had in any single thing by the kindness of the senate and Roman people,—all that you, O Caius Verres, have taken away and robbed me of, on which account I demand of you a hundred million of sesterces according to the law. If the whole province, as I have said, could speak, it would say this, and as it could not speak, it has of its own accord chosen an advocate to urge these points, whom it has thought suitable. In a matter of this sort, will any one be found so impudent as to dare to approach or to aspire to the conduct of the cause of others against the will of those very people whose affairs are involved in it?

VI. If, O Quintus Cæcilius, the Sicilians were to say this to you,—we do not know you—we know not who you are, we never saw you before; allow us to defend our fortunes through the instrumentality of that man whose good faith is known to us; would they not be saying what would appear reasonable to every one? But now they say this—that they know both the men, that they wish one of them to be the defender of their cause, that they are wholly unwilling that the other should be. Even if they were silent they would say plainly enough why they are unwilling. But they are not silent; and yet will you offer yourself, when they are most unwilling to accept you? Will you still persist in speaking in the cause of others? Will you still defend those men who would rather be deserted by every one than defended by you? Will you still promise your assistance to those men who do neither believe that you wish to give it for their sake, nor

that, if you did wish it, you could do it? Why do you endeavour to take away from them by force the little hope for the remainder of their fortunes which they still retain, built upon the impartiality of the law and of this tribunal? Why do you interpose yourself expressly against the will of those whom the law directs to be especially consulted? Why do you now openly attempt to ruin the whole fortunes of those of whom you did not deserve very well when in the province? Why do you take away from them, not only the power of prosecuting their rights, but even of bewailing their calamities? If you are their counsel, whom do you expect to come forward of those men who are now striving, not to punish some one else by your means, but to avenge themselves on you yourself, through the instrumentality of some one or other?

VII. But this is a well established fact, that the Sicilians especially desire to have me for their counsel; the other point, no doubt, is less clear,—namely, by whom Verres would least like to be prosecuted! Did any one ever strive so openly for any honour, or so earnestly for his own safety, as that man and his friends have striven to prevent this prosecution from being entrusted to me? There are many qualities which Verres believes to be in me, and which he knows, O Quintus Cæcilius, do not exist in you: and what qualities each of us have I will mention presently; at this moment I will only say this, which you must silently agree to, that there is no quality in me which he can despise, and none in you which he can fear. Therefore, that great defender<sup>1</sup> and friend of his votes for you, and opposes me; he openly solicits the judges to have you preferred to me; and he says that he does this honestly, without any envy of me, and without any dislike to me. “For,” says he, “I am now asking for that which I usually obtain when I strive for it earnestly. I am not asking to have the defendant acquitted; but I am asking this, that he may be accused by the one man rather than by the other. Grant me this; grant that which is easy to grant, and honourable, and by no means invidious; and when you have granted that, you will, without any risk to yourself, and without any discredit, have granted

<sup>1</sup> Cicero alludes to Hortensius; indeed, the name of Hortensius appears in the text in some editions.

that he shall be acquitted in whose cause I am labouring." He says also, in order that some alarm may be mingled with the exertion of his influence, that there are certain men on the bench to whom he wishes their tablets to be shown, and that that is very easy, for that they do not give their votes separately, but that all vote together; and that a tablet,<sup>1</sup> covered with the proper wax, and not with that illegal wax which has given so much scandal, is given to every one. And he does not give himself all this trouble so much for the sake of Verres, as because he disapproves of the whole affair. For he sees that, if the power of prosecuting is taken away from the high-born boys whom he has hitherto played with, and from the public informers, whom he has always despised and thought insignificant (not without good reason), and to be transferred to fearless men of well-proved constancy, he will no longer be able to domineer over the courts of law as he pleases.

VIII. I now beforehand give this man notice, that if you determine that this cause shall be conducted by me, his whole plan of defence must be altered, and must be altered in such a manner as to be carried on in a more honest and honourable way than he likes; that he must imitate those most illustrious men whom he himself has seen, Lucius Crassus and Marcus Antonius; who thought that they had no right to bring anything to the trials and causes in which their friends were concerned, except good faith and ability. He shall have no room for thinking, if I conduct the case, that the tribunal can be corrupted without great danger to many. In this trial I think that the cause of the Sicilian nation,—that the cause of the whole Roman people, is undertaken by me; so that I have not to crush one worthless man alone, which is what the

<sup>1</sup> "The judges were provided with three tabellæ, one of which was marked with A, i.e. *absolva*, I acquit; the second with C, i.e. *condemno*, I condemn; and the third with N L, i.e. *non liquet*. It is not clear to me, why Cicero (pro Mil. 6) calls the first *littera salutaria*, and the second *littera tristis*. It would seem that in some trials the tabellæ were marked with the letters L, *libero*, and D, *damno*, respectively." Smith's Dict. Ant. v. *Tabella*. In trials like this between Cicero and Cæcilius, it is probable that the two tabellæ had the names of the different candidates inscribed on them. The circumstance alluded to in the text was that a short time before this Terentius Varro had been accused of extortion, and defended by Hortensius, who bribed the judges, and then in order to be sure that they voted as they had promised, caused tablets to be given to them smeared with coloured wax, so that he could easily recognise their votes in the balloting urn.

Sicilians have requested, but to extinguish and extirpate every sort of iniquity, which is what the Roman people has been long demanding. And how far I labour in this cause, or what I may be able to effect, I would rather leave to the expectations of others, than set forth in my own oration. But as for you, O Cæcilius, what can you do? On what occasion, or in what affair, have you, I will not say given proof to others of your powers, but even made trial of yourself to yourself? Has it never occurred to you how important a business it is to uphold a public cause? to lay bare the whole life of another? and to bring it palpably before, not only the minds of the judges, but before the very eyes and sight of all men; to defend the safety of the allies, the interests of the provinces, the authority of the laws, and the dignity of the judgment-seat?

IX. Judge by me, since this is the first opportunity of learning it that you have ever had, how many qualities must meet in that man who is the accuser of another: and if you recognise any one of these in yourself, I will, of my own accord, yield up to you that which you are desirous of. First of all, he must have a singular integrity and innocence. For there is nothing which is less tolerable than for him to demand an account of his life from another who cannot give an account of his own. Here I will not say any more of yourself. This one thing, I think, all may observe, that up to this time you had no opportunity of becoming known to any people except to the Sicilians; and that the Sicilians say this, that even though they are exasperated against the same man, whose enemy you say that you are, still, if you are the advocate, they will not appear on the trial. Why they refuse to, you will not hear from me. Allow these judges to suspect what it is inevitable that they must. The Sicilians, indeed, being a race of men over-acute, and too much inclined to suspiciousness, suspect that you do not wish to bring documents from Sicily against Verres; but, as both his prætorship and your quæstorship are recorded in the same documents, they suspect that you wish to remove<sup>1</sup> them out of Sicily. In the second place, an accuser must be trustworthy and veracious. Even if I were to think that you were desirous of being so, I

<sup>1</sup> The Latin is *deportare* and *asportare*, the former meaning to remove from one place to another, the latter to carry away; "but it seems by implication here, to carry them away with the intention of suppressing them."—Long.



easily see that you are not able to be so. Nor do I speak of those things, which, if I were to mention, you would not be able to invalidate, namely that you, before you departed from Sicily, had become reconciled to Verres; that Potamo, your secretary and intimate friend, was retained by Verres in the province when you left it; that Marcus Cæcilius, your brother, a most exemplary and accomplished young man, is not only not present here and does not stand by you while prosecuting your alleged injuries, but that he is with Verres, and is living on terms of the closest friendship and intimacy with him. These, and other things belonging to you, are many signs of a false accuser; but these I do not now avail myself of. I say this, that you, if you were to wish it ever so much, still cannot be a faithful accuser. For I see that there are many charges in which you are so implicated with Verres, that in accusing him, you would not dare to touch upon them.

X. All Sicily complains that Caius Verres, when he had ordered corn to be brought into his granary for him, and when a bushel of wheat was two sesterces, demanded of the farmers twelve sesterces a bushel for wheat.<sup>1</sup> It was a great crime, an immense sum, an impudent theft, an intolerable injustice. I must inevitably convict him of this charge; what will you do, O Cæcilius? Will you pass over this serious accusation, or will you bring it forward? If you bring it forward, will you charge that as a crime against another, which you did yourself at the same time in the same province? Will you dare so to accuse another, that you cannot avoid at the same time condemning yourself? If you omit the charge, what sort of a prosecution will yours be, which from fear of danger to yourself, is afraid not only to create a suspicion of a most certain and enormous crime, but even to make the least mention of it? Corn was bought, on the authority of a decree of the senate, of the Sicilians while Verres was prætor; for which corn all the money was not paid. This is a grave

<sup>1</sup> The prætor had the power to make an annual demand on the farmers for corn for the state, and the quæstor was to pay a fair market price for it; but in some cases the prætor allowed or compelled the farmer to pay a composition in money, instead of delivering corn, and Verres, when the market price of wheat was only two sesterces a bushel, compelled the farmers to pay twelve sesterces a bushel by way of composition.

charge against Verres ; a grave one if I plead the cause, but, if you are the prosecutor, no charge at all. For you were the quæstor, you had the handling of the public money ; and, even if the prætor desired it ever so much, yet it was to a great extent in your power to prevent anything being taken from it. Of this crime, therefore, if you are the prosecutor, no mention will be made. And so during the whole trial nothing will be said of his most enormous and most notorious thefts and injuries. Believe me, O Cæcilius, he who is connected with the criminal in a partnership of iniquity, cannot really defend his associates while accusing him. The contractors exacted money from the cities instead of corn. Well ! was this never done except in the prætorship of Verres ? I do not say that, but it was done while Cæcilius was quæstor. What then will you do ? Will you urge against this man as a charge, what you both could and ought to have prevented from being done ? or will you leave out the whole of it ? Verres, then, at his trial will absolutely never hear at all of those things, which, when he was doing them, he did not know how he should be able to defend.

XI. And I am mentioning those matters which lie on the surface. There are other acts of plunder more secret, which he, in order, I suppose, to check the courage and delay the attack of Cæcilius, has very kindly participated in with his quæstor. You know that information of these matters has been given to me ; and if I were to choose to mention them, all men would easily perceive that there was not only a perfect harmony of will subsisting between you both, but that you did not pursue even your plunder separately. So that if you demand to be allowed to give information of the crimes which Verres has committed in conjunction with you, I have no objection, if it is allowed by the law. But if we are speaking of conducting the prosecution, that you must yield to those who are hindered by no crimes of their own from being able to prove the offences of another. And see how much difference there will be between my accusation and yours. I intend to charge Verres with all the crimes that you committed, though he had no share in them, because he did not prevent you from committing them, though he had the supreme power ; you, on the other hand, will not allege against him even the crimes which he committed himself, lest you

should be found to be in any particular connected with him. What shall I say of these other points, O Cæcilius? Do these things appear contemptible to you, without which no cause, especially no cause of such importance, can by any means be supported? Have you any talent for pleading? any practice in speaking? Have you paid any attention or acquired any acquaintance with the forum, the courts, and the laws? I know in what a rocky and difficult path I am now treading; for as all arrogance is odious, so a conceit of one's abilities and eloquence is by far the most disagreeable of all. On which account I say nothing of my own abilities; for I have none worth speaking of, and if I had I would not speak of them. For either the opinion formed of me is quite sufficient for me, such as it is; or if it be too low an opinion to please me, still I cannot make it higher by talking about them.

XII. I will just, O Cæcilius, say this much familiarly to you about yourself, forgetting for a moment this rivalry and contest of ours. Consider again and again what your own sentiments are, and recollect yourself; and consider who you are, and what you are able to effect. Do you think that, when you have taken upon yourself the cause of the allies, and the fortunes of the province, and the rights of the Roman people, and the dignity of the judgment-seat and of the law, in a discussion of the most important and serious matters, you are able to support so many affairs and those so weighty and so various with your voice, your memory, your counsel, and your ability? Do you think that you are able to distinguish in separate charges, and in a well-arranged speech, all that Caius Verres has done in his quæstorship, and in his lieutenancy, and in his prætorship, at Rome, or in Italy, or in Achaia, or in Asia Minor, or in Pamphylia, as the actions themselves are divided by place and time? Do you think that you are able (and this is especially necessary against a defendant of this sort) to cause the things which he has done licentiously, or wickedly, or tyrannically, to appear just as bitter and scandalous to those who hear of them, as they did appear to those who felt them? Those things which I am speaking of are very important, believe me. Do not you despise this either; everything must be related, and demonstrated, and explained; the cause must be not merely stated, but it must also be gravely and copiously dilated on. You must cause, if you wish really

to do and to effect anything, men not only to hear you, but also to hear you willingly and eagerly. And if nature had been bountiful to you in such qualities, and if from your childhood you had studied the best arts and systems, and worked hard at them ;—if you had learnt Greek literature at Athens, not at Lilybæum, and Latin literature at Rome, and not in Sicily ; still it would be a great undertaking to approach so important a cause, and one about which there is such great expectation, and having approached it, to follow it up with the requisite diligence ; to have all the particulars always fresh in your memory ; to discuss it properly in your speech, and to support it adequately with your voice and your faculties. Perhaps you may say, What then ? Are you then endowed with all these qualifications ?—I wish indeed that I were ; but at all events I have laboured with great industry from my very childhood to attain them. And if I, on account of the importance and difficulty of such a study have not been able to attain them, who have done nothing else all my life, how far do you think that you must be distant from these qualities, which you have not only never thought of before, but which even now, when you are entering on a stage that requires them all, you can form no proper idea of, either as to their nature or as to their importance ?

XIII. I, who as all men know, am so much concerned in the forum and the courts of justice, that there is no one of the same age, or very few, who have defended more causes, and who spend all my time which can be spared from the business of my friends in these studies and labours, in order that I may be more prepared for forensic practice and more ready at it, yet, (may the gods be favourable to me as I am saying what is true !) whenever the thought occurs to me of the day when, the defendant having been summoned, I have to speak, I am not only agitated in my mind, but a shudder runs over my whole body. Even now I am surveying in my mind and thoughts what party spirit will be shown by men ; what throngs of men will meet ; how great an expectation the importance of the trial will excite ; how great a multitude of hearers the infamy of Caius Verres will collect ; how great an audience for my speech his wickedness will draw together. And when I think of these things, even now I am afraid as to what I shall be able to say suitable to the hatred men bear

him, who are inimical and hostile to him, and worthy of the expectation which all men will form, and of the importance of the case. Do you fear nothing, do you think of nothing, are you anxious about nothing of all this? Or if from some old speech you have been able to learn, "I entreat the mighty and beneficent Jupiter," or, "I wish it were possible, O judges," or something of the sort, do you think that you shall come before the court in an admirable state of preparation? And, even if no one were to answer you, yet you would not, as I think, be able to state and prove even the cause itself. Do you now never give it a thought, that you will have a contest with a most eloquent man, and one in a perfect state of preparation for speaking, with whom you will at one time have to argue, and at another time to strive and contend against him with all your might? Whose abilities indeed I praise greatly, but not so as to be afraid of them, and think highly of, thinking however at the same time that I am more easily to be pleased by them than cajoled by them.

XIV. He will never put me down by his acuteness; he will never put me out of countenance by any artifice; he will never attempt to upset and dispirit me by displays of his genius. I know all the modes of attack and every system of speaking the man has. We have often been employed on the same, often on opposite sides. Ingenious as he is, he will plead against me as if he were aware that his own ability is to some extent put on its trial. But as for you, O Cæcilius, I think that I see already how he will play with you, how he will bandy you about; how often he will give you power and option of choosing which alternative you please,—whether a thing were done or not, whether a thing be true or false; and whichever side you take will be contrary to your interest. What a heat you will be in, what bewilderment! what darkness, O ye immortal gods! will overwhelm the man, free from malice as he is. What will you do when he begins to divide the different counts of your accusation, and to arrange on his fingers each separate division of the cause? What will you do when he begins to deal with each argument, to disentangle it, to get rid of it? You yourself in truth will begin to be afraid lest you have brought an innocent man into danger. What will you do when he begins to pity his client, to complain, and to take off some of his unpopularity from him and

transfer it to you ? to speak of the close connexion necessarily subsisting between the quæstor and the prætor ? of the custom of the ancients ? of the holy nature of the connexion between those to whom the same province was by lot appointed ? Will you be able to encounter the odium such a speech will excite against you ? Think a moment ; consider again and again. For there seems to me to be danger of his overwhelming you not with words only, but of his blunting the edge of your genius by the mere gestures and motions of his body, and so distracting you and leading you away from every previous thought and purpose. And I see that the trial of this will be immediate ; for if you are able to-day to answer me and these things which I am saying ; if you even depart one word from that book which some elocution-master or other has given you, made up of other men's speeches ; I shall think that you are able to speak, and that you are not unequal to that trial also, and that you will be able to do justice to the cause and to the duty you undertake. But if in this preliminary skirmish with me you turn out nothing, what can we suppose you will be in the contest itself against a most active adversary ?

XV. Be it so ; he is nothing himself, he has no ability ; but he comes prepared with well-trained and eloquent supporters. And this too is something, though it is not enough ; for in all things he who is the chief person to act, ought to be the most accomplished and the best prepared. But I see that Lucius Appuleius is the next counsel on the list, a mere beginner, not as to his age indeed, but as to his practice and training in forensic contests. Next to him he has, as I think, Allienus ; he indeed does belong to the bar, but however, I never took any particular notice of what he could do in speaking ; in raising an outcry, indeed, I see that he is very vigorous and practised. In this man all your hopes are placed ; he, if you are appointed prosecutor, will sustain the whole trial. But even he will not put forth his whole strength in speaking, but will consult your credit and reputation ; and will abstain from putting forth the whole power of eloquence which he himself possesses, in order that you may still appear of some importance. As we see is done by the Greek pleaders ; that he to whom the second or third part belongs, though he may be able to speak somewhat better than his leader, often re-

strains himself a good deal, in order that the chief may appear to the greatest possible advantage, so will Allienus act.; he will be subservient to you, he will pander to your interest, he will put forth somewhat less strength than he might. Now consider this, O judges, what sort of accusers we shall have in this most important trial; when Allienus himself will somewhat abstain from displaying all his abilities, if he has any, and Cæcilius will only be able to think himself of any use, because Allienus is not so vigorous as he might be, and voluntarily allows him the chief share in the display. What fourth counsel he is to have with him I do not know, unless it be one of that crowd of losers of time who have entreated to be allowed an inferior part in this prosecution, whoever he might be to whom you gave the lead. And you are to appear in just this state of preparation, that you have to make friends of these men who are utter strangers to you, for the purpose of obtaining their assistance. But I will not do these men so much honour as to answer what they have said in any regular order, or to give a separate answer to each; but since I have come to mention them not intentionally, but by chance, I will briefly, as I pass, satisfy them all in a few words.

XVI. Do I seem to you to be in such exceeding want of friends that I must have an assistant given me, chosen not out of the men whom I have brought down to court with me, but out of the people at large? And are you suffering under such a dearth of defendants, that you endeavour to filch this cause from me rather than look for some defendants of your own class at the pillar of Mænius?<sup>1</sup> Appoint me, says he, to watch Tullius. What? How many watchers shall I have need of, if I once allow you to meddle with my bag? as you will have to be watched not only to prevent your betraying anything, but to prevent your removing anything. But for the whole matter of that watchman I will answer you thus in the briefest manner possible; that these honest judges will

<sup>1</sup> Mænius had sold his house to Cato and Valerius Flaccus when they were censors, and they had built the Porcian Piazza on the spot, but he had reserved for himself one pillar for him and his heirs to have a view of the gladiatorial contests from it; and near this column the triumvir-capitates held their court, before whose tribunal it was chiefly the lower sort of criminals who were brought, and as a general rule the advocates who practised in these courts were of a lower class than those who confined themselves to more respectable clients, and to civil actions.

never permit any assistant to force himself against my consent into so important a cause, when it has been undertaken by me, and is entrusted to me. In truth, my integrity rejects an overlooker ; my diligence is afraid of a spy. But to return to you, O Cæcilius, you see how many qualities are wanting to you ; how many belong to you which a guilty defendant would wish to belong to his prosecutor, you are well aware. What can be said to this ? For I do not ask what you will say yourself, I see that it is not you who will answer me, but this book which your prompter has in his hand ; who, if he be inclined to prompt you rightly, will advise you to depart from this place and not to answer me one word. For what can you say ? That which you are constantly repeating, that Verres has done you an injury ? I have no doubt he has, for it would not be probable, when he was doing injuries to all the Sicilians, that you alone should be so important in his eyes that he should take care of your interests. But the rest of the Sicilians have found an avenger of their injuries ; you, while you are endeavouring to exact vengeance for your injuries by your own means, (which you will not be able to effect,) are acting in a way to leave the injuries of all the rest unpunished and unavenged. And you do not see that it ought not alone to be considered who is a proper person to exact vengeance, but also who is a person capable of doing so,—that if there be a man in whom both these qualifications exist, he is the best man ; but if a man has only one of them, then the question usually asked is, not what he is inclined to do, but what he is able to do. And if you think that the office of prosecutor ought to be entrusted to him above all other men, to whom Caius Verres has done the greatest injury, which do you think the judges ought to be most indignant at,—at your having been injured by him, or at the whole province of Sicily having been harassed and ruined by him ? I think you must grant that this both is the worst thing of the two, and that it ought to be considered the worst by every one. Allow, therefore, that the province ought to be preferred to you as the prosecutor. For the province is prosecuting when he is pleading the cause whom the province has adopted as the defender of her rights, the avenger of her injuries, and the pleader of the whole cause.

XVII. Oh, but Caius Verres has done you such an injury



as might afflict the minds of all the rest of the Sicilians also, though the grievance was felt only by another. Nothing of the sort. For I think it is material also to this argument to consider what sort of injury is alleged and brought forward as the cause of your enmity. Allow me to relate it. For he indeed, unless he is wholly destitute of sense, will never say what it is. There is a woman of the name of Agonis, a Lilybæan, a freedwoman<sup>1</sup> of Venus Erycina; a woman who before this man was quæstor was notoriously well off and rich. From her some prefect of Antonius's<sup>2</sup> carried off some musical slaves whom he said he wished to use in his fleet. Then she, as is the custom in Sicily for all the slaves of Venus, and all those who have procured their emancipation from her, in order to hinder the designs of the prefect, by the scruples which the name of Venus would raise, said that she and all her property belonged to Venus. When this was reported to Cæcilius, that most excellent and upright man, he ordered Agonis to be summoned before him; he immediately orders a trial to ascertain "if it appeared that she had said that she and all her property belonged to Venus." The recuperators<sup>3</sup> decide all that was necessary, and indeed there was no doubt at all that she had said so. He sends men to take possession of the woman's property. He adjudges her herself to be again a slave of Venus; then he sells her property and confiscates the money. So while Agonis wishes to keep a few slaves under the name and religious protection of Venus, she loses all her fortunes and her own liberty by the wrong doing of that man. After that, Verres comes to Lilybæum; he takes cognisance of the affair; he disapproves of the act; he compels his quæstor to pay back and restore to its owner all the money which he had confiscated, having been received for the property of Agonis. He is here, and you may well admire it, no longer Verres, but Quintus Mucius.<sup>4</sup> For what could he do

<sup>1</sup> See Professor Long's note on this passage.

<sup>2</sup> Antonius had been appointed as naval commander-in-chief along the whole coast; in which capacity it was that he made his unauthorized attack on Crete, which gave rise to the war in which the island was reduced by Metellus Creticus.

<sup>3</sup> "In many cases a single judex was appointed, in others several were appointed, and they seem sometimes to have been called recuperatores, as opposed to the single judex."—Smith, Dict. Ant. p. 529, v. *Judex*.

<sup>4</sup> "Quintus Mucius Scaevola is spoken of here, who in the year A.U.C. 660 was sent as proconsul to Asia, where he governed with such

more delicate to obtain a high character among men? what more just to relieve the distress of the woman? what more severe to repress the licentiousness of his quæstor? All this appears to me most exceedingly praiseworthy. But at the very next step, in a moment, as if he had drank of some Circæan cup, having been a man, he becomes Verres again; he returns to himself and to his old habits. For of that money he appropriated a great share to himself, and restored to the woman only as much as he chose.

XVIII. Here now if you say that you were offended with Verres, I will grant you that and allow it; if you complain that he did you any injury, I will defend him and deny it. Secondly, I say that of the injury which was done to you no one of us ought to be a more severe avenger than you yourself, to whom it is said to have been done. If you afterwards became reconciled to him, if you were often at his house, if he after that supped with you, do you prefer to be considered as acting with treachery or by collusion with him? I see that one of these alternatives is inevitable, but in this matter I will have no contention with you to prevent your adopting which you please. What shall I say if even the pretext of that injury which was done to you by him no longer remains? What have you then to say why you should be preferred, I will not say to me, but to any one? except that which I hear you intend to say, that you were his quæstor: which indeed would be an important allegation if you were contending with me as to which of us ought to be the most friendly to him; but in a contention as to which is to take up a quarrel against him, it is ridiculous to suppose that an intimate connexion with him can be a just reason for bringing him into danger. In truth, if you had received ever so many injuries from your prætor, still you would deserve greater credit by bearing them than by revenging them; but when nothing in his life was ever done more rightly than that which you call an injury, shall these judges determine that this cause, which they would not even tolerate in any one else, shall appear in your case to be a reasonable one to justify the violation of your ancient connexion? When even if you had

'justice and strictness that the senate afterwards by formal decree reminded magistrates about to depart for that province of his example.'  
—Hottoman.

received the greatest injury from him, still, since you have been his quæstor, you cannot accuse him and remain blameless yourself. But if no injury has been done you at all, you cannot accuse him without wickedness; and as it is very uncertain whether any injury has been done you, do you think that there is any one of these men who would not prefer that you should depart without incurring blame rather than after having committed wickedness?

XIX. And just think how great is the difference between my opinion and yours. You, though you are in every respect inferior to me, still think that you ought to be preferred to me for this one reason, because you were his quæstor. I think, that if you were my superior in every other qualification, still that for this one cause alone you ought to be rejected as the prosecutor. For this is the principle which has been handed down to us from our ancestors, that a prætor ought to be in the place of a parent to his quæstor; that no more reasonable nor more important cause of intimate friendship can be imagined than a connexion arising from drawing the same lot, having the same province, and being associated in the discharge of the same public duty and office. Wherefore, even if you could accuse him without violating strict right, still, as he had been in the place of a parent to you, you could not do so without violating every principle of piety. But as you have not received any injury, and would yet be creating danger for your prætor, you must admit that you are endeavouring to wage an unjust and impious war against him. In truth, your quæstorship is an argument of so strong a nature, that you would have to take a great deal of pains to find an excuse for accusing him to whom you had acted as quæstor, and can never be a reason why you should claim on that account to have the office of prosecuting him entrusted to you above all men. Nor indeed, did any one who had acted as quæstor to another, ever contest the point of being allowed to accuse him without being rejected. And therefore, neither was permission given to Lucius Philo to bring forward an accusation against Caius Servilius, nor to Marcus Aurelius Scaurus to prosecute Lucius Flaccus, nor to Cnæus Pompeius to accuse Titus Albucius; not one of whom was refused this permission because of any personal unworthiness, but in order that the desire to violate such an intimate connexion might not be

sanctioned by the authority of the judges. And that great man Cnæus Pompeius contended about that matter with Caius Julius, just as you are contending with me. For he had been the quæstor of Albucius, just as you were of Verres : Julius had on his side this reason for conducting the prosecution, that, just as we have now been entreated by the Sicilians, so he had then been entreated by the Sardinians, to espouse their cause. And this argument has always had the greatest influence ; this has always been the most honourable cause for acting as accuser, that by so doing one is bringing enmity on oneself in behalf of allies, for the sake of the safety of a province, for the advantage of foreign nations—that one is for their sakes incurring danger, and spending much care and anxiety and labour.

XX. Even if the cause of those men who wish to revenge their own injuries be ever so strong, in which matter they are only obeying their own feelings of indignation, not consulting the advantage of the republic : how much more honourable is that cause, which is not only reasonable, but which ought to be acceptable to all,—that a man, without having received any private injury to himself, should be influenced by the sufferings and injuries of the allies and friends of the Roman people ! When lately that most brave and upright man Lucius Piso demanded to be allowed to prefer an accusation against Publius Gabinius, and when Quintus Cæcilius claimed the same permission in opposition to Piso, and said that in so doing he was following up an old quarrel which he had long had with Gabinius ; it was not only the authority and dignity of Piso which had great weight, but also the superior justice of his cause, because the Achæans had adopted him as their patron. In truth, when the very law itself about extortion is the protectress of the allies and friends of the Roman people, it is an iniquitous thing that he should not, above all others, be thought the fittest advocate of the law and conductor of the trial, whom the allies wish, above all men, to be the pleader of their cause, and the defender of their fortunes. Or ought not that which is the more honourable to mention, to appear also far the most reasonable to approve of ? Which then is the more splendid, which is the more honourable allegation—" I have prosecuted this man to whom I had acted as quæstor, with whom the lot cast for the provinces, and the custody of

our ancestors, and the judgment of gods and men had connected me," or, "I have prosecuted this man at the request of the allies and friends of the Roman people. I have been selected by the whole province to defend its rights and fortunes?" Can any one doubt that it is more honourable to act as prosecutor in behalf of those men among whom you have been quæstor, than as prosecutor of him whose quæstor you have been? The most illustrious men of our state, in the best of times, used to think this most honourable and glorious for them to ward off injuries from their hereditary friends, and from their clients, and from foreign nations which were either friends or subjects of the Roman people, and to defend their fortunes. We learn from tradition that Marcus Cato, that wise man, that most illustrious and most prudent man, brought upon himself great enmity from many men, on account of the injuries of the Spaniards among whom he had been when consul. We know that lately Cnæus Domitius prosecuted Marcus Silanus on account of the injuries of one man, Egritomarus, his father's friend and comrade.

XXI. Nor indeed has anything ever had more influence over the minds of guilty men than this principle of our ancestors, now re-adopted and brought back among us after a long interval, namely, that the complaints of the allies should be brought to a man who is not very inactive, and their advocacy undertaken by him who appeared able to defend their fortunes with integrity and diligence. Men are afraid of this; they endeavour to prevent this; they are disquieted at such a principle having ever been adopted, and after it has been adopted at its now being resuscitated and brought into play again. They think that, if this custom begins gradually to creep on and advance, the laws will be put in execution, and actions will be conducted by honourable and fearless men, and not by unskilful youths, or informers of this sort. Of which custom and principle our fathers and ancestors did not repent when Publius Lentulus, he who was chief of the Senate, prosecuted Marcus Aquillius, having Caius Rutilius Rufus backing the accusation; or when Publius Africanus, a man most eminent for valour, for good fortune, for renown, and for exploits, after he had been twice consul and had been censor brought Lucius Cotta to trial. Then the name of the Roman people was rightly held in high honour; rightly was the

authority of this empire and the majesty of the state considered illustrious. Nobody marvelled in the case of that great man Africanus, as they now pretend to marvel with respect to me, a man endowed with but moderate influence and moderate talents, just because they are annoyed at me; "What can he be meaning? does he want to be considered a prosecutor who hitherto has been accustomed to defend people? and especially now at the age when he is seeking the ædileship?" But I think it becomes not my age only, but even a much greater age, and I think it an action consistent with the highest dignity to accuse the wicked, and to defend the miserable and distressed. And in truth, either this is a remedy for a republic diseased and in an almost desperate condition, and for tribunals corrupted and contaminated by the vices and baseness of a few, for men of the greatest possible honour and uprightness and modesty to undertake to uphold the stability of the laws, and the authority of the courts of justice; or else, if this is of no advantage, no medicine whatever will ever be found for such terrible and numerous evils as these. There is no greater safety for a republic, than for those who accuse another to be no less alarmed for their own credit, and honour, and reputation, than they who are accused are for their lives and fortunes. And therefore, those men have always conducted prosecutions with the greatest care and with the greatest pains, who have considered that they themselves had their reputations at stake.

XXII. You, therefore, O judges, ought to come to this decision, that Quintus Cæcilius, of whom no one has ever had any opinion, and from whom even in this very trial nothing could be expected—who takes no trouble either to preserve a reputation previously acquired, or to give grounds for hope of himself in future times—will not be likely to conduct this cause with too much severity, with too much accuracy, or with too much diligence. For he has nothing which he can lose by disappointing public expectation; even if he were to come off ever so shamefully, or ever so infamously, he will lose no credit which he at present enjoys. From us the Roman people has many hostages which we must labour with all our might and by every possible means to preserve uninjured, to defend, to keep in safety, and to redeem; it has

honour which we are desirous of; it has hope, which we constantly keep before our eyes; it has reputation, acquired with much sweat and labour day and night; so that if we prove our duty and industry in this cause, we may be able to preserve all those things which I have mentioned safe and unimpaired by the favour of the Roman people; but if we trip and stumble ever so little, we may at one moment lose the whole of those things which have been collected one by one and by slow degrees. On which account it is your business, O judges, to select him who you think can most easily sustain this great cause and trial with integrity, with diligence, with wisdom, and with authority. If you prefer Quintus Cæcilius to me, I shall not think that I am surpassed in dignity; but take you care that the Roman people do not think that a prosecution as honest, as severe, as diligent as this would have been in my hands, was neither pleasing to yourselves nor to your body.

---

## THE FIRST ORATION AGAINST VERRES.

### THE ARGUMENT.

After the last oration it was decided that Cicero was to conduct the prosecution against Verres; accordingly, a hundred and ten days were allowed him to prepare the evidence, with which object he went himself to Sicily to examine witnesses, and to collect facts in support of his charges, taking with him his cousin Lucius Cicero as an assistant, and in this journey, contrary to all precedent, he bore his own expenses, resolving to put the island to no charge on his account. At Syracuse the prætor, Metellus, endeavoured to obstruct him in his inquiries, but the magistrates received him with great respect, and, declaring to him that all that they had previously done in favour of Verres (for they had erected a gilt statue of him, and had sent a testimonial of his good conduct and kind government of them to Rome) had been extorted from them by intrigue and terror, they delivered into his hands authentic accounts of many injuries their city had received from Verres, and they revoked by a formal decree the public praises which they had given him. Messana, however, continued firm in its engagements to Verres, and denied Cicero all the honours to which he was entitled. When he finished his investigations, apprehending that he might be waylaid by the contrivance of Verres, he returned by sea to Rome, where he found intrigues carrying on to protract the affair as much as possible, in order to delay

the decision of it till the year following, when Hortensius and Metellus were to be the consuls, and the brother of Metellus was to be prætor, by whose united authority the prosecution might be stifled: and it was now so late in the year that there was not time to bring the trial to an end, if the ordinary course of proceeding was adhered to. But Cicero, determined to bring on the decision while Clabrio continued prætor, abandoned his idea of making a long speech, and of taking up time in dilating on and enforcing the different counts of the indictment, and resolved to do nothing more than produce his witnesses, and offer them to examination; and this novel method of conducting the case, together with the powerful evidence produced, which he could not invalidate, so confounded Hortensius, that he could find nothing to say in his client's defence, who in despair went of his own accord into banishment.

The object of Cicero in this oration is to show that it is out of sheer necessity that he does this, and that he is driven to such a proceeding by the intrigues of the opposite party. He therefore exhorts the judges not to be intimidated or cajoled into a dishonest decision, and threatens the opposite party with punishment for endeavouring to corrupt the judges.

I. That which was above all things to be desired, O judges, and which above all things was calculated to have the greatest influence towards allaying the unpopularity of your order, and putting an end to the discredit into which your judicial decisions have fallen, appears to have been thrown in your way, and given to you not by any human contrivance, but almost by the interposition of the gods, at a most important crisis of the republic. For an opinion has now become established, pernicious to us, and pernicious to the republic, which has been the common talk of every one, not only at Rome, but among foreign nations also,—that in the courts of law as they exist at present, no wealthy man, however guilty he may be, can possibly be convicted. Now at this time of peril to your order and to your tribunals, when men are ready to attempt by harangues, and by the proposal of new laws, to increase the existing unpopularity of the senate, Caius Verres is brought to trial as a criminal, a man condemned in the opinion of every one by his life and actions, but acquitted by the enormosity of his wealth according to his own hope and boast. I, O judges, have undertaken this cause as prosecutor with the greatest good wishes and expectation on the part of the Roman people, not in order to increase the unpopularity of the senate, but to relieve it from the discredit which I share with it. For I have brought before you a man, by



acting justly in whose case you have an opportunity of retrieving the lost credit of your judicial proceedings, of regaining your credit with the Roman people, and of giving satisfaction to foreign nations ; a man, the embezzler of the public funds, the petty tyrant of Asia and Pamphylia, the robber who deprived the city of its rights, the disgrace and ruin of the province of Sicily. And if you come to a decision about this man with severity and a due regard to your oaths, that authority which ought to remain in you will cling to you still ; but if that man's vast riches shall break down the sanctity and honesty of the courts of justice, at least I shall achieve this, that it shall be plain that it was rather honest judgment that was wanting to the republic, than a criminal to the judges, or an accuser to the criminal.

II. I, indeed, that I may confess to you the truth about myself, O judges, though many snares were laid for me by Caius Verres, both by land and sea, which I partly avoided by my own vigilance, and partly warded off by the zeal and kindness of my friends, yet I never seemed to be incurring so much danger, and I never was in such a state of great apprehension, as I am now in this very court of law. Nor does the expectation which people have formed of my conduct of this prosecution, nor this concourse of so vast a multitude as is here assembled, influence me (though indeed I am greatly agitated by these circumstances) so much as his nefarious plots which he is endeavouring to lay at one and the same time against me, against you, against Marcus Glabrio the prætor, and against the allies, against foreign nations, against the senate, and even against the very name of senator ; whose favourite saying it is that they have got to fear who have stolen only as much as is enough for themselves, but that he has stolen so much that it may easily be plenty for many ; that nothing is so holy that it cannot be corrupted, or so strongly fortified that it cannot be stormed by money. But if he were as secret in acting as he is audacious in attempting, perhaps in some particular he might some time or other have escaped our notice. But it happens very fortunately that to his incredible audacity there is joined a most unexampled folly. For as he was unconcealed in committing his robberies of money, so in his hope of corrupting the judges he has made his intentions and endeavours visible to every one. He says

that once only in his life has he felt fear. at the time when he was first impeached as a criminal by me ; because he was only lately arrived from his province, and was branded with unpopularity and infamy, not modern but ancient and of long standing ; and, besides that, the time was unlucky, being very ill-suited for corrupting the judges. Therefore, when I had demanded a very short time to prosecute my inquiries in Sicily, he found a man to ask for two days less to make investigations in Achaia ;<sup>1</sup> not with any real intention of doing the same with his diligence and industry, that I have accomplished by my labour, and daily and nightly investigations. For the Achæan inquisitor never even arrived at Brundisium. I in fifty days so travelled over the whole of Sicily that I examined into the records and injuries of all the tribes and of all private individuals, so that it was easily visible to every one, that he had been seeking out a man not really for the purpose of bringing the defendant whom he accused to trial, but merely to occupy the time which ought to belong to me.

III. Now that most audacious and most senseless man thinks this. He is aware that I am come into court so thoroughly prepared and armed, that I shall fix all his thefts and crimes not only in your ears, but in the very eyes of all men. He sees that many senators are witnesses of his audacity ; he sees that many Roman knights are so too, and many citizens, and many of the allies besides to whom he has done unmistakeable injuries. He sees also that very numerous and very important deputations have come here at the same time from most friendly cities, armed with the public authority and evidence collected by their states. And though this is the case, still he thinks so ill of all virtuous men, to such an extent does he believe the decisions of the senators to be corrupt and profligate, that he makes a custom of openly boasting that it was not without reason that he was greedy of money, since he now finds that there is such protection in money, and that he has bought (what was the hardest thing of all) the very time of his trial, in order to be able to buy everything else more easily ; so that, as he could not by any possibility shirk the force of the accusations altogether, he might avoid the most violent gusts of the storm. But if he

<sup>1</sup> It is not certainly known what Cicero refers to here.

had placed any hope at all, not only in his cause, but in any honourable defence, or in the eloquence or in the influence of any one, he would not be so eager in collecting and catching at all these things; he would not scorn and despise the senatorial body to such a degree, as to procure a man to be selected out of the senate at his will to be made a criminal of, who should plead his cause<sup>1</sup> before him, while he in the meantime was preparing whatever he had need of. And what the circumstances are on which he founds his hopes, and what hopes he builds on them, and what he is fixing his mind on, I see clearly. But how he can have the confidence to think that he can effect anything with the present prætor, and the present bench of judges, I cannot conceive. This one thing I know, which the Roman people perceived too when he rejected<sup>2</sup> the judges, that his hopes were of that nature that he placed all his expectations of safety in his money; and that if this protection were taken from him, he thought nothing would be any help to him.

IV. In truth, what genius is there so powerful, what faculty of speaking, what eloquence so mighty, as to be in any particular able to defend the life of that man, convicted as it is of so many vices and crimes, and long since condemned by the inclinations and private sentiments of every one. And, to say nothing of the stains and disgraces of his youth, what other remarkable event is there in his quæstorship, that first step to honour, except that Cnæus Carbo was robbed by his quæstor of the public money? that the consul was plundered and betrayed? his army deserted? his province abandoned? the holy nature and obligations imposed on him by lot<sup>3</sup> violated? —whose lieutenantcy was the ruin of all Asia and Pamphylia, in which provinces he plundered many houses, very many cities, all the shrines and temples; when he renewed and repeated against Cnæus Dolabella his ancient wicked tricks

<sup>1</sup> This refers to the same subject as the previous note.

<sup>2</sup> "In any given case the litigant parties agreed upon a judex, or accepted him whom the magistrates proposed; a party had the power of rejecting a proposed judex, though there must have been some limit to this power." (Cic. Pro Cluent. 43.) Smith, Dict. Ant. v. *Judex*. What the limits to this power were, or under what restrictions it was exercised, we do not now know.

<sup>3</sup> Because the provinces which involved all these obligations were distributed by lot to the different magistrates.

when he had been quæstor, and did not only in his danger desert, but even attack and betray the man to whom he had been lieutenant, and proquæstor,<sup>1</sup> and whom he had brought into odium by his crimes ;—whose city prætorship was the destruction of the sacred temples and the public works, and, as to his legal decisions, was the adjudging and awarding of property contrary to all established rules and precedents. But now he has established great and numerous monuments and proofs of all his vices in the province of Sicily, which he for three years so harassed and ruined that it can by no possibility be restored to its former condition, and appears scarcely able to be at all recovered after a long series of years, and a long succession of virtuous prætors. While this man was prætor the Sicilians enjoyed neither their own laws, nor the decrees of our senate, nor the common rights of every nation. Every one in Sicily has only so much left as either escaped the notice or was disregarded by the satiety of that most avaricious and licentious man.

V. No legal decision for three years was given on any other ground but his will ; no property was so secure to any man, even if it had descended to him from his father and grandfather, but he was deprived of it at his command ; enormous sums of money were exacted from the property of the cultivators of the soil by a new and nefarious system. The most faithful of the allies were classed in the number of enemies. Roman citizens were tortured and put to death like slaves ; the greatest criminals were acquitted in the courts of justice through bribery ; the most upright and honourable men, being prosecuted while absent, were condemned and banished without being heard in their own defence ; the most fortified harbours, the greatest and strongest cities, were laid open to pirates and robbers ;<sup>2</sup> the sailors and soldiers of the

<sup>1</sup> "The proconsul or prætor who had the administration of a province, was attended by a quæstor. This quæstor had undoubtedly to perform the same offices as those who accompanied the armies into the field. . . They had also to levy those parts of the public revenue which were not farmed by the publicani . . . In the provinces they had the same jurisdiction as the curule ædiles at Rome . . . The relation existing between a prætor or proconsul and his quæstor was according to ancient custom regarded as resembling that between a father and his son. When a quæstor died in his province, the prætor had the right to appoint a proquæstor in his stead."—Smith, Dict. Ant. p. 814, v. *Quæstor*.

<sup>2</sup> The coast of Sicily being much infested by pirates, it was the

Sicilians, our own allies and friends, died of hunger ; the best built fleets on the most important stations were lost and destroyed, to the great disgrace of the Roman people. This same man while prætor plundered and stripped those most ancient monuments, some erected by wealthy monarchs and intended by them as ornaments for their cities ; some, too, the work of our own generals, which they either gave or restored as conquerors to the different states in Sicily. And he did this not only in the case of public statues and ornaments, but he also plundered all the temples consecrated in the deepest religious feelings of the people. He did not leave, in short, one god to the Sicilians which appeared to him to be made in a tolerably workmanlike manner, and with any of the skill of the ancients. I am prevented by actual shame from speaking of his nefarious licentiousness as shown in rapes and other such enormities ; and I am unwilling also to increase the distress of those men who have been unable to preserve their children and their wives unpolluted by his wanton lust. But, you will say, these things were done by him in such a manner as not to be notorious to all men. I think there is no man who has heard his name who cannot also relate wicked actions of his ; so that I ought rather to be afraid of being thought to omit many of his crimes, than to invent any charges against him. And indeed I do not think that this multitude which has collected to listen to me wishes so much to learn of me what the facts of the case are, as to go over it with me, refreshing its recollection of what it knows already.

VI. And as this is the case, that senseless and profligate man attempts to combat me in another manner. He does not

custom of the prætors to fit out a fleet every year for the protection of trade. This fleet was provided by a contribution of the maritime towns, each of which usually furnished a ship, properly appointed with men and provisions ; but Verres, for a sufficient bribe, often excused them from providing the ship, and always discharged as many men as were willing to pay for it. On one occasion a fleet was fitted out, and the command of it given, not to any Roman officer, but to Cleomenes, a Syracusan, who being both incapable, and also short of hands from the proceedings of Verres, was attacked in the port of Pachynus, two of his ships taken, and the rest burnt ; after which the pirates sailed into the port of Syracuse, and returned back in safety ; but Verres compelled all the captains of Cleomenes's fleet to sign a document testifying that this disaster had not happened through any deficiency in the equipment of their ships, which were fully provided with everything necessary, and then he put them to death.

seek to oppose the eloquence of any one else to me ; he does not rely on the popularity, or influence, or authority of any one. He pretends that he trusts to these things ; but I see what he is really aiming at ; (and indeed he is not acting with any concealment.) He sets before me empty titles of nobility, that is to say the names of arrogant men, who do not hinder me so much by being noble, as assist me by being notorious, —he pretends to rely on their protection ; when he has in reality been contriving something else this long time. What hope he now has, and what he is endeavouring to do, I will now briefly explain to you, O judges. But first of all, remark, I beg you, how the matter has been arranged by him from the beginning. When he first returned from the province, he endeavoured to get rid of this prosecution by corrupting the judges at a great expense ; and this object he continued to keep in view till the conclusion of the appointment of the judges. After the judges were appointed, because in drawing lots for them the fortune of the Roman people had defeated his hopes, and in the rejecting some my diligence had defeated his impudence, the whole attempt at bribery was abandoned. The affair was going on admirably ; lists of your names and of the whole tribunal were in every one's hands. It did not seem possible to mark the votes<sup>1</sup> of these men with any distinguishing mark or colour or spot of dirt ; and that fellow, from having been brisk and in high spirits, became on a sudden so downcast and humbled, that he seemed to be condemned not only by the Roman people but even by himself. But lo ! all of a sudden, within these few days, since the consular comitia<sup>2</sup> have taken place, he has gone back to his original plan with more money, and the same plots are now laid against your reputation and against the fortunes of every one, by the instrumentality of the same people ; which fact at first, O judges, was pointed out to me by a very slight hint and indication ; but afterwards, when my suspicions were once aroused, I arrived at the knowledge of all the most secret counsels of that party without any mistake.

VII. For as Hortensius the consul elect was being attended

<sup>1</sup> This refers to the way in which Hortensius had once marked the judges whom he had bribed, as is mentioned in the speech against Cæcilius.

<sup>2</sup> The *comitia centuriata* for the election of consuls for the succeeding year were held on the 26th of July.

home again from the Campus by a great concourse and multitude of people, Caius Curio fell in with that multitude by chance,—a man whom I wish to name by way of honour rather than of disparagement. I will tell you what, if he had been unwilling to have it mentioned, he would not have spoken of in so large an assembly so openly and undisguisedly; which, however, shall be mentioned by me deliberately and cautiously, that it may be seen that I pay due regard to our friendship and to his dignity. He sees Verres in the crowd by the arch of Fabius;<sup>1</sup> he speaks to the man, and with a loud voice congratulates him on his victory. He does not say a word to Hortensius himself, who had been made consul, or to his friends and relations who were present attending on him; but he stops to speak to this man, embraces him, and bids him cast off all anxiety. “I give you notice,” said he, “that you have been acquitted by this day’s comitia.” And as many most honourable men heard this, it is immediately reported to me; indeed, every one who saw me mentioned it to me the first thing. To some it appeared scandalous, to others ridiculous; ridiculous to those who thought that this cause depended on the credibility of the witnesses, on the importance of the charges, and on the power of the judges, and not on the consular comitia; scandalous to those who looked deeper, and who thought that this congratulation had reference to the corruption of the judge. In truth, they argued in this manner—the most honourable men spoke to one another and to me in this manner—that there were now manifestly and undeniably no courts of justice at all. The very criminal who the day before thought that he was already condemned, is acquitted now that his defender has been made consul. What are we to think then? Will it avail nothing that all Sicily, all the Sicilians, that all the merchants who have business in that country, that all public and private documents are now at Rome? Nothing, if the consul elect wills it otherwise. What! will not the judges be influenced by the accusation, by the evidence, by the universal opinion of the Roman people? No. Everything will be governed by the power and authority of one man.

<sup>1</sup> This arch had been erected to commemorate the victory obtained by Fabius over the Allobroges; and it was erected in the *Via Sacra*, as Cicero mentions in his speech *Pro Plancio*.

VIII. I will speak the truth, O judges. This thing agitated me greatly; for every good man was speaking in this way — “That fellow will be taken out of your hands; but we shall not preserve our judicial authority much longer; for who, when Verres is acquitted, will be able to make any objection to transferring it from us?” It was a grievous thing to every one, and the sudden elation of that profligate man did not weigh with them as much as that fresh congratulation of a very honourable one. I wished to dissemble my own vexation at it; I wished to conceal my own grief of mind under a cheerful countenance, and to bury it in silence. But lo! on the very days when the prætors elected were dividing their duties by lot, and when it fell to the share of Marcus Metellus to hold trials concerning extortion, information is given me that that fellow was receiving such congratulations, that he also sent men home to announce it to his wife. And this too in truth displeased me; and yet I was not quite aware what I had so much to fear from this allotment of the prætor’s duties. But I ascertained this one thing from trustworthy men from whom I received all my intelligence; that many chests full of Sicilian money had been sent by some senator to a Roman knight, and that of these about ten chests had been left at that senator’s house, with the statement that they were left to be used in the comitia when I expected to be elected ædile, and that men to distribute this money among all the tribes had been summoned to attend him by night. Of whom one, who thought himself under the greatest obligations to me, came to me that same night; reports to me the speech which that fellow had addressed to them; that he had reminded them how liberally he had treated them formerly when he was candidate for the prætorship, and at the last consular and prætorian comitia; and in the second place that he had promised them immediately whatever money they required, if they could procure my rejection from the ædileship. That on this some of them said that they did not dare attempt it; that others answered that they did not think it could be managed; but that one bold friend was found, a man of the same family as himself, Quintus Verres, of the Romilian tribe, of the most perfect school of bribers, the pupil and friend of Verres’s father, who promised that, if five hundred thousand sesterces were provided, he would manage it; and that there were some



others who said that they would co-operate with him. And as this was the case, he warned me beforehand with a friendly disposition, to take great care.

IX. I was disquieted about many most important matters at one and the same moment, and with very little time to deliberate. The comitia were at hand; and at them I was to be opposed at immense expenditure of money. This trial was at hand; the Sicilian treasurers menaced that matter also. I was afraid, from apprehension about the comitia, to conduct the matters relating to the trial with freedom; and because of the trial, I was unable to attend with all my heart to my canvass. Threatening the agents of bribery was out of the question, because I saw that they were aware that I was hampered and fettered by this trial. And at this same moment I hear that notice has been given to the Sicilians by Hortensius to come to speak to him at his house; that the Sicilians behaved in that matter with a proper sense of their own liberty, and, when they understood on what account they were sent for, they would not go. In the meantime my comitia began to be held; of which that fellow thought himself the master, as he had been of all the other comitia this year. He began to run about, that influential man, with his son, a youth of engaging and popular manners, among the tribes. The son began to address and to call on all the friends of his father, that is to say, all his agents for bribery; and when this was noticed and perceived, the Roman people took care with the most earnest good-will that I should not be deprived of my honour through the money of that man, whose riches had not been able to make me violate my good faith. After that I was released from that great anxiety about my canvass, I began, with a mind much more unoccupied and much more at ease, to think of nothing and to do nothing except what related to this trial. I find, O judges, these plans formed and begun to be put in execution by them, to protract the matter, whatever steps it might be necessary to take in order to do so, so that the cause might be pleaded before Marcus Metellus as prætor. That by doing so they would have these advantages; firstly, that Marcus Metellus was most friendly to them; secondly, that not only would Hortensius be consul, but Quintus Metellus also: and listen while I show you how great a friend he is to them. For he gave him a token of his good-will of

such a sort, that he seemed to be giving it as a return for the suffrages<sup>1</sup> of the tribes which he had secured to him. Did you think that I would say nothing of such serious matters as these? and that, at a crisis of such danger to the republic and my own character, I would consult anything rather than my duty and my dignity? The other consul elect sent for the Sicilians; some came, because Lucius Metellus was prætor in Sicily. To them he speaks in this manner: that he is the consul; that one of his brothers has Sicily for his province; that the other is to be judge in all prosecutions for extortion; and that care had been taken in many ways that there should be no possibility of Verres being injured.

X. I ask you, Metellus, what is corrupting the course of justice, if this is not,—to seek to frighten witnesses, and especially Sicilians, timid and oppressed men, not only by your own private influence, but by their fear of the consul, and by the power of two prætors? What would you do for an innocent man or for a relation, when for the sake of a most guilty man, entirely unconnected with you, you depart from your duty and your dignity, and allow what he is constantly saying to appear true to any one who is not acquainted with you? For they said that Verres said, that you had not been made consul by destiny, as the rest of your family had been, but by his assistance. Two consuls, therefore, and the judge are to be such because of his will. We shall not only, says he, avoid having a man too scrupulous in investigating, too subservient to the opinion of the people, Marcus Glabrio, but we shall have this advantage also:—Marcus Cæsonius is the judge, the colleague of our accuser, a man of tried and proved experience in the decision of actions. It will never do for us to have such a man as that on the bench, which we are endeavouring to corrupt by some means or other; for before, when he was one of the judges on the tribunal of which Junius<sup>2</sup> was president, he was not only very indignant at that

<sup>1</sup> "The order in which the centuries voted was decided by lot, and that which gave its vote first was called *centuria prærogativa*."—Smith, Dict. Ant. p. 274, v. *Comitia*. "We also find the plural *prærogativæ*, because they were of two kinds, *juniorum* and *seniorum*."—Kiddle's Dict. in v. *Prærogativa*.

<sup>2</sup> Cæsonius was now ædile elect with Cicero. In the prosecution instituted by Cluentius against Oppianicus, while Verres was prætor, Cæsonius, Oppianicus had tried to ensure his acquittal by bribing

shameful transaction, but he even betrayed and denounced it. After the first of January we shall not have this man for our judge,—we shall not have Quintus Manlius and Quintus Cornificius, two most severe and upright judges, for judges, because they will then be tribunes of the people. Publius Sulpicius, a solemn and upright judge, must enter on his magistracy on the fifth of November. Marcus Crepereius, of that renowned equestrian family and of that incorruptible character; Lucius Cassius, of a family renowned for its severity in all things, and especially as judges; Cnæus Tremellius, a man of the greatest scrupulousness and diligence;—these three men of ancient strictness of principle are all military tribunes elect. After the first of January they will not be able to act as judges. And besides this, we elect by lot a successor in the room of Marcus Metellus, since he is to preside over this very trial. And so after the first of January, the prætor, and almost the whole bench of judges being changed, we shall elude the terrible threats of the prosecutor, and the great expectations entertained of this trial, and manage it according to our own will and pleasure. To-day is the fifth of August. You began to assemble at the ninth hour. This day they do not even count. There are ten days between this and the votive games which Cnæus Pompey is going to celebrate. These games will take up fifteen days; then immediately the Roman games will follow. And so, when nearly forty days have intervened, then at length they think they shall have to answer what has been said by us; and they think that, what with speeches, and what with excuses, they will easily be able to protract the cause till the period of the games of Victory. With these the plebeian games are connected, after which there will be either no day at all, or very few for pleading in. And so, when the accusation has got stale and cold, the matter will come all fresh before Marcus Metellus as prætor. And if I had distrusted his good faith, I should not have retained him as a judge; but now I have such an opinion of him, that I would rather this matter was brought to a close while he is judge than while he is prætor; and I would rather entrust to

Stalonus, Ballus, and Gutta, three of the judges; but Cæsonius divulged the corrupt nature of their motives, procured the conviction of Oppianicus, and the subsequent impeachment and punishment of the judges who had been bribed.

him his own tablet while he is on his oath, than the tablets of others when he is restrained by no such obligation.

XI. Now, O judges, I consult you as to what you think I ought to do. For you will, in truth, without speaking, give me that advice which I understand that I must inevitably adopt. If I occupy the time which I legitimately might in speaking, I shall reap the fruit of my labour, industry, and diligence; and by this prosecution I shall make it manifest that no one in the memory of man appears ever to have come before a court of justice better prepared, more vigilant, or with his cause better got up. But while I am getting this credit for my industry, there is great danger lest the criminal may escape. What, then, is there which can be done? I think it is neither obscure nor hidden. I will reserve for another time that fruit of praise which may be derived from a long uninterrupted speech. At present I must support this accusation by documentary evidence, by witnesses, by letters of private individuals and of public bodies, and by various other kinds of proof. The whole of this contest is between you and me, O Hortensius. I will speak openly. If I thought that you were contending with me in the matter of speaking, and of getting rid of the charges I bring against your client in this cause, I, too, would devote much pains to making an elaborate accusation, and to dilating on my charges. Now, since you have determined to contend against me with artifice, not so much in obedience to the promptings of your own nature, as from consulting his occasions and his cause, it is necessary for me to oppose conduct of that sort with prudence. Your plan is, to begin to answer me after two sets of games have been celebrated; mine is to have the adjournment<sup>1</sup> over before the first games. And the result will be, that that plan of yours will be thought crafty, but this determination of mine necessary.

XII. But as for what I had begun to say,—namely, that the contest is between you and me, this is it,—I, when I had undertaken this cause at the request of the Sicilians, and had

<sup>1</sup> The Latin is, *ut comperendinem*. "Comperendinare is, when the cause has been pleaded on each side, to order that on the third day both the defendant and the prosecutor appear to speak a second time."—Hottoman. "The parties appeared before the judex on the third day (*comperendinatio*), unless the prætor had deferred the judicium for some sufficient reason."—Smith, *Dict. Ant.* p. 529. v *Judex*.

thought it a very honourable and glorious thing for me that they were willing to make experiment of my integrity and diligence, who already knew by experience my innocence and temperance: then, when I had undertaken this business, I proposed to myself some greater action also by which the Roman people should be able to see my good-will towards the republic. For that seemed to me to be by no means worthy of my industry and efforts, for that man to be brought to trial by me who had been already condemned by the judgment of all men, unless that intolerable influence of yours, and that grasping nature which you have displayed for some years in many trials, was interposed also in the case of that desperate man. But now, since all this dominion and sovereignty of yours over the courts of justice delights you so much, and since there are some men who are neither ashamed of their licentiousness and their infamy, nor weary of it, and who, as if on purpose, seem to wish to encounter hatred and unpopularity from the Roman people, I profess that I have undertaken this,—a great burden perhaps, and one dangerous to myself, but still worthy of my applying myself to it with all the vigour of my age, and all diligence. And since the whole order of the senate is weighed down by the discredit brought on it by the wickedness and audacity of a few, and is overwhelmed by the infamy of the tribunals, I profess myself an enemy to this race of men, an accuser worthy of their hatred, a persevering, a bitter adversary. I arrogate this to myself, I claim this for myself, and I will carry out this enmity in my magistracy, and from that post in which the Roman people has willed that from the next first of January I shall act in concert with it in matters concerning the republic, and concerning wicked men. I promise the Roman people that this shall be the most honourable and the fairest employment of my ædileship. I warn, I forewarn, I give notice beforehand to those men who are wont either to put money down, to undertake for others, to receive money, or to promise money, or to act as agents in bribery, or as go-betweens in corrupting the seat of judgment, and who have promised their influence or their impudence in aid of such a business, in this trial to keep their hands and inclinations from this nefarious wickedness.

XIII. Hortensius will then be consul with the chief command and authority, but I shall be ædile—that is, I shall be a

little more than a private individual ; and yet this business, which I promise that I am going to advocate, is of such a nature, so pleasing and agreeable to the Roman people, that the consul himself will appear in this cause, if that be possible, even less than a private individual in comparison of me. All those things shall not only be mentioned, but even, when certain matters have been explained, shall be fully discussed, which for the last ten years, ever since the office of the judge has been transferred to the senate, has been nefariously and wickedly done in the decision of judicial matters. The Roman people shall know from me why it is that when the equestrian body supplied the judges for nearly fifty years together, not even the slightest suspicion ever arose of bribes having been accepted for the purpose of influencing a decision ; why it is, I say, when the judicial authority was transferred to the senatorial body, and the power<sup>1</sup> of the Roman people over every one of us was taken away, Quintus Calidius, when he was condemned, said that a man of prætorian rank could not honestly be condemned at a less price than three hundred thousand sesterces ; why it is that when Publius Septimius, a senator, was condemned for extortion, when Quintus Hortensius was prætor, damages were assessed against him, including money which he had received as judge to decide causes which came before him ; why it is, that in the case of Caius Herennius, and in that of Caius Popillius, senators, both of whom were convicted of peculation—why it is, that in the case of Marcus Atilius, who was convicted of treason—this was made plain,—that they had all received money for the purpose of influencing their judicial decisions ; why it is, that senators have been found who, when Caius Verres, as prætor of the city, gave out the lots, voted against the criminal whom they were condemning without having inquired into his case ; why it is, that a senator was found who, when he was judge, took money in one and the same trial both from the defendant to distribute among the judges, and from the accuser to condemn the defendant. But how shall I adequately complain of that stain, that disgrace, that calamity of the whole senatorial order,—that this thing actually happened in the city while the senatorial order furnished the judges, that the votes of men on their oaths were marked by

<sup>1</sup> That is to say, when the power of appealing to the tribunes of the people was taken away.

coloured tablets? I pledge myself that I will urge all these things with diligence and with strictness.

XIV. And what do you suppose will be my thoughts, if I find in this very trial any violation of the laws committed in any similar manner? especially when I can prove by many witnesses that Caius Verres often said in Sicily, in the hearing of many persons, "that he had a powerful friend, in confidence in whom he was plundering the province; and that he was not seeking money for himself alone, but that he had so distributed the three years of his Sicilian prætorship, that he should say he did exceedingly well, if he appropriated the gains of one year to the augmentation of his own property, those of the second year to his patrons and defenders, and reserved the whole of the third year, the most productive and gainful of all, for the judges." From which it came into my mind to say that which, when I had said lately before Marcus Glabrio at the time of striking the list of judges, I perceived the Roman people greatly moved by; that I thought that foreign nations would send ambassadors to the Roman people to procure the abrogation of the law, and of all trials, about extortion; for if there were no trials, they think that each man would only plunder them of as much as he would think sufficient for himself and his children; but now, because there are trials of that sort, every one carries off as much as it will take to satisfy himself, his patrons, his advocates, the prætor, and the judges; and **that** this is an enormous sum; that they may be able to satisfy the cupidity of one most avaricious man, but are quite unable to incur the expense of his most guilty victory over the laws. O trials worthy of being recorded! O splendid reputation of our order! when the allies of the Roman people are unwilling that trials for extortion should take place, which were instituted by our ancestors for the sake of the allies. Would that man ever have had a favourable hope of his own safety, if he had not conceived in his mind a bad opinion of you? on which account, he ought, if possible, to be still more hated by you than he is by the Roman people, because he considers you like himself in avarice and wickedness and perjury.

XV. And I beg you, in the name of the immortal gods, O judges, think of and guard against this; I warn you, I give notice to you, of what I am well assured, that this most seasonable opportunity has been given to you by the favour of

the gods, for the purpose of delivering your whole order from hatred, from unpopularity, from infamy, and from disgrace. There is no severity believed to exist in the tribunals, nor any scruples with regard to religion; in short, there are not believed to be any tribunals at all. Therefore we are despised and scorned by the Roman people; we are branded with a heavy and now a long standing infamy. Nor, in fact, is there any other reason for which the Roman people has with so much earnestness sought the restoration of the tribunician power: but when it was demanding that in words, it seemed to be asking for that, but in reality it was asking for tribunals which it could trust. And this did not escape the notice of Quintus Catulus, a most sagacious and honourable man, who, when Cnæus Pompeius, a most gallant and illustrious man, made a motion about the tribunitian power, and when he was asked his opinion, begun his speech in this manner, speaking with the greatest authority, "that the conscript fathers presided over the courts of justice badly and wickedly; but if in deciding judicial trials they had been willing to satisfy the expectations of the Roman people, men would not so greatly regret the tribunitian power." Lastly, when Cnæus Pompeius himself, when first he delivered an address to the people as consul elect, mentioned (what seemed above all things to be watched for) that he would restore the power of the tribunes, a great shout was raised at his words, and a grateful murmur pervaded the assembly. And when he had said also in the same assembly "that the provinces were depopulated and tyrannised over, that the courts of justice were become base and wicked, and that he desired to provide for and to remedy that evil," the Roman people then signified their good will, not with a shout, but with a universal uproar.

XVI. But now men are on the watch towers; they observe how every one of you behaves himself in respecting religion and in preserving the laws. They see that, ever since the passing of the law for restoring the power of the tribunes, only one senator, and he too a very insignificant one,<sup>1</sup> has been condemned. And though they do not blame this, yet they have nothing which they can very much commend. For there is no credit in being upright in a case where there is no one who is either able or who endeavours to corrupt one. This is a trial in which you will be deciding about the defendant, the

<sup>1</sup> The senator was Dolabella.



Roman people about you ;—by the example of what happens to this man it will be determined whether, when senators are the judges, a very guilty and a very rich man can be condemned. Moreover, he is a criminal of such a sort, that there is absolutely nothing whatever in him except the greatest crimes, and excessive riches ; so that if he be acquitted, no other opinion can be formed of the matter except that which is the most discreditable possible. Such numerous and enormous vices as his will not be considered to have been cancelled by influence, by family connexion, by some things which may have been done well, or even by the minor vices of flattery and subservience ; in short, I will conduct the cause in this manner ; I will bring forward things of such a sort, so well known, so proved by evidence, so important, and so undeniable, that no one shall venture to use his influence to obtain from you the acquittal of that man ; for I have a sure path and method by which I can investigate and become acquainted with all their endeavours. The matter will be so managed by me that not only the ears but even the eyes of the Roman people shall seem to be present at all their counsels. You have in your power to remove and to eradicate the disgrace and infamy which has now for many years attached to your order. It is evident to all men, that since these tribunals have been established which we now have, there has never been a bench of judges of the same splendour and dignity as<sup>1</sup> this. If anything is done wrongly in this case, all men will think not that other more capable judges should be appointed of the same order of men, which is not possible ; but that another order must be sought for, from which to select the judges for the future.

XVII. On which account, in the first place, I beg this of the immortal gods, which I seem to myself to have hopes of too, that in this trial no one may be found to be wicked except him who has long since been found to be such ; secondly, if there are many wicked men, I promise this to you, O judges, I promise this to the Roman people. that my life shall fail rather than my vigour and perseverance in prosecuting their iniquity. But that iniquity, which, if it should be committed,

<sup>1</sup> Cicero several times in these orations takes credit to himself for his industry and intrepidity in striking all judges liable to suspicion off the list of those who were to try this case.

I promise to prosecute severely, with however much trouble and danger to myself, and whatever enmities I may bring on myself by so doing, you, O Marcus Glabrio, can guard against ever taking place by your wisdom, and authority, and diligence. Do you undertake the cause of the tribunals. Do you undertake the cause of impartiality, of integrity, of good faith and of religion. Do you undertake the cause of the senate; that, being proved worthy by its conduct in this trial, it may come into favour and popularity with the Roman people. Think who you are, and in what a situation you are placed; what you ought to give to the Roman people, what you ought to repay to your ancestors. Let the recollection of the Acilian<sup>1</sup> law passed by your father occur to your mind, owing to which law the Roman people has had this advantage of most admirable decisions and very strict judges in cases of extortion. High authorities surround you which will not suffer you to forget your family credit; which will remind you day and night that your father was a most brave man, your grandfather a most wise one, and your father-in-law a most worthy man. Wherefore, if you have inherited the vigour and energy of your father Glabrio in resisting audacious men; if you have inherited the prudence of your grandfather Scævola in foreseeing intrigues which are prepared against your fame and that of your fellow-judges; if you have any share of the constancy of your father-in-law Scaurus, so that no one can move you from your genuine and deliberate opinion, the Roman people will understand that with an upright and honourable prætor, and a carefully selected bench of judges, abundance of wealth has more influence in bringing a criminal into suspicion, than in contributing to his safety.

XVIII. I am resolved not to permit the prætor or the judges to be changed in this cause. I will not permit the matter to be delayed till the lictors of the consuls can go and summon the Sicilians, whom the servants of the consuls elect did not influence before, when by an unprecedented course of proceeding they sent for them all; I will not permit those

<sup>1</sup> The Lex Acilia was carried by Marcus Acilius Glabrio, the father of this Glabrio, when tribune of the people; it abridged the proceedings in trials for extortion, and did not allow of the adjournment and delays which were permitted by previously existing laws.

miserable men, formerly the allies and friends of the Roman people, now their slaves and suppliants, to lose not only their rights and fortunes by their tyranny, but to be deprived of even the power of bewailing their condition ; I will not, I say, when the cause has been summed up by me, permit them after a delay of forty days has intervened, then at last to reply to me when my accusation has already fallen into oblivion through lapse of time ; I will not permit the decision to be given when this crowd collected from all Italy has departed from Rome, which has assembled from all quarters at the same time on account of the comitia, of the games, and of the census. The reward of the credit gained by your decision, or the danger arising from the unpopularity which will accrue to you if you decide unjustly, I think ought to belong to you ; the labour and anxiety to me ; the knowledge of what is done and the recollection of what has been said by every one, to all. I will adopt this course, not an unprecedented one, but one that has been adopted before, by those who are now the chief men of our state,—the course, I mean, of at once producing the witnesses. What you will find novel, O judges, is this, that I will so marshal my witnesses as to unfold the whole of my accusation ; that when I have established it by examining my witnesses, by arguments, and by my speech, then I shall show the agreement of the evidence with my accusation : so that there shall be no difference between the established mode of prosecuting, and this new one, except that, according to the established mode, when everything has been said which is to be said, then the witnesses are produced ; here they shall be produced as each count is brought forward ; so that the other side shall have the same opportunity of examining them, of arguing and making speeches on their evidence. If there be any one who prefers an uninterrupted speech and the old mode of conducting a prosecution without any break, he shall have it in some other trial. But for this time let him understand that what we do is done by us on compulsion, (for we only do it with the design of opposing the artifice of the opposite party by our prudence.) This will be the first part of the prosecution. We say that Caius Verres has not only done many licentious acts, many cruel ones, towards Roman citizens, and towards some of the allies, many wicked acts against both gods and men ; but especially

that he has taken away four hundred thousand sesterces out of Sicily contrary to the laws. We will make this so plain to you by witnesses, by private documents, and by public records, that you shall decide that, even if we had abundant space and leisure days for making a long speech without any inconvenience, still there was no need at all of a long speech in this matter.

---

## THE FIRST BOOK OF THE SECOND PLEADING AGAINST CAIUS VERRERES.

### RESPECTING HIS CONDUCT IN THE CITY PRÆTORSHIP.

---

#### THE ARGUMENT.

The following five orations were never spoken: they were published afterwards as they had been prepared and intended to be spoken if Verres had made a regular defence; for as this was the only cause in which Cicero had been engaged as accuser, he was willing to leave these orations as a specimen of his abilities that way, and as a pattern of a just and diligent impeachment of a corrupt magistrate. But Hortensius had been so confounded by the novelty of Cicero's mode of conducting the prosecution, and by the strength of the case brought against his client, that he was quite unable to make any defence, and Verres went into voluntary exile.

In the beginning of this oration Cicero imagines Verres to be present, and to be prepared to make his defence; but before he proceeds to the main subjects of the prosecution, which occupy the last four orations, he devotes this one to an examination of his previous character and conduct as a public man, as quæstor, as legatus, as prætor urbanus, and as prætor in Sicily; in order to show that his previous conduct had been such as to warrant any one in believing the charges he was now bringing against him.

I. I THINK that no one of you, O judges, is ignorant that for these many days the discourse of the populace, and the opinion of the Roman people, has been that Caius Verres would not appear a second time before the bench to reply to my charges, and would not again present himself in court. And this idea had not got about merely because he had deliberately determined and resolved not to appear, but because no one believed that any one would be so audacious, so frantic, and so impudent, as, after having been convicted of such nefarious crimes, and by so many witnesses, to venture

to present himself to the eyes of the judges, or to show his face to the Roman people. But he is the same Verres that he always was ; as he was abandoned enough to dare, so he is hardened enough to listen to anything. He is present ; he replies to us ; he makes his defence. He does not even leave himself this much of character, to be supposed, by being silent and keeping out of the way when he is so visibly convicted of the most infamous conduct, to have sought for a modest escape for his impudence. I can endure this, O judges, and I am not vexed that I am to receive the reward of my labours, and you the reward of your virtue. For if he had done what he at first determined to, that is, had not appeared, it would have been somewhat less known than is desirable for me what pains I had taken in preparing and arranging this prosecution : and your praise, O judges, would have been exceedingly slight and little heard of. For this is not what the Roman people is expecting from you, nor what it can be contented with,—namely, for a man to be condemned who refuses to appear, and for you to act with resolution in the case of a man whom nobody has dared to defend. Aye, let him appear, let him reply ; let him be defended with the utmost influence and the utmost zeal of the most powerful men ; let my diligence have to contend with the covetousness of all of them, your integrity with his riches, the consistency of the witnesses with the threats and power of his patrons. Then indeed those things will be seen to be overcome when they have come to the contest and to the struggle. But if he had been condemned in his absence, he would have appeared not so much to have consulted his own advantage as to have grudged you your credit.

II. For neither can there be any greater safety for the republic imagined at this time, than for the Roman people to understand that, if all unworthy judges are carefully rejected by the accusers, the allies, the laws, and the republic can be thoroughly defended by a bench of judges chosen from the senators ; nor can any such injury to the fortunes of all happen, as for all regard for truth, for integrity, for good faith, and for religion to be, in the opinion of the Roman people, cast aside by the senatorial body. And therefore, I seem to myself, O judges, to have undertaken to uphold an important, and very failing, and almost neglected part of the

republic, and by so doing to be acting not more for the benefit of my own reputation than of yours. For I have come forward to diminish the unpopularity of the courts of justice, and to remove the reproaches which are levelled at them ; in order that, when this cause has been decided according to the wish of the Roman people, the authority of the courts of justice may appear to have been re-established in some degree by my diligence ; and in order that this matter may be so decided that an end may be put at length to the controversy about the tribunals ; and, indeed, beyond all question, O judges, that matter depends on your decision in this cause. For the criminal is most guilty. And if he be condemned, men will cease to say that money is all powerful with the present tribunal ; but if he be acquitted we shall cease to be able to make any objection to transferring the tribunal to another body. Although that fellow has not in reality any hope, nor the Roman people any fear of his acquittal, there are some men who do marvel at his singular impudence in being present, in replying to the accusations brought against him ; but to me even this does not appear marvellous in comparison with his other actions of audacity and madness. For he has done many impious and nefarious actions both against gods and men ; by the punishment for which crimes he is now disquieted and driven out of his mind and out of his senses.

III. The punishments of Roman citizens are driving him mad, some of whom he has delivered to the executioner, others he has put to death in prison, others he has crucified while demanding their rights as freemen and as Roman citizens. The gods of his fathers are hurrying him away to punishment, because he alone has been found to lead to execution sons torn from the embraces of their fathers, and to demand of parents payment for leave to bury their sons. The reverence due to, and the holy ceremonies practised in, every shrine and every temple—but all violated by him ; and the images of the gods, which have not only been taken away from their temples, but which are even lying in darkness, having been cast aside and thrown away by him—do not allow his mind to rest free from frenzy and madness. Nor does he appear to me merely to offer himself to condemnation, nor to be content with the common punishment of avarice, when he has involved himself

in so many atrocities; his savage and monstrous nature wishes for some extraordinary punishment. It is not alone demanded that, by his condemnation, their property may be restored to those from whom it has been taken away; but the insults offered to the religion of the immortal gods must be expiated, and the tortures of Roman citizens, and the blood of many innocent men, must be atoned for by that man's punishment. For we have brought before your tribunal not only a thief, but a wholesale robber; not only an adulterer, but a ravisher of chastity; not only a sacrilegious man, but an open enemy to all sacred things and all religion; not only an assassin, but a most barbarous murderer of both citizens and allies; so that I think him the only criminal in the memory of man so atrocious, that it is even for his own good to be condemned.

IV. For who is there who does not see this, that though he be acquitted, against the will of gods and men, yet that he cannot possibly be taken out of the hands of the Roman people? Who does not see that it would be an excellent thing for us in that case, if the Roman people were content with the punishment of that one criminal alone, and did not decide that he had not committed any greater wickedness against them—when he plundered temples, when he murdered so many innocent men, when he destroyed Roman citizens by execution, by torture, by the cross,—when he released leaders of banditti for bribes, ~~—~~ than they, who, when on their oaths, acquitted a man covered with so many, with such enormous, with such unspeakable wickednesses? There is, there is, O judges, no room for any one to err in respect of this man. He is not such a criminal, this is not such a time, this is not such a tribunal, (I fear to seem to say anything too arrogant before such men,) even the advocate is not such a man, that a criminal so guilty, so abandoned, so plainly convicted, can be either stealthily or openly snatched out of his hands with impunity. When such men as these are judges, shall I not be able to prove that Caius Verres has taken bribes contrary to the laws? Will such men venture to assert that they have not believed so many senators, so many Roman knights, so many cities, so many men of the highest honour from so illustrious a province, so many letters of whole nations and of private individuals? that they have resisted so general a wish of the Roman people? Let them venture. We will find, if we are

able to bring that fellow alive before another tribunal, men to whom we can prove that he in his quæstorship embezzled the public money which was given to Cnæus Carbo the consul; men whom we can persuade that he got money under false pretences from the quæstors of the city, as you have learnt in my former pleadings. There will be some men, too, who will blame his boldness in having released some of the contractors from supplying the corn due to the public, when they could make it for his own interest. There will even, perhaps, be some men who will think that robbery of his most especially to be punished, when he did not hesitate to carry off out of the most holy temples and out of the cities of our allies and friends, the monuments of Marcus Marcellus and of Publius Africanus, which in name indeed belonged to them, but in reality both belonged and were always considered to belong to the Roman people.

V. Suppose he has escaped from the court about speculation. Let him think of the generals of the enemy, for whose release he has accepted bribes; let him consider what answer he can make about those men whom he has left in his own house to substitute in their places;<sup>1</sup> let him consider not only how he can get over our accusation, but also how he can remedy his own confession. Let him recollect that, in the former pleadings, being excited by the adverse and hostile shouts of the Roman people, he confessed that he had not caused the leaders of the pirates to be executed; and that he was afraid even then that it would be imputed to him that he had released them for money. Let him confess that, which cannot be denied, that he, as a private individual, kept the leaders of the pirates alive and unhurt in his own house, after he had returned to Rome, as long as he could do so for me. If in the case of such a prosecution for treason it was lawful for him to do so, I will admit that it was proper. Suppose he escapes from this accusation also; I will proceed to that

<sup>1</sup> This refers to the following act of Verres:—A single pirate ship had been taken by his lieutenant; the captain bribed Verres to save his life, but the people were impatient for the execution of him and his chief officers. Verres, who had in his dungeons many Roman citizens who had offended him, muffled up their faces, so that they could not speak and could not be recognised, and produced them on the scaffold, and put them to death as the pirates for whose execution the people were clamouring.



point to which the Roman people has long been inviting me. For it thinks that the decision concerning the rights to freedom and to citizenship belong to itself; and it thinks rightly. Let that fellow, forsooth, break down with his evidence the intentions of the senators—let him force his way through the questions of all men—let him make his escape from your severity; believe me, he will be held by much tighter chains in the hands of the Roman people. The Roman people will give credit to those Roman knights who, when they were produced as witnesses before you originally, said that a Roman citizen, one who was offering honourable men as his bail, was crucified by him in their sight. The whole of the thirty-five tribes will believe a most honourable and accomplished man, Marcus Annius, who said, that when he was present, a Roman citizen perished by the hand of the executioner. That most admirable man Lucius Flavius, a Roman knight, will be listened to by the Roman people, who gave in evidence that his intimate friend Herennius, a merchant from Africa, though more than a hundred Roman citizens at Syracuse knew him, and defended him in tears, was put to death by the executioner. Lucius Suetius, a man endowed with every accomplishment, speaks to them with an honesty and authority and conscientious veracity which they must trust; and he said on his oath before you that many Roman citizens had been most cruelly put to death, with every circumstance of violence, in his stone-quarries. When I am conducting this cause for the sake of the Roman people from this rostrum, I have no fear that either any violence can be able to save him from the votes of the Roman people, or that any labour undertaken by me in my ædileship can be considered more honourable or more acceptable by the Roman people.

VI. Let, therefore, every one at this trial attempt everything. There is no mistake now which any one can make in this cause, O judges, which will not be made at your risk. My own line of conduct, as it is already known to you in what is past, is also provided for, and resolved on, in what is to come. I displayed my zeal for the republic at that time, when, after a long interval, I reintroduced the old custom, and at the request of the allies and friends of the Roman people, who were, however, my own most intimate connexions, prosecuted a most audacious man. And this action of mine

most virtuous and accomplished men (in which number many of you were) approved of to such a degree, that they refused the man who had been his quæstor, and who, having been offended by him, wished to prosecute his own quarrel against him, leave not only to prosecute the man himself, but even back the accusation against him, when he himself begged to do so. I went into Sicily for the sake of inquiring into the business, in which occupation the celerity of my return showed my industry ; the multitude of documents and witnesses which I brought with me declared my diligence ; and I further showed my moderation and scrupulousness, in that when I had arrived as a senator among the allies of the Roman people, having been quæstor in that province, I, though the defender of the common cause of them all, lodged rather with my own hereditary friends and connexions, than those who had sought that assistance from me. My arrival was no trouble nor expense to any one, either publicly or privately. I used in the inquiry just as much power as the law gave me, not as much as I might have had through the zeal of those men whom that fellow had oppressed. When I returned to Rome from Sicily, when he and his friends, luxurious and polite men, had disseminated reports of this sort, in order to blunt the inclinations of the witnesses,—such as that I had been seduced by a great bribe from proceeding with a genuine prosecution ; although it did not seem probable to any one, because the witnesses from Sicily were men who had known me as a quæstor in the province ; and as the witnesses from Rome were men of the highest character, who knew every one of us thoroughly, just as they themselves are known ; still I had some apprehension lest any one should have a doubt of my good faith and integrity, till we came to striking out the objectionable judges.

VII. I knew that in selecting the judges, some men, even within my own recollection, had not avoided the suspicion of a good understanding with the opposite party, though their industry and diligence was being proved actually in the prosecution of them. I objected to objectionable judges in such a way that this is plain,—that since the republic has had that constitution which we now enjoy, no tribunal has ever existed of similar renown and dignity. And this credit that fellow says that he shares in common with me ; since when he

rejected Publius Galba as judge, he retained Marcus Lucretius ; and when, upon this, his patron asked him why he had allowed his most intimate friends Sextus Pæduceus, Quintus Considius, and Quintus Junius, to be objected to, he answered, because he knew them to be too much attached to their own ideas and opinions in coming to a decision. And so when the business of objecting to the judges was over, I hoped that you and I had now one common task before us. I thought that my good faith and diligence was approved of, not only by those to whom I was known, but even by strangers. And I was not mistaken : for in the comitia for my election, when that man was employing boundless bribery against me, the Roman people decided that his money, which had no influence with me when put in opposition to my own good faith, ought to have no influence with them to rob me of my honour. On the day when you first, O judges, were summoned to this place, and sat in judgment on this criminal, who was so hostile to your order, who was so desirous of a new constitution, of a new tribunal and new judges, as not to be moved at the sight of you and of your assembled body? When on the trial your dignity procured me the fruit of my diligence, I gained thus much,—that in the same hour that I began to speak, I cut off from that audacious, wealthy, extravagant, and abandoned criminal, all hope of corrupting the judges ; that on the very first day, when such a number of witnesses had been brought forward, the Roman people determined that if he were acquitted, the republic would no longer exist ; that the second day took away from his friends, not only all hope of victory, but even all inclination to make any defence ; that the third day prostrated the man so entirely, that, pretending to be sick, he took counsel, not what reply he could make, but how he could avoid making any ; and after that, on the subsequent days, he was so oppressed and overwhelmed by these accusations, by these witnesses, both from the city and from the provinces, that when these days of the games intervened, no one thought that he had procured an adjournment, but they thought that he was condemned.

VIII. So that, as far as I am concerned, O judges, I gained the day ; for I did not desire the spoils of Caius Verres, but the good opinion of the Roman people. It was my business to act as accuser only if I had a good cause. What cause

was ever juster than the being appointed and selected by an illustrious a province as its defender? To consult the welfare of the republic;—what could be more honourable for the republic, than while the tribunals were in such general discredit, to bring before them a man by whose condemnation the whole order of the senate might be restored to credit and favour with the Roman people?—to prove and convince men that it was a guilty man who was brought to trial? Who is there of the Roman people who did not carry away this conviction from the previous pleading, that if all the wickednesses, thefts, and enormities of all who have ever been condemned before were brought together into one place, they could scarcely be likened or compared to but a small part of this man's crimes? Do you, O judges, consider and deliberate as becomes your fame, your reputation, and the common safety? Your eminence prevents your being able to make any mistake without the greatest injury and danger to the republic. For the Roman people cannot hope that there are any other men in the senate who can judge uprightly, if you cannot. It is inevitable that, when it has learnt to despair of the whole order, it should look for another class of men and another system of judicial proceedings. If this seems to you at all a trifling matter, because you think the being judges a grave and inconvenient burden, you ought to be aware, in the first place, that it makes a difference whether you throw off that burden yourselves, of your own accord, or whether the power of sitting as judges is taken away from you because you have been unable to convince the Roman people of your good faith and scrupulous honesty. In the second place, consider this also, with what great danger we shall come before those judges whom the Roman people, by reason of its hatred to you, has willed shall judge concerning you. But I will tell you, O judges, what I am sure of. Know, then, that there are some men who are possessed with such a hatred of your order, that they now make a practice of openly saying that they are willing for that man, whom they know to be a most infamous one, to be acquitted for this one reason,—that then the honour of the judgment-seat may be taken from the senate with ignominy and disgrace. It is not my fear for your good faith, O judges, which has urged me to lay these considerations before you at some length, but the new hopes

which those men are entertaining ; for when those hopes had brought Verres suddenly back from the gates of the city to this court, some men suspected that his intention had not been changed so suddenly without a cause.

IX. Now, in order that Hortensius may not be able to employ any new sort of complaint, and to say that a defendant is oppressed if the accuser says nothing about him ; that nothing is so dangerous to the fortunes of an innocent man as for his adversaries to keep silence ; and in order that he may not praise my abilities in a way which I do not like, while he says that, if I had said much, I should have relieved him against whom I was speaking, and that I have undone him because I said nothing,—I will comply with his wishes, I shall employ one long unbroken speech : not because it is necessary, but that I may try whether he will be most vexed at my having been silent then or at my speaking now. Here you, perhaps, will take care that I do not remit one hour of the time allowed me by law. If I do not employ the whole time which is allowed me by law, you will complain ; you will invoke the faith of gods and men, calling them to witness how Caius Verres is circumvented because the prosecutor will not speak as long as he is allowed to speak by the law. What the law gives me for my own sake, may I not be allowed to forbear using ? For the time for stating the accusation is given me for my own sake, that I may be able to unfold my charges and the whole cause in my speech. If I do not use it all, I do you no injury, but I give up something of my own right and advantage. You injure me, says he, for the cause ought to be thoroughly investigated. Certainly, for otherwise a defendant cannot be condemned, however guilty he may be. Were you, then, indignant that anything should be done by me to make it less easy for him to be condemned ? For if the cause be understood, many men may be acquitted ; if it be not understood, no one can be condemned. I injure him, it seems, for I take away the right of adjournment. The most vexatious thing that the law has in it, the allowing a cause to be twice pleaded, has either been instituted for my sake rather than for yours, or, at all events, not more for your sake than for mine. For if to speak twice be an advantage, certainly it is an advantage which is common to both. If there is a necessity that he who has spoken last should be

refuted, then it is for the sake of the prosecutor that the law has been established that there should be a second discussion. But, as I imagine, Glaucia first proposed the law that the defendant might have an adjournment ; before that time the decision might either be given at once, or the judges might take time to consider. Which law, then, do you think the mildest ? I think that ancient one, by which a man might either be acquitted quickly, or condemned after deliberation. I restore you that law of Acilius, according to which many men who have only been accused once, whose cause has only been pleaded once, in whose case witnesses have only been heard once, have been condemned on charges by no means so clearly proved, nor so flagitious as those on which you are convicted. Think that you are pleading your cause, not according to that severe law, but according to that most merciful one. I will accuse you ; you shall reply. Having produced my witnesses, I will lay the whole matter before the bench in such a way, that even if the law gave them a power of adjournment, yet they shall think it discreditable to themselves not to decide at the first hearing.

X. But if it be necessary for the cause to be thoroughly investigated, has this one been investigated but superficially ? Are we keeping back anything, O Hortensius, a trick which we have often seen practised in pleading ? Who ever attends much to the advocate in this sort of action, in which anything is said to have been carried off and stolen by any one ? Is not all the expectation of the judges fixed on the documents or on the witnesses ? I said in the first pleading that I would make it plain that Caius Verres had carried off four hundred thousand sesterces contrary to the law. What ought I to have said ? Should I have pleaded more plainly if I had related the whole affair thus ?—There was a certain man of Halesa, named Dio, who, when a great inheritance had come to his son from a relation while Sacerdos was prætor, had at the time no trouble nor dispute about it. Verres, as soon as he arrived in the province, immediately wrote letters from Messana ; he summoned Dio before him, he procured false witnesses from among his own friends to say that that inheritance had been forfeited to Venus Erycina. He announced that he himself would take cognisance of that matter. I can detail to you the whole affair in regular order, and at last tell you what

the result was, namely, that Dio paid a million of sesterces, in order to prevail in a cause of most undeniable justice, besides that Verres had his herds of mares driven away, and all his plate and embroidered vestments carried off. But neither while I was so relating these things, nor while you were denying them, would our speeches be of any great importance. At what time then would the judge prick up his ears and begin to strain his attention? When Dio himself came forward, and the others who had at that time been engaged in Sicily on Dio's business, when, at the very time when Dio was pleading his cause, he was proved to have borrowed money, to have called in all that was owing to him, to have sold farms; when the accounts of respectable men were produced, when they who had supplied Dio with money said that they had heard at the time that the money was taken on purpose to be given to Verres; when the friends, and connexions, and patrons of Dio, most honourable men, said that they had heard the same thing. Then, when this was going on, you would, I suppose, attend as you did attend. Then the cause would seem to be going on. Everything was managed by me in the former pleading so that among all the charges there was not one in which any one of you desired an uninterrupted statement of the case. I deny that anything was said by the witnesses which was either obscure to any one of you, or which required the eloquence of any orator to set it off.

XI. In truth, you must recollect that I conducted the case in this way; I set forth and detailed the whole charge at the time of the examination of witnesses, so that as soon as I had explained the whole affair, I then immediately examined the witness. And by that means, not only you, who have to judge, are in possession of our charges, but also the Roman people became acquainted with the whole accusation and the whole cause: although I am speaking of my own conduct as if I had done so of my own will rather than because I was induced to do so by any injustice of yours. But you interposed another accuser, who, when I had only demanded a hundred and ten days to prosecute my inquiries in Sicily, demanded a hundred and eight for himself to go for a similar purpose into Achaia. When you had deprived me of the three months most suitable for conducting my cause, you thought that I should give you up the remainder of the year, so that,

when we had employed the time allowed to me, you, O Hortensius, after the interruption of two festivals, might make your reply forty days afterwards; and then, that the time might be so spun out, that we might come from Marcus Glabrio, the prætor, and from the greater part of these judges, to another prætor, and other judges. If I had not seen this—if every one, both acquaintances and strangers, had not warned me that the object which they were driving at, which they were contriving, for which they were striving, was to cause the matter to be delayed to that time—I suppose, if I had chosen to spend all the time allowed me in stating the accusation, I should be under apprehensions that I should not have charges enough to bring, that subjects for a speech would be wanting to me, that my voice and strength would fail me; that I should not be able to accuse twice a man whom no one had dared to defend at the first pleading of the cause. I made my conduct appear reasonable both to the judges and also to the Roman people. There is no one who thinks that their injustice and impudence could have been opposed by any other means. Indeed, how great would have been my folly, if, though I might have avoided it, I had allowed matters to come on on the day which they who had undertaken to deliver him from justice provided for in their undertaking, when they gave their undertaking to deliver him in these words—"If the trial took place on or after the first of January?" Now I must provide for the careful management of the time which is allowed me for making a speech, since I am determined to state the whole case most fully.

XII. Therefore I will pass by that first act of his life, most infamous and most wicked as it was. He shall hear nothing from me of the vices and offences of his childhood, nothing about his most dissolute youth: how that youth was spent, you either remember, or else you can recognise it in the son whom he has brought up to be so like himself. I will pass over everything which appears shameful to be mentioned; and I will consider not only what that fellow ought to have said of himself, but also what it becomes me to say. Do you, I entreat you, permit this, and grant to my modesty, that it may be allowed to pass over in silence some portion of his shamelessness. All that time which passed before he came into office and became a public character, he may have free



and untouched as far as I am concerned. Nothing shall be said of his drunken nocturnal revels ; no mention shall be made of his pimps, and dicers, and panders ; his losses at play, and the licentious transactions which the estate of his father and his own age prompted him to shall be passed over in silence. He may have lived in all infamy at that time with impunity, as far as I am concerned ; the rest of his life has been such that I can well afford to put up with the loss of not mentioning those enormities. You were quæstor to Cnæus Papirius the consul fourteen years ago. All that you have done from that day to this day I bring before the court. Not one hour will be found free from theft, from wickedness, from cruelty, from atrocity. These years have been passed by you in the quæstorship, and in the lieutenancy in Asia, and in the city prætorship, and in the Sicilian prætorship. On which account a division of my whole accusation will also be made into four parts.

XIII. As quæstor you received your province by lot, according to the decree of the senate. A consular province fell to your lot, so that you were with Cnæus Carbo, the consul, and had that province. There was at that time dissension among the citizens : and in that I am not going to say anything as to what part you ought to have taken. This only do I say, that at such a time as that you ought to have made up your mind which side you would take and which party you would espouse. Carbo was very indignant that there had fallen to his lot as his quæstor a man of such notorious luxury and indolence. But he loaded him with all sorts of kindnesses. Not to dwell too long on this ; money was voted, was paid ;<sup>1</sup> he went as quæstor to the province ; he came into Gaul, where he had been for some time expected, to the army of the consul with the money. At the very first opportunity that offered, (take notice of the principle on which the man discharged the duties of his offices, and administered the affairs of the republic,) the quæstor, having embezzled the public money, deserted the consul, the army, and his allotted province. I see what I have done ; he rouses himself up ; he hopes that, in the instance of this charge, some breeze may be wafted this way of good will and approbation from those men to whom the name of Cnæus Carbo, though dead,

<sup>1</sup> By vote of the senate money was voted to the tribuni ærarii, and was paid by them to the quæstor, to be paid by him to the army.

*X beginning*

is unwelcome, and to whom he hopes that that desertion and betrayal of his consul will prove acceptable. As if he had done it from any desire to take the part of the nobility, or from any party zeal, and had not rather openly pillaged the consul, the army and the province, and then, because of this most impudent theft, had run away. For such an action as that is obscure, and such that one may suspect that Caius Verres, because he could not bear new men, passed over to the nobility, that is, to his own party, and that he did nothing from consideration of money. Let us see how he gave in his accounts; now he himself will show why he left Cnæus Carbo; now he himself will show what he is.

XIV. First of all take notice of their brevity—"I received," says he, "two million two hundred and thirty-five thousand four hundred and seventeen sesterces; I spent, for pay to the soldiers, for corn, for the lieutenants, for the pro-quæstor, for the prætorian cohort, sixteen hundred and thirty-five thousand four hundred and seventeen sesterces; I left at Ariminum six hundred thousand sesterces." Is this giving in accounts? Did either I, or you, O Hortensius, or any man ever give in his accounts in this manner? What does this mean? what impudence it is! what audacity! What precedent is there of any such in all the number of accounts that have ever been rendered by public officers? And yet these six hundred thousand sesterces, as to which he could not even devise a false account of whom he had paid them to, and which he said he had left at Ariminum,—these six hundred thousand sesterces which he had in hand, Carbo never touched, Sylla never saw them, nor were they ever brought into the treasury. He selected Ariminum as the town, because at the time when he was giving in his accounts, it had been taken and plundered.<sup>1</sup> He did not suspect, what he shall now find out, that plenty of the Ariminians were left to us after that disaster as witnesses to that point. Read now—"Accounts rendered to Publius Lentulus, and Lucius Triarius, quæstors of the city." Read on—"According to the decree of the senate." In order to be allowed to give in accounts in such a manner as this, he became one of Sylla's party in an instant, and not for the sake of contributing to the restoration of

<sup>1</sup> Ariminum had been betrayed by Albinovanus, Marius's lieutenant, to Sylla.

honour and dignity to the nobility. Even if you had deserted empty-handed, still your desertion would be decided to be wicked, your betrayal of your consul, infamous. Oh, Cnæus Carbo was a bad citizen, a scandalous consul, a seditious man. He may have been so to others : when did he begin to be so to you ? After he entrusted to you the money, the supplying of corn, all his accounts, and his army ; for if he had displeased you before that, you would have done the same as Marcus Piso did the year after. When he had fallen by lot to Lucius Scipio, as consul, he never touched the money, he never joined the army at all. The opinions he embraced concerning the republic he embraced so as to do no violence to his own good faith, to the customs of our ancestors, nor to the obligations imposed on him by the lot which he had drawn.

XV. In truth, if we wish to disturb all these things, and to throw them into confusion, we shall render life full of danger, intrigue, and enmity ; if such allurements are to have no scruples to protect them ; if the connexion between men in prosperous and doubtful fortunes is to cause no friendship ; if the customs and principles of our ancestors are to have no authority. He is the common enemy of all men who has once been the enemy of his own connexions. No wise man ever thought that a traitor was to be trusted ; Sylla himself, to whom the arrival of the fellow ought to have been most acceptable, removed him from himself and from his army : he ordered him to remain at Beneventum, among those men whom he believed to be exceedingly friendly to his party, where he could do no harm to his cause and could have no influence on the termination of the war. Afterwards, indeed, he rewarded him liberally ; he allowed him to seize some estates of men who had been proscribed lying in the territory of Beneventum ; he loaded him with honour as a traitor ; he put no confidence in him as a friend. Now, although there are men who hate Cnæus Carbo, though dead, yet they ought to think, not what they were glad to have happen, but what they themselves would have to fear in a similar case. This is a misfortune common to many a cause for alarm, and a danger common to many. There are no intrigues more difficult to guard against than those which are concealed under a pretence of duty, or under the name of some intimate connexion. For you can easily avoid one who is openly an adversary, by

guarding against him ; but this secret, internal, and domestic evil not only *(exists)* but even overwhelms you before you can foresee it or examine into it. Is it not so ? When you were sent as quæstor to the army, not only as guardian of the money, but also of the consul ; when you were the sharer in all his business and of all his counsels ; when you were considered by him as one of his own children, according to the tenor of the principles of our ancestors ; could you on a sudden leave him ? desert him ? pass over to the enemy ? O wickedness ! O monster to be banished to the very end of the world ! For that nature which has committed such an atrocity as this cannot be contented with this one crime alone. It must be always contriving something of this sort ; it must be occupied in similar audacity and perfidy. Therefore, that same fellow whom Cnæus Dolabella afterwards, when Caius Malleolus had been slain, had for his quæstor, (I know not whether this connexion was not even a closer one than the connexion with Carbo, and whether the consideration of his having been voluntarily chosen is not stronger than that of his having been chosen by lot,) behaved to Cnæus Dolabella in the same manner as he had behaved in to Cnæus Carbo. For, the charges which properly touched himself, he transferred to his shoulders ; and gave information of everything connected with his cause to his enemies and accusers. He himself gave most hostile and most infamous evidence against the man to whom he had been lieutenant and pro-quæstor. Dolabella, unfortunate as he was, through his abominable betrayal, through his infamous and false testimony, was injured far more than by either, by the odium created by that fellow's own thefts and atrocities.

XVI. What can you do with such a man ? or what hope can you allow so perfidious, so ill-omened an animal to entertain ? One who despised and trampled on the lot which bound him to Cnæus Carbo, the choice which connected him with Cnæus Dolabella, and not only deserted them both, but also betrayed and attacked them. Do not, I beg of you, O judges, judge of his crimes by the brevity of my speech rather than by the magnitude of the actions themselves. For I am forced to make haste in order to have time to set before you all the things which I have resolved to relate to you. Wherefore, now that his quæstorship has been put before you, now that the dishonesty and wickedness of his first conduct

in his first office has been thoroughly seen, listen, I pray you, to the remainder. And in this I will pass over that period of proscription and rapine which took place under Sylla ; nor will I allow him to derive any argument for his own defence from that time of common calamity to all men. I will accuse him of nothing but his own peculiar and well-proved crimes. Therefore, omitting all mention of the time of Sylla from the accusation, consider that splendid lieutenancy of his. After Cilicia was appointed to Cnæus Dolabella as his province, O ye immortal gods ! with what covetousness, with what incessant applications, did he force from him that lieutenancy for himself, which was indeed the beginning of the greatest calamity to Dolabella. For as he proceeded on his journey to the province, wherever he went his conduct was such, that it was not some lieutenant of the Roman people, but rather some calamity that seemed to be going through the country.

XVII. In Achaia, (I will omit all minor things, to some of which perhaps some one else may some time or other have done something like ; I will mention nothing except what is unprecedented, nothing except what would appear incredible, if it were alleged against any other criminal,) he demanded money from a Sicyonian magistrate. Do not let this be considered a crime in Verres ; others have done the same. When he could not give it, he punished him ; a scandalous, but still not an unheard-of act. Listen to the sort of punishment ; you will ask, of what race of men you are to think him a specimen. He ordered a fire to be made of green and damp wood in a narrow place. There he left a free man, a noble in his own country, an ally and friend of the Roman people, tortured with smoke, half dead. After that, what statues, what paintings he carried off from Achaia, I will not mention at present. There is another part of my speech which I have reserved for speaking of this covetousness of the man. You have heard that at Athens a great sum of money was taken out of the temple of Minerva. This was mentioned in the trial of Cnæus Dolabella. Mentioned ? the amount too was stated. Of this design you will find that Caius Verres was not only a partaker, but was even the chief instigator. He came to Delos. There from that most holy temple of Apollo he privily took away by night the most beautiful and ancient statues, and took care that they were all placed on board

his own transport. The next day, when the inhabitants of Delos saw their temple plundered, they were very indignant. For the holiness and antiquity of that temple is so great in their eyes, that they believe that Apollo himself was born in that place. However, they did not dare to say one word about it, lest haply Dolabella himself might be concerned in the business.

XVIII. Then on a sudden a very great tempest arose, O judges ; so that Dolabella could not only not depart, when he wished, but could scarcely stand in the city, such vast waves were dashed on shore. Here that ship of that pirate, loaded with the consecrated statues, being cast up and driven ashore by the waves, is broken to pieces. Those statues of Apollo were found on the shore ; by command of Dolabella they are restored ; the tempest is lulled ; Dolabella departs from Delos. I do not doubt, though there was no feeling of humanity ever in you, no regard for holiness, still that now in your fear and danger thoughts of your wicked actions occurred to you. Can there be any comfortable hope of safety cherished by you, when you recollect how impious, how wicked, how blasphemous has been your conduct towards the immortal gods ? Did you dare to plunder the Delian Apollo ? Did you dare to lay impious and sacrilegious hands on that temple, so ancient, so venerated, so holy ? If you were not in your childhood taught and trained to learn and know what has been committed to writing, still would you not afterwards, when you came into the very places themselves, learn and believe what is handed down both by tradition and by documents : That Latona, after a long wandering and persecution, pregnant, and now near bringing forth, when her time was come, fled to Delos, and there brought forth Apollo and Diana ; from which belief of men that island is considered sacred to those gods ; and such is and always has been the influence of that religious belief, that not even the Persians, when they waged war on all Greece, on gods and men, and when they had put in with a fleet of a thousand ships at Delos, attempted to violate, or even to touch anything. Did you, O most wicked, O most insane of men, attempt to plunder this temple ? Was any covetousness of such power as to extinguish such solemn religious belief ? And if you did not think of this at that time, do you not

recollect even now that there is no evil so great as not to have been long since due to you for your wicked actions?

XIX. But after he arrived in Asia,—why should I enumerate the dinners, the suppers, the horses, and the presents which marked that progress? I am not going to say anything against Verres for everyday crimes. I say that he carried off by force some most beautiful statues from Chios; also from Erythræ; also from Halicarnassus. From Tenedos (I pass over the money which he seized) he carried off Tenes himself, who among the Tenedians is considered a most holy god, who is said to have founded that city, after whose name it is called Tenedos. This very Tenes, I say, most admirably wrought, which you have seen<sup>1</sup> before now in the assembly, he carried off amid the great lamentations of the city. But that storming of that most ancient and most noble temple of the Samian Juno, how grievous was it to the Samians! how bitter to all Asia! how notorious to all men! how notorious to every one of you! And when ambassadors had come from Samos into Asia to Caius Nero, to complain of this attack on that temple, they received for answer, that complaints of that sort, which concerned a lieutenant of the Roman people, ought not to be brought before the prætor, but must be carried to Rome. What pictures did he carry off from thence; what statues! which I saw lately in his house, when I went thither for the sake of sealing<sup>2</sup> it up. And where are those statues now, O Verres? I mean those which I lately saw in your house against every pillar, and also in every space between two pillars, and actually arranged in the grove in the open air? Why were those things left at your house, as long as you thought that another prætor, with the other judges whom you expected to have substituted in the room of these, was to sit in judgment upon you? But when you saw that we preferred suiting the convenience of our own witnesses rather than your convenience as to time, you left not one statue in your house

<sup>1</sup> It was allowed to the ædiles, and it was not uncommon for them, to borrow of the cities of the allies celebrated and beautiful statues, to adorn the shows in the games which they exhibited; and afterwards they were restored to their owners.

<sup>2</sup> The custom was for the accuser to put a seal on the house and effects of the man whom he was preparing to prosecute, in order that no evidence of the theft to be imputed might be removed by the removal of the stolen goods.

except two which were in the middle of it, and which were themselves stolen from Samos. Did you not think that I would summon your most intimate friends to give evidence of this matter, who had often been at your house, and ask of them whether they knew that statues were there which were not?

XX. What did you think that these men would think of you then, when they saw that you were no longer contending against your accuser, but against the quæstor and the broker? On<sup>2</sup> which matter you heard Charidemus of Chios give his evidence at the former pleadings, that he, when he was captain of a trireme, and was attending Verres on his departure from Asia, was with him at Samos, by command of Dolabella, and that he then knew that the temple of Juno had been plundered, and the town of Samos; that afterwards he had been put on his trial before the Chians, his fellow-citizens, on the accusation of the Samians; and that he had been acquitted because he had made it plain that the allegations of the Samians concerned Verres, and not him. You know that Aspendus is an ancient and noble town in Pamphylia, full of very fine statues. I do not say that one statue or another was taken away from thence: this I say, that you, O Verres, left not one statue at Aspendus; that everything from the temples and from all public places was openly seized and carried away on wagons, the citizens all looking on. And he even carried off that harp-player of Aspendus, of whom you have often heard the saying, which is a proverb among the Greeks, who used to say that he could sing everything within himself, and put him in the inmost part of his own house, so as to appear to have surpassed the statue itself in trickery. At Perga, we are aware that there is a very ancient and very holy temple of Diana. That, too, I say, was stripped and plundered by you; and all the gold which there was on Diana herself was taken off and carried away. What, in the name of mischief, can such audacity and insanity

<sup>1</sup> The quæstores ærarii were sent to take possession in the name of the people of the effects of a man who was convicted; the sectores or brokers attended them to appraise the goods seized.

<sup>2</sup> In some editions the passage from "Quâ de re Charidemum," to "Non ad se, pertinere," is transferred to the previous chapter, and inserted after "deferri oportere," but there is not the least reason for this transposition, which is contrary to the authority of every manuscript.



mean? In the very cities of our friends and allies, which you visited under the pretext of your office as lieutenant, if you had stormed them by force with an army, and had exercised military rule there; still, I think, the statues and ornaments which you took away, you would have carried, not to your own house, nor to the suburban villas of your friends, but to Rome for the public use.

XXI. Why should I speak of Marcus Marcellus, who took Syracuse, that most beautiful city? why of Lucius Scipio, who waged war in Asia, and conquered Antiochus, a most powerful monarch? why of Flaminius, who subdued Philip the king, and Macedonia? why of Lucius Paullus, who with his might and valour conquered king Perses? why of Lucius Mummius, who overthrew that most beautiful and elegant city Corinth, full of all sorts of riches, and brought many cities of Achaia and Bœotia under the empire and dominion of the Roman people?—their houses, though they were rich in virtue and honour, were empty of statues and paintings. But we see the whole city, the temples of the gods, and all parts of Italy, adorned with their gifts, and with memorials of them. I am afraid all this may seem to some people too ancient, and long ago obsolete. For at that time all men were so uniformly disposed in the same manner, that this credit of eminent virtue and incorruptibility appears to belong, not only to those men, but also to those times. Publius Servilius, a most illustrious man, who has performed the noblest exploits, is present. He will deliver his opinion on your conduct. He, by his power, had forces; his wisdom and his valour took Olympus, an ancient city, and one strengthened and embellished in every possible manner. I am bringing forward recent example of a most distinguished man. For Servilius, as a general of the Roman people, took Olympus after you, as lieutenant of the quæstor in the same district, had taken care to harass and plunder all the cities of our friends and allies even when they were at peace. The things which you carried off from the holiest temples with wickedness, and like a robber, we cannot see, except in your own houses, or in those of your friends. The statues and decorations which Publius Servilius brought away from the cities of our enemies, taken by his courage and valour, according to the laws of war and his own rights as commander-in-chief, he brought home for

the Roman people; he carried them in his triumph, and took care that a description of them should be engraved on public tablets and laid up in the treasury. You may learn from public documents the industry of that most honourable man. Read—"The accounts delivered by Publius Servilius." You see not only the number of the statues, but the size, the figure, and the condition of each one among them accurately described in writing. Certainly, the delight arising from virtue and from victory is much greater than that pleasure which is derived from licentiousness and covetousness. I say that Servilius took much more care to have the booty of the Roman people noted and described, than you took to have your plunder catalogued.

XXII. You will say that your statues and paintings were also an ornament to the city and forum of the Roman people. I recollect: I, together with the Roman people, saw the forum and place for holding the assemblies adorned with embellishments, in appearance indeed magnificent, but to one's senses and thoughts bitter and melancholy. I saw everything glittering with your thefts, with the plunder of the provinces, with the spoils of our allies and friends. At which time, O judges, that fellow conceived the hope of committing his other crimes. For he saw that these men, who wished to be called the masters of the courts of law, were slaves to these desires. But the allies and foreign nations then first abandoned the hope of saving any of their property and fortunes, because, as it happened, there were at that time very many ambassadors from Asia and Achaia at Rome, who worshipped in the forum the images of the gods which had been taken from their temples. And so also, when they recognised the other statues and ornaments, they wept, as they beheld the different pieces of their property in different places. And from all those men we then used to hear discourses of this sort:—"That it was impossible for any one to doubt of the ruin of our allies and friends, when men saw in the forum of the Roman people, in which formerly those men used to be accused and condemned who had done any injury to the allies, those things now openly placed which had been wickedly seized and taken away from the allies." Here I do not expect that he will deny that he has many statues, and countless paintings. But, as I fancy, he is accustomed at times to say

that he purchased these things which he seized and stole ; since indeed he was sent at the public expense, and with the title of ambassador, into Achaia, Asia, and Pamphylia as a purchaser of statues and paintings.

XXIII. I have all the accounts both of that fellow and of his father, of money received, which I have most carefully read and arranged ; those of your father, as long as he lived, you own, as far as you say that you have made them up. For in that man, O judges, you will find this new thing. We hear that some men have never kept accounts ; which is a mistaken opinion of men with respect to Antonius ; for he kept them most carefully. But there may be men of that sort, but they are by no means to be approved of. We hear that some men have not kept them from the beginning, but after some time have made them up ; there is a way of accounting for this too. But this is unprecedented and absurd which this man gave us for an answer, when we demanded his accounts of him : "That he kept them up to the consulship of Marcus Terentius and Caius Cassius ; but that, after that, he gave up keeping them." In another place we will consider what sort of a reply this is ; at present I am not concerned with it ; for of the times about which I am at present occupied I have the accounts, both yours and those of your father. You cannot deny that you carried off very many most beautiful statues, very many admirable paintings. I wish you would deny it. Show in your accounts or in those of your father that any one of them was purchased, and you have gained your cause. There is not even any possibility of your having bought those two most beautiful statues which are now standing in your court, and which stood for many years by the folding doors of the Samian Juno ; these two, I say, which are now the only statues left in your house, which are waiting for the broker, left alone and deserted by the other statues.

XXIV. But, I suppose in these matters alone had he this irrepressible and unbridled covetousness ; his other desires were restrained by some reason and moderation. To how many noble virgins, to how many matrons do you think he offered violence in that foul and obscene lieutenantancy ? In what town did he set his foot that he did not leave more traces of his rapes and atrocities than he did of his arrival ? But I will pass over everything which can be denied ; even

those things which are most certain and most evident I will omit; I will select one of his abominable deeds, in order that I may the more easily at last arrive at Sicily, which has imposed the burden of this business on me. There is a town on the Hellespont, O judges, called Lampsacus, among the first in the province of Asia for renown and for nobleness. And the citizens themselves of Lampsacus are most especially kind to all Roman citizens, and also are an especially quiet and orderly race; almost beyond all the rest of the Greeks inclined to the most perfect ease, rather than to any disorder or tumult. It happened, when he had prevailed on Cnæus Dolabella to send him to king Nicomedes and to king Sadala, and when he had begged this expedition, more with a view to his own gain than to any advantage for the republic, that in that journey he came to Lampsacus, to the great misfortune and almost ruin of the city. He is conducted to the house of a man named Janitor as his host; and his companions, also, are billeted on other entertainers. As was the fellow's custom, and as his lusts always instigating him to commit some wickedness prompted him, he immediately gives a commission to his companions, the most worthless and infamous of men, to inquire and find out whether there is any virgin woman worthy of his staying longer at Lampsacus for her sake.

XXV. He had a companion of the name of Rubrius, a man made for such vices as his, who used to find out all these things for him wherever he went, with wonderful address. He brings him the following news,—that there was a man of the name of Philodamus, in birth, in rank, in wealth, and in reputation by far the first man among the citizens of Lampsacus; that his daughter, who was living with her father because she had not yet got a husband, was a woman of extraordinary beauty, but was also considered exceedingly modest and virtuous. The fellow, when he heard this, was so inflamed with desire for that which he had not only not seen himself, but which even he from whom he heard of it had not seen himself, that he said he should like to go to Philodamus immediately. Janitor, his host, who suspected nothing, being afraid that he must have given him some offence himself, endeavoured with all his might to detain him. Verres, as he could not find any pretext for leaving his host's house, began to pave his way for his meditated violence

by other steps. He says that Rubrius, his most loved friend, his assistant in all such matters, and the partner of his counsels, is lodged with but little comfort. He orders him to be conducted to the house of Philodamus. But when this is reported to Philodamus, although he was ignorant what great misfortune was at that moment being contrived for him and for his children, still he comes to him,—represents to him that that is not his office,—that when it was his turn to receive guests, he was accustomed to receive the prætors and consuls themselves, and not the attendants of lieutenants. Verres, as he was hurried on by that one desire alone, disregarded all his demands and allegations, and ordered Rubrius to be introduced by force into the house of a man who had a right to refuse him admittance.

XXVI. On this, Philodamus, when he could not preserve his rights, studied at least to preserve his courtesy and affability. He who had always been considered most hospitable and most friendly towards our people, did not like to appear to have received even this fellow Rubrius into his house unwillingly; he prepares a banquet magnificently and luxuriously, being, as he was, among the richest of all his fellow-citizens; he begs Rubrius to invite whoever were agreeable to himself; to leave, if he pleased, just room for himself alone. He even sends his own son, a most excellent youth, out to one of his relations to supper. Rubrius invites Verres's companions; Verres informs them all what there was to be done. They come early. They sit down to supper. Conversation takes place among them, and an invitation is given to drink in the Greek fashion. The host encourages them; they demand wine in larger goblets; the banquet proceeds with the conversation and joy of every one. When the business appeared to Rubrius to have got warm enough, "I would know of you, O Philodamus," says he, "why you do not bid your daughter to be invited in hither to us?" The man, who was both a most dignified man, and of mature age, and a parent, was amazed at the speech of the rascal. Rubrius began to urge it. Then he, in order to give some answer, said that it was not the custom of the Greeks for women to sit down at the banquets of men. On this some one else from some other part of the room cried out, "But this is not to be borne; let the women be summoned." And immediately Rubrius orders

his slaves to shut the door, and to stand at the doors themselves. But when Philodamus perceived that what was intended and being prepared was, that violence should be offered to his daughter, he calls his servants to him, he bids them disregard him and defend his daughter, and orders some one to run out and bear the news to his son of this overpowering domestic misfortune. Meantime an uproar arises throughout the whole house; a fight takes place between the slaves of Rubrius and his host. That noble and most honourable man is buffeted about in his own house; every one fights for his own safety. At last Philodamus has a quantity of boiling water thrown over him by Rubrius himself. When the news of this is brought to the son, half dead with alarm he instantly hastens home to bring aid to save the life of his father and the modesty of his sister. All the citizens of Lampsacus, with the same spirit, the moment they heard of it, because both the worth of Philodamus and the enormity of the injury excited them, assembled by night at his house. At this time Cornelius, the lictor of Verres, who had been placed with his slaves by Rubrius, as if on guard, for the purpose of carrying off the woman, is slain; some of the slaves are wounded; Rubrius himself is wounded in the crowd. Verres, when he saw such an uproar excited by his own cupidity, began to wish to escape some way or other if he could.

XXVII. The next morning men come early to the public assembly; they ask what is best to be done; every one delivered his own opinions to the people according as each individual had the most weight. No one was found whose opinion and speech was not to this purpose:—"That it need not be feared, if the Laripsacenes had avenged that man's atrocious wickedness by force and by the sword, that the senate and Roman people would have thought they ought to chastise their city. And if the lieutenants of the Roman people were to establish this law with respect to the allies, and to foreign nations,—that they were not to be allowed to preserve the chastity of their children unpolluted by their lusts, it was better to endure anything rather than to live in a state of such violence and bitterness." As all were of this opinion, and as every one spoke in this tenor, as his own feelings and indignation prompted each individual, all immediately proceeded towards the house where Verres was staying. They

began to beat the door with stones, to attack it with weapons, to surround it with wood and faggots, and to apply fire to it. Then the Roman citizens who were dwelling as traders at Lampsacus run together to the spot; they entreat the citizens of Lampsacus to allow the name of the lieutenant to have more weight with them than the insult of the lieutenant; they say that they were well aware that he was an infamous and wicked man, but as he had not accomplished what he had attempted, and as he was not going to be at Lampsacus any longer, their error in sparing a wicked man would be less than that of not sparing a lieutenant. And so that fellow, far more wicked and infamous than even the notorious Hadrian,<sup>1</sup> was a good deal more fortunate. He, because Roman citizens could not tolerate his avarice, was burnt alive at Utica in his own house; and that was thought to have happened to him so deservedly, that all men rejoiced, and no punishment was inflicted for the deed. This man, scorched indeed though he was by the fire made by our allies, yet escaped from those flames and that danger; and has not even yet been able to imagine what he had done, or what had happened to bring him into such great danger. For he cannot say:—"When I was trying to put down a sedition, when I was ordering corn, when I was collecting money for the soldiers, when in short I was doing something or other for the sake of the republic, because I gave some strict order, because I punished some one, because I threatened some one, all this happened." Even if he were to say so, still he ought not to be pardoned, if he seemed to have been brought into such great danger through issuing too savage commands to our allies.

XXVIII. Now when he neither dares himself to allege any such cause for the tumult as being true, nor even to invent such a falsehood, but when a most temperate man of his own order, who at that time was in attendance on Caius Nero, Publius Tettius, says that he too heard this same account at Lampsacus, (a man most accomplished in everything, Caius Varro, who was at that time in Asia as military tribune, says that he heard this very same story from Philodamus,) can you doubt that fortune was willing, not so much to save him from

<sup>1</sup> This had happened about twelve years before, in the consulship of the younger Marius and Carbo, A. U. C. 672.

that danger, as to reserve him for your judgment? Unless, indeed, he will say, as indeed Hortensius did say, interrupting Tettius while he was giving his evidence in the former pleading (at which time indeed he gave plenty of proof that, if there were anything which he could say, he could not keep silence; so that we may all feel sure that, while he was silent in the other matters that were alleged, he was so because he had nothing to say); he at that time said this, that Philodamus and his son had been condemned by Caius Nero. About which, not to make a long speech, I will merely say that Nero and his bench of judges came to that decision on the ground that it was plain that Cornelius, his lictor, had been slain, and that they thought it was not right that any one, even while avenging his own injuries, should have the power to kill a man. And as to this I see that you were not by Nero's sentence acquitted of atrocity, but that they were convicted of murder. And yet what sort of a conviction was that? Listen, I entreat you, O judges, and do sometimes pity our allies, and show that they ought to have, and that they have, some protection in your integrity.

XXIX. Because the man appeared to all Asia to have been lawfully slain, being in name indeed his lictor, but in reality the minister of his most profligate desires, Verres feared that Philodamus would be acquitted by the sentence of Nero. He begs and entreats Dolabella to leave his own province, to go to Nero; he shows that he himself cannot be safe if Philodamus be allowed to live and at any time to come to Rome. Dolabella was moved; he did what many blamed, in leaving his army, his province, and the war, and in going into Asia, into the province of another magistrate, for the sake of a most worthless man. After he came to Nero, he urged him to take cognisance of the cause of Philodamus. He came himself to sit on the bench, and to be the first to deliver his opinion. He had brought with him also his prefects, and his military tribunes, all of whom Nero invited to take their places on the bench. On that bench also was that most just judge Verres himself. There were some Romans also, creditors of some of the Greeks, to whom the favour of any lieutenant, be he ever so infamous, is of the greatest influence in enabling them to get in their money. The unhappy prisoner could find no one to defend him; for what citizen was there who



was not under the influence of Dolabella? what Greek who was not afraid of his power and authority? And then is assigned as the accuser a Roman citizen, one of the creditors of the Lampsacenes; and if he would only say what that fellow ordered him to say, he was to be enabled to compel payment of his money from the people, by the aid of that same Verres's lictors. When all these things were conducted with such zeal, and with such resources; when many were accusing that unhappy man, and no one was defending him; and when Dolabella, with his prefects, was taking an eager part on the bench; when Verres kept saying that his fortunes were at stake—when he also gave his evidence—when he also was sitting on the bench—when he also had provided the accuser; when all this was done, and when it was clear that the man had been slain, still, so great was the weight which the consideration of that fellow's injury had, so great was his iniquity thought, that the case of Philodamus was adjourned for further inquiry.

XXX. Why need I now speak of the energy of Cnæus Dolabella at the second hearing of the cause,—of his tears, of his agitation of body and mind? Why need I describe the mind of Caius Nero,—a most virtuous and innocent man, but still on some occasions too timid and low-spirited?—who in that emergency had no idea what to do, unless, perchance (as every one wished him to do), to settle the matter without the intervention of Verres and Dolabella. Whatever had been done without their intervention all men would approve; but, as it was, the sentence which was given was thought not to have been pronounced judicially by Nero, but to have been extorted by Dolabella. For Philodamus and his son are convicted by a few votes: Dolabella is present; urges and presses Nero to have them executed as speedily as possible, in order that as few as may be may hear of that man's nefarious wickedness. There is exhibited in the market-place of Laodicea a spectacle bitter, and miserable, and grievous to the whole province of Asia—an aged parent led forth to punishment, and on the other side a son; the one because he had defended the chastity of his children, the other because he had defended the life of his father and the fair fame of his sister. Each was weeping,—the father, not for his own execution, but for that of his son; the son for that of his father.

How many tears do you think that Nero himself shed? How great do you think was the weeping of all Asia? How great the groans and lamentations of the citizens of Lampsacus, that innocent men, nobles, allies and friends of the Roman people, should be put to death by public execution, on account of the unprecedented wickedness and impious desires of one most profligate man? After this, O Dolabella, no one can pity either you or your children, whom you have left miserable, in beggary and solitude. Was Verres so dear to you, that you should wish the disappointment of his lust to be expiated by the blood of innocent men? Did you leave your army and the enemy, in order by your own power and cruelty to diminish the dangers of that most wicked man? For, had you expected him to be an everlasting friend to you, because you had appointed him to act as your quæstor? Did you not know, that Cnæus Carbo, the consul whose real quæstor he had been, had not only been deserted by him, but had also been deprived of his resources and his money, and nefariously attacked and betrayed by him? Therefore, you too experienced his perfidy when he joined your enemies,—when he, himself a most guilty man, gave most damaging evidence against you—when he refused to give in his accounts to the treasury unless you were condemned.<sup>1</sup>

XXXI. Are your lusts, O Verres, to be so atrocious, that the provinces of the Roman people, that foreign nations, cannot limit and cannot endure them? Unless whatever you see, whatever you hear, whatever you desire, whatever you think of, is in a moment to be subservient to your nod, is at once to obey your lust and desire, are men to be sent into people's houses? are the houses to be stormed? Are cities—not only the cities of enemies now reduced to peace—but are the cities of our allies and friends to be forced to have recourse to violence and to arms, in order to be able to repel from themselves and from their children the wickedness and lust of a lieutenant of the Roman people? For I ask of you, were you besieged at Lampsacus? Did that multitude begin to burn the house in which you were staying? Did the citizens

<sup>1</sup> Dolabella was governor of Cilicia at the time Verres was acting as his lieutenant and proquæstor. On his return from his government he was prosecuted by Scaurus for corruption, and was condemned mainly through the evidence of Verres.

of Lampsacus wish to burn a lieutenant of the Roman people alive? You cannot deny it; for I have your own evidence which you gave before Nero,—I have the letters which you sent to him. Recite the passage from his evidence.

[*The evidence of Caius Verres against Artemidorus is read.*]

Recite the passages out of Verres's letters to Nero.

[*Passages from the letters of Verres to Nero are read.*]

"Not long afterwards, they came into the house." Was the city of Lampsacus endeavouring to make war on the Roman people? Did it wish to revolt from our dominion—to cast off the name of allies of Rome? For I see, and, from those things which I have read and heard, I am sure, that, if in any city a lieutenant of the Roman people has been, not only besieged, not only attacked with fire and sword, by violence, and by armed forces, but even to some extent actually injured, unless satisfaction be publicly made for the insult, war is invariably declared and waged against that city. What, then, was the cause why the whole city of the Lampsacenes ran, as you write yourself, from the assembly to your house? For neither in the letters which you sent to Nero, nor in your evidence, do you mention any reason for so important a disturbance. You say that you were besieged, that fire was applied to your house, that faggots were put round it; you say that your lictor was slain; you say that you did not dare appear in the public streets: but the cause of all this alarm you conceal. For if Rubrius had done any injury to any one on his own account, and not at your instigation and for the gratification of your desires, they would rather have come to you to complain of the injury done by your companion, than have come to besiege you. As, therefore, he himself has concealed what the cause of that disturbance was, and as the witnesses produced by us have related it, do not both their evidence and his own continued silence prove the reason to be that which we have alleged?

XXXII. Will you then spare this man, O judges? whose offences are so great that they whom he injured could neither wait for the legitimate time to take their revenge, nor restrain to a future time the violence of their indignation. You were besieged? By whom? By the citizens of Lampsacus—barbarous men, I suppose, or, at all events, men who despised the name of the Roman people. Say rather, men, by nature,

by custom, and by education most gentle ; moreover, by condition, allies of the Roman people, by fortune our subjects, by inclination our suppliants—so that it is evident to all men, that unless the bitterness of the injury and the enormity of the wickedness had been such that the Lampsacenes thought it better to die than to endure it, they never would have advanced to such a pitch as to be more influenced by hatred of your lust—than by fear of your office as lieutenant. Do not, in the name of the immortal gods, I entreat you—do not compel the allies and foreign nations to have recourse to such a refuge as that ; and they must of necessity have recourse to it, unless you chastise such crimes. Nothing would ever have softened the citizens of Lampsacus towards him, except their believing that he would be punished at Rome. Although they had sustained such an injury that they could not sufficiently avenge it by any law in the world, yet they would have preferred to submit their griefs to our laws and tribunals, rather than to give way to their own feelings of indignation. You, when you have been besieged by so illustrious a city on account of your own wickedness and crime—when you have compelled men, miserable and maddened by calamity, as if in despair of our laws and tribunals, to fly to violence, to combat, and to arms—when you have shown yourself in the towns and cities of our friends, not as a lieutenant of the Roman people, but as a lustful and inhuman tyrant—when among foreign nations you have injured the reputation of our dominion and our name by your infamy and your crimes—when you have with difficulty saved yourself from the sword of the friends of the Roman people, and escaped from the fire of its allies, do you think you will find an asylum here ? You are mistaken—they allowed you to escape alive that you might fall into our power here, not that you might find rest here.

XXXIII. And you say that a judicial decision was come to that you were injuriously besieged for no reason at Lampsacus, because Philodamus and his son were condemned. What if I show, if I make it evident, by the evidence of a worthless man indeed, but still a competent witness in this matter,—by the evidence of you yourself,—that you yourself transferred the reason of this siege laid to you, and the blame of it, to others ? and that those whom you had accused were not

punished? Then the decision of Nero will do you but little good. Recite the letters which he sent to Nero.

[*The letter of Caius Verres to Nero is read.*]

"Themistagoras and Thessalus." . . . You write that Themistagoras and Thessalus stirred up the people. What people? They who besieged you; who endeavoured to burn you alive. Where do you prosecute them? Where do you accuse them? Where do you defend the name and rights of a lieutenant? Will you say that that was settled by the trial of Philodamus? Let me have the evidence of Verres himself. Let us see what that fellow said on his oath. Recite it. "Being asked by the accuser, he answered that he was not prosecuting for that in this trial, that he intended to prosecute for that another time." How, then, does Nero's decision profit you?—how does the conviction of Philodamus? Though you, a lieutenant, had been besieged, and when, as you yourself write to Nero, a notorious injury had been done to the Roman people, and to the common cause of all lieutenants, you did not prosecute. You said that you intended to prosecute at some other time. When was that time? When have you prosecuted? Why have you taken so much from the rights of a lieutenant's rank? Why have you abandoned and betrayed the cause of the Roman people? Why have you passed over your own injuries, involved as they were in the public injury? Ought you not to have brought the cause before the senate? to have complained of such atrocious injuries? to have taken care that those men who had excited the populace should be summoned by the letters of the consuls? Lately, when Marcus Aurelius Scaurus made the demand, because he said that he as quæstor had been prevented by force at Ephesus from taking his servant out of the temple of Diana, who had taken refuge in that asylum, Pericles, an Ephesian, a most noble man, was summoned to Rome, because he was accused of having been the author of that wrong. If you had stated to the senate that you, a lieutenant, had been so treated at Lampsacus, that your companions were wounded, your licitor slain, you yourself surrounded and nearly burnt, and that the ring-leaders and principal actors and chiefs in that transaction were Themistagoras and Thessalus, who, you write, were so, who would not have been moved? Who would not have thought that he was taking care of himself in chastising the

injury which had been done to you? Who would not have thought that not only your cause but that the common safety was at stake in that matter? In truth the name of lieutenant<sup>1</sup> ought to be such as to pass in safety not only among the laws of allies, but even amid the arms of enemies.

34. This crime committed at Lampsacus is very great; a crime of lust and of the most infamous desires. Listen now to a tale of avarice, but little less iniquitous of its sort. He demanded of the Milesians a ship to attend him to Myndus as a guard. They immediately gave him a light vessel, a beautiful one of its class, splendidly adorned and armed. With this guard he went to Myndus. For, as to the wool being public property which he carried off from the Milesians, —as for his extravagance on his arrival,—as for his insults and injuries offered to the Milesian magistrates, although they might be stated **not** only truly, but also with vehemence and with indignation, still I shall pass them all over, and reserve them for another time to be proved by evidence. At present listen to this which cannot possibly be suppressed, and at the same time cannot be mentioned with proper dignity. He orders the soldiers and the crew to return from Myndus to Miletus on foot; he himself sold that beautiful light vessel, picked out of the ten ships of the Milesians, to Lucius Magius and Lucius Rabijs, who were living at Myndus. These are the men whom the senate lately voted should be considered in the number of enemies. In this vessel they sailed to all the enemies of the Roman people, from Dianium, which is in Spain, to Senope, which is in Pontus. O ye immortal gods! the incredible avarice, the unheard-of audacity of such a proceeding! Did you dare to sell a ship of the Roman fleet, which the city of Miletus had assigned to you to attend upon you? If the magnitude of the crime, if the opinion of men, had no influence on you, did this, too, never occur to you,—that so illustrious and so noble a city would be a witness against you of this most wicked theft, or rather of this most abominable robbery? Or because at that time

<sup>1</sup> Cicero here, one may almost say, plays on the meanings of the word *legatus*, which means not only a lieutenant, but also an ambassador. The persons of ambassadors have always, by the laws of nations, been considered to be sacred; but Verres was not an ambassador, but a lieutenant.

Cnæus Dolabella attempted, at your request, to punish the man who had been in command of that vessel, and who had reported to the Milesians what had been done, and had ordered his report, which according to their laws had been inserted in the public registers, to be erased, did you, on that account, fancy that you had escaped from that accusation?

XXXV. That opinion of yours has much deceived you, and on many occasions. For you have always fancied, and especially in Sicily, that you had taken sufficient precautions for your defence, when you had either forbidden anything to be mentioned in the public records, or had compelled that which had been so mentioned to be erased. How vain that step is, although in the former pleading you learnt it in the instance of many cities of Sicily, yet you may learn it again in the case of this city. The citizens are, indeed, obedient to the command, as long as they are present who give the command. As soon as they are gone, they not only set down that which they have been forbidden to set down, but they also write down the reason why it was not entered in the public records at the time. Those documents remain at Miletus, and will remain as long as that city lasts. For the Milesian people had built ten ships by command of Lucius Marcus out of the taxes imposed by the Roman people, as the other cities of Asia had done, each in proportion to its amount of taxation. Wherefore they entered on their public records, that one of the ten had been lost, not by the sudden attack of pirates, but by the robbery of a lieutenant,—not by the violence of a storm, but by this horrible tempest which fell upon the allies. There are at Rome Milesian ambassadors, most noble men and the chief men of the city, who, although they are waiting with apprehension for the month of February<sup>1</sup> and the time of the consuls elect, yet they not only do not dare to deny such an atrocious action when they are asked about it, but they cannot forbear speaking of it unasked if they are present. They will tell you, I say, being induced by regard to religion, and by their fear of their laws at home, what has become of that vessel. They will declare to you that Caius Verres has behaved himself like

<sup>1</sup> It was in the month of February that the senate was used to give audience to the deputies from the provinces: and the consuls elect, as has been said before, were notoriously in the interest of Verres.

a most infamous pirate in regard to that fleet which was built against pirates.

XXXVI. When Caius Malleolus, the quæstor of Dolabella, had been slain, he thought that two inheritances had come to him ; one, that of his quæstorian office, for he was immediately desired by Dolabella to be his proquæstor ; the other, of a guardianship, for as he was appointed guardian of the young Malleolus, he immediately invaded his property. For Malleolus had started for his province so splendidly equipped that he left actually nothing behind him at home. Besides, he had put out a great deal of money among the provincials, and had taken bills from them. He had taken with him a great quantity of admirably embossed silver plate. For he, too, was a companion of that fellow Verres in that disease and in that covetousness ; and so he left behind him at his death a great quantity of silver plate, a great household of slaves, many workmen, many beautiful youths. That fellow seized all the plate that took his fancy ; carried off all the slaves he chose ; carried off the wines and all the other things which are procured most easily in Asia, which he had left behind : the rest he sold, and took the money himself. Though it was plain that he had received two millions five hundred thousand sesterces, when he returned to Rome, he rendered no account to his ward, none to his ward's mother, none to his fellow-guardians ; though he had the servants of his ward, who were workmen, at home, and beautiful and accomplished slaves about him, he said that they were his own,—that he had bought them. When the mother and grandmother of the boy repeatedly asked him if he would neither restore the money nor render an account, at least to say how much money of Malleolus's he had received, being wearied with their importunities, at last he said, a million of sesterces. Then on the last line of his accounts, he put in a name at the bottom by a most shameless erasure ; he put down that he had paid to Chrysogonus, a slave, six hundred thousand sesterces which he had received for his ward Malleolus. How out of a million they became six hundred thousand ; how the six hundred thousand tallied so exactly with other accounts,—that of the money belonging to Cnæus Carbo there was also a remainder of six hundred thousand sesterces ; and how it was that they were put down as paid to



Chrysogonus; why that name occurred on the bottom line of the page, and after an erasure, you will judge. Yet, though he had entered in his accounts six hundred thousand sesterces as having been received, he has never paid over fifty thousand. Of the slaves, since he has been prosecuted in this manner, some have been restored, some are detained even now. All the gains which they had made, and all their substitutes<sup>1</sup> are detained.

XXXVII. This is that fellow's splendid guardianship. See to whom you are entrusting your children! Behold how great is the recollection of a dead companion! Behold how great is the fear of the opinion of the living! When all Asia had given herself up to you to be harassed and plundered, when all Pamphylia was placed at your mercy to be pillaged, were you not content with this rich booty? Could you not keep your hands off your guardianship, off your ward, off the son of your comrade? It is not now the Sicilians; they are now a set of ploughmen, as you are constantly saying, who are hemming you in. It is not the men who have been excited against you and rendered hostile to you by your own decrees and edicts. Malleolus is brought forward by me and his mother and his grandmother, who, unfortunate, and weeping, say that their boy has been stripped by you of his father's property. What are you waiting for? till poor Malleolus rises from the shades below, and demands of you an account of your discharge of the duties of a guardian, of a comrade, of an intimate friend? Fancy that he is present himself. O most avaricious and most licentious man, restore the property of your comrade to his son; if not all you have robbed him of, at least that which you have confessed that you received. Why do you compel the son of your comrade to utter his first words in the forum with the voice of indigna-

<sup>1</sup> "As slaves often acted as factors or agents for their masters in matters of business, and, as such, were often entrusted with property to a large amount, there arose a practice of allowing the slave to consider part of the gains as his own; this was his *peculium*. . . . According to strict law the *peculium* was the property of the master; but according to usage it was the property of the slave. . . . Sometimes a slave would have another slave under him, who had a *peculium* with respect to the first slave, just as the first slave had a *peculium* with respect to his master. On this practice was founded the distinction between *Servi Ordinarii* and *Vicarii*."—Smith, *Diet. Ant.* pp. 869, 870. v. *Servus*.

tion and complaint? Why do you compel the wife of your comrade, the mother-in-law of your comrade, in short, the whole family of your dead comrade, to bear evidence against you? Why do you compel most modest and admirable women to come against their wont and against their will into so great an assembly of men? Recite the evidence of them all.

[*The evidence of the mother and grandmother is read.*]

XXXVIII. But how he as proquaestor harassed the republic of the Milyades, how he oppressed Lyria, Pamphylia, Piscidia, and all Phrygia, in his levying corn from them, and valuing it according to that valuation of his, which he then devised for the first time, it is not necessary for me now to relate; know this much, that these articles (and all such matters were transacted through his instrumentality, while he levied on the cities corn, hides, haircloth, sacks, but did not receive the goods but exacted money instead of them),—for these articles alone damages were laid in the action against Dolabella, at three millions of sesterces. And all these things, even if they were done with the consent of Dolabella, were yet all accomplished through the instrumentality of that man. I will pause on one article, for many are of the same sort. Recite. “Money received from the actions against Cnæus Dolabella, prætor of the Roman people, that which was received from the State of the Milyades. . . .” I say that you collected this money, that you made this valuation, that the money was paid to you; and I prove that you went through every part of the province with the same violence and injustice, when you were collecting most enormous sums, like some disastrous tempest or pestilence. Therefore Marcus Scaurus, who accused Cnæus Dolabella, held him under his power and in subjection. Being a young man, when in prosecuting his inquiries he ascertained the numerous robberies and iniquities of that man, he acted skilfully and warily. He showed him a huge volume full of his exploits; he got from the fellow all he wanted against Dolabella. He brought him forward as a witness; the fellow said everything which he thought the accuser wished him to say. And of that class of witnesses, men who were accomplices in his robberies, I might have had a great plenty if I had chosen to employ them; who offered of their own accord to go wherever I chose, in order to deliver themselves from the danger of actions, and

from a connexion with his crimes. I rejected the voluntary offers of all of them. There was not only no room for a traitor, there was none even for a deserter in my camp. Perhaps they are to be considered better accusers than I, who do all these things; but I wish the defender of others to be praised in my person, not the accuser. He does not dare bring in his accounts to the treasury before Dolabella is condemned. He prevails on the senate to grant him an adjournment; because he said that his account-books had been sealed up by the accusers of Dolabella; just as if he had not the power of copying them. This man is the only man who never renders accounts to the treasury.

XXXIX. You have heard the accounts of his quæstorship rendered in three lines; but no accounts of his lieutenancy, till he was condemned and banished who alone could detect any error in them. The accounts of his prætorship, which, according to the decree of the senate, he ought to have rendered immediately on leaving office, he has not rendered to this very day. He said that he was waiting for the quæstors to appear in the senate; just as if a prætor could not give in his accounts without the quæstor, in the same way as the quæstor does without the prætor, (as you did. Hortensius, and as all have done.) He said that Dolabella obtained the same permission. The omen pleased the conscript fathers rather than the excuse; they admitted it. But now the quæstors have arrived some time. Why have you not rendered them now? Among the accounts of that infamous lieutenancy and pro-quæstorship of yours, those items occur which are necessarily set down also in the accounts of Dolabella. (An extract is read of the account of the damages assessed against Dolabella, prætor of the Roman people, for money received.)<sup>1</sup> The

<sup>1</sup> Hottomann makes sure that there is some corruption of the MS. here, and Grævius agrees with him. "The whole passage is very obscure, and the more difficult because we are not acquainted with the forms of proceeding which were followed against magistrates convicted of extortion. It is not clear, as far as appears from Cicero's speech, that, though there was a discrepancy between the accounts of Verres and that of Dolabella, the fault was necessarily in the accounts of Verres; especially as Dolabella had been justly convicted of extortion and malversation already. Undoubtedly Cicero produced witnesses who assisted to put the case in the point of view in which he wished it to be looked at."—Desmenorius.

sum which Dolabella entered to Verres as having been received from him, is less than the sum which Verres has entered as having been paid to him by four hundred and thirty-five thousand sesterces. The sum which Dolabella made out that Verres received less than he has put down in his account-books, is two hundred and thirty-two thousand sesterces. Dolabella also made out that on account of corn he had received one million and eight hundred thousand sesterces ; as to which you, O most incorruptible man, had quite a different entry in your account-books. Hence it is that those extraordinary gains of yours have accumulated, which we are examining into without any guide, article by article as we can ;—hence the account with Quintus and Cnæus Postumus Curtius, made up of many items ; of which that fellow has not one in his account-books ;—hence the fourteen hundred thousand sesterces paid to Publius Tadius at Athens, as I will prove by witnesses ;—hence the prætorship, openly purchased ; unless indeed that also is doubtful, how that man became prætor. Oh, he was a man, forsooth, of tried industry and energy, or else of a splendid reputation for economy, or perhaps, which is however of the least importance, for his constant attendance at our assemblies ;—a man who had lived before his quæstorship with prostitutes and pimps ; who had passed his quæstorship you yourselves know how ;—who, since that infamous quæstorship, has scarcely been three days in Rome ; who, while absent, has not been out of sight, but has been the common topic of conversation for every one on account of his countless iniquities. He, on a sudden, the moment he came to Rome, is made prætor for nothing ! Besides that, other money was paid to buy off accusations. To whom it was paid is, I think, nothing to me ; nothing to the matter in hand. That it was paid was at the time notorious to every one while the occurrence was recent. O you most foolish, most senseless man, when you were making up your accounts, and when you wanted to shirk out of the charge of having made extraordinary gains, did you think that you would escape sufficiently from all suspicion, if when you lent men money you did not enter any sums as given to them, and put down no such item at all in your account-books, while the Curtii were giving you credit in their books for all that had been received ? What good did it do you that

you had not put down what was paid to them? Did you think you were going to try your cause by the production of no other account-books than your own?

XL. However, let us now come to that splendid prætorship, and to those crimes which are better known to those who are here present, than even to us who come prepared to speak after long consideration. In dealing with which, I do not doubt that I may not be able to avoid and escape from some blame on the ground of negligence. For many will say, "He said nothing of the transaction at which I was present; he never touched upon that injury which was done to me, or to my friend, transactions at which I was present." To all those who are acquainted with the wrongs this man has done—that is, to the whole Roman people—I earnestly wish to make this excuse, that it will not be out of carelessness that I shall pass over many things, but because I wish to reserve some points till I produce the witnesses, and because I think it necessary to omit some altogether with a view to brevity, and to the time my speech must take. I will confess too, though against my will, that, as he never allowed any moment of time to pass free from crime, I have not been able to ascertain fully every iniquity which has been committed by him. Therefore I beg you to listen to me with respect to the crimes of his prætorship, expecting only to hear those mentioned, both in the matters of deciding law-suits and of insisting on the repair of public buildings, which are thoroughly worthy of a criminal whom it is not worth while to accuse of any small or ordinary offences. For when he was made prætor, leaving the house of Chelidon after having taken the auspices, he drew the lot of the city province, more in accordance with his own inclination and that of Chelidon, than with the wish of the Roman people. And observe how he behaved at the very outset,—what his intentions were as shown<sup>1</sup> in his first edict.

XLI. Publius Annius Asellus died while Caius Sacerdos was prætor. As he had an only daughter, and as he was not

<sup>1</sup> "After the prætors were appointed, before they entered on the discharge of their duties as judges, they were in the habit of issuing an edict, setting forth the principles which they intended should govern their decisions; and they used to do this in the public assembly, after they had taken the oath to observe the laws."—Hottoman

included in the census,<sup>1</sup> he did what nature prompted, and what no law forbade,—he appointed his daughter heiress of all his property. His daughter was his heiress. Everything made for the orphan; the equity of the law, the wish of her father, the edicts of the prætors, the usage of the law which existed at the time that Asellus died. That fellow, being prætor elect, (whether being instigated by others, or being tempted by circumstances, or whether, from the instinctive sagacity which he has in such matters, he came of his own accord to this rascality, without any prompter, without any informer, I know not; you only know the audacity and insanity of the man,) appeals to Lucius Annius as the heir, (who indeed was appointed heir after the daughter,) for I cannot be persuaded that Verres was appealed to by him; he says that he can give him the inheritance by an edict; he instructs the man in what can be done. To the one the property appeared desirable, the other thought that he could sell it. Verres, although he is of singular audacity, still sent privately to the young girl's mother; he preferred taking money for not issuing any new edict, to interposing so shameful and inhuman a decree. Her guardians, if they gave money to the prætor in the name of their ward, especially if it were a large sum, did not see how they could enter it in their accounts; did not see how they could

<sup>1</sup> "By the *Lex Voconia* it was enacted, that no person who should be included in the census, after the census of that year, B. C. 169, should make any female his heir. Cicero does not state that the *Lex* fixed the census at any sum; but it appears from other writers that a woman could not be made hæres by any person who was rated in the census at a hundred thousand sesterces. The *Lex* only applied to wills, and therefore a daughter or other female could inherit *ab intestato* to any amount. The Vestal virgins could make women their hæredes in all cases, which was the only exception to the provisions of the law. If the terms of the law are correctly reported by Cicero, a person who was not *census* might make a woman his hæres whatever was the amount of his property. Still there is a difficulty about the meaning of *census*. If it is taken to mean that a person whose property was above a hundred thousand sesterces, and who was not included in the census, could dispose of his property as he pleased by will, the purpose of the law would be frustrated: and further, the "not being included in the census" (*neque census esset*) seems rather vague. Another provision of the law, mentioned by Cicero, forbade a person who was *census* to give more in amount in the form of a legacy or a *donatio mortis causa* to any person than the hæres or hæredes should take."—Smith, *Dict. Ant.* p. 1059, v. *Voconia Lex*, with especial reference to this passage.

give it except at their own risk ; and at the same time they did not believe that he would be so wicked. Being often applied to, they refused. I pray you, take notice, how equitable a decree he issued at the will of the man to whom he was giving the inheritance of which the children were robbed. " As I understand that the Lex Voconia . . . ." Who would ever believe that Verres would be an adversary of women ? or did he do something contrary to the interests of women, in order that the whole edict might not appear to have been drawn up at the will of Chelidon. He wishes, he says, to oppose the covetousness of men. Oh, certainly. Who, not only in the present age, but even in the times of our ancestors, was ever so far removed from covetousness ? Recite what comes next, I beg ; for the gravity of the man, his knowledge of the law, and his authority delight me. " Who, since the censorship of Aulus Postumius and Quintus Fulvius, has made, or shall have made . . . ." Has made, or shall have made ! who ever issued an edict in such a manner ? Who ever proposed by an edict any penalty or danger for an act which could not be provided for otherwise either before the edict or after the edict ?

XLII. Publius Annius had made his will in accordance with law, with the statutes, with the authority of all who were consulted ; a will neither improper, nor made in disregard of any duty, nor contrary to human nature. But even if he had made such a will as that, still, after his death no new law ought to have been enacted which should have any effect on his will. I suppose the Voconian law pleased you greatly ? You should have imitated Quintus Voconius himself, who did not by his law take away her inheritance from any female whether virgin or matron, but established a law for the future, that no one who after the year of the existing censors should be enrolled in the census, should make either virgin or matron his heir. In the Voconian law, there is no " has made or shall have made." Nor in any law is time past ever implicated in blame, except in cases which are of their own nature wicked and nefarious, so that, even if there were no law, they would be strenuously to be avoided. And in these cases we see that many things are established by law in such a way that things done previously cannot be called in question—the Cornelian law the law about testaments, the law about money,

and many others, in which no new law is established in the nation, but it is established that what has always been an evil action shall be liable to public prosecution up to a certain time. But if any one establishes any new regulation on any points of civil law, does he allow everything which has been previously done to remain unaltered? Look at the Atinian law, at the Furian law, at the Voconian law itself, as I said before; in short, at every law on the subject of civil rights; you will find in all of them that regulations are established which are only to come into operation after the passing of the law. Those who attribute the greatest importance to the edict, say that the edict of the prætor is an annual law. You embrace more in an edict than you can in a law. If the first of January puts an end to the edict of the prætor, why does not the edict have its birth also on the first of January? Or, is it the case that no one can advance forward by his edict into the year when another man is to be prætor, but that he may retire back into the year when another man has been prætor? And if you had published this edict for the sake of right, and not for the sake of one man, you would have composed it more carefully.

XLIII. You write, "If any one has made, or shall have made his heir. . . . ." What are we to think? Suppose a man has bequeathed in legacies more than comes to his heir or heirs, as by the Voconian law a man may do who is not included in the census? Why do you not guard against this, as it comes under the same class? Because in your expressions you are not thinking of the interests of a class, but of an individual; so that it is perfectly evident that you were influenced by a desire for money. And if you had issued this edict with only a prospective operation, it would have been less iniquitous; still it would have been scandalous: but in that case, though it might have been blamed, it could not have been doubted about, for no one would have broken it. Now it is an edict of such a sort, that any one can see that it was written, not for the people, but for the second heir of Publius Annus. Therefore, though that heading had been embellished by you with so many words, and with that mercenary preamble, was any prætor found afterwards to draw up an edict in similar style? Not only no one ever did publish such an edict, but no one was ever apprehensive even of



any one publishing such an edict. For after your prætorship many people made wills in the same manner, and among them Annia did so lately. She, by the advice of many of her relations, being a wealthy woman, because she was not included in the census, by her will made her daughter her heiress. This, now, is great proof of men's opinion of the singular wickedness of that fellow, that, though Verres had established this of his own accord, yet no one was apprehensive that any one could be found to adopt the rule which he had laid down. For you alone were found to be a man who could not be satisfied with correcting the wills of the living, unless you also rescinded those of the dead. You yourself removed this clause from your Sicilian edict. You wished, if any matters arose unexpectedly, to decide them according to your edict as prætor of the city. The defence which you left yourself afterwards you yourself greatly injured, when you yourself, in your provincial edict, repudiated your own authority.

XLIV. And I do not doubt that as this action appears bitter and unworthy to me, to whom my daughter is very dear, it appears so also to each one of you who is influenced by a similar feeling and love for his daughters. For what has nature ordained to be more agreeable and more dear to us? What is more worthy to have all our affections and all our indulgence expended upon it? O most infamous of men, why did you do so great an injury to Publius Annius after death? Why did you cause such indelible grief to his ashes and bones, as to take from his children the property of their father given to them by the will of their father in accordance with the law and with the statutes, and to give them to whomsoever you pleased? Shall the prætor be able, when we are dead, to take away our property and our fortunes from those to whom we give them while alive? He says, "I will neither give any right of petition, nor possession." Will you, then, take away from a young girl her purple-bordered robe? Will you take away, not only the ornaments of her fortune, but those also denoting her noble birth? Do we marvel that the citizens of Lampsacus flew to arms against that man? Do we marvel that when he was leaving his province, he fled secretly from Syracuse? If we were as indignant at what happens to others as at our

own injury there would not be a relic of that man left to appear in the forum. The father gives to his daughter: you forbid it. The laws allow it: yet you interpose your authority. He gives to her of his own property in such a manner as not to infringe any law. What do you find to blame in that? Nothing, I think. But I allow you to do so. Forbid it if you can; if you can find any one to listen to you; if any one can possibly obey your order. Will you take away their will from the dead,—their property from the living,—their rights from all men? Would not the Roman people have avenged itself by force if it had not reserved you for this occasion and for this trial? Since the establishment of the prætorian power, we have always adopted this principle,—that if no will was produced, then possession was given to that person who would have had the best right to be the heir, if the deceased had died intestate. Why this is the most righteous principle it is easy to show; but in a matter so established by precedent it is sufficient to point out that all men had previously laid down the law in this way, and that this was the ancient and customary edict.

XLV. Listen to another new edict of the fellow in a case of frequent occurrence; and then, while there is any place where civil law can be learnt, pray send all the youths of Rome to his lectures. The genius of the man is marvellous; his prudence is marvellous. A man of the name of Minucius died while he was prætor. He left no will. By law his inheritance passed to the Minucian family. If Verres had issued the edict which all prætors both before and after him did issue, possession would have been given to the Minucian family. If any thought himself heir by will, though no will was known, he might proceed by law to put forward his claim to the inheritance; or if he had taken security for his claim, and given security, he then proceeded to try an action for his inheritance. This is the law which, as I imagine, both our ancestors and we ourselves have always been accustomed to. See, now, how that fellow amended it. He composes an edict;—such language that any one can perceive that it was written for the sake of one individual. He all but names the man; he details his whole cause; he disregards right, custom, equity, the edicts of all his predecessors. “According to the edict of the city prætor,—if any doubt arises about an in

heritance, if the possessor does not give security . . . .” What is it to the prætor which is the possessor? Is not this the point which ought to be inquired into, who *ought* to be the possessor? Therefore, because he is in possession, you do not remove him from the possession. If he were not in possession, you would not give him possession. For you nowhere say so; nor do you embrace anything else in your edict except that cause for which you had received money. What follows is ridiculous. “If any doubt arises about an inheritance, and if testamentary papers are produced before me, sealed with not fewer seals than are required by law, I shall adjudge the inheritance as far as possible according to the testamentary papers.” So far is usual. This ought to follow next: “If testamentary papers are not produced . . . . .” What says he? That he will adjudge it to him who says he is the heir. What, then, is the difference whether testamentary papers are produced or not? If he produces them, though they may have only one seal less than is required by law, you will not give him possession; but if he produces no such papers at all, you will. What shall I say now? That no one else ever issued a similar edict afterwards? A very marvellous thing, truly, that there should have been no one who chose to be considered like that fellow! He himself, in his Sicilian edict, has not this passage. No; for he had received his payment for it. And so in the edict which I have mentioned before, which he issued in Sicily, about giving possession of inheritances, he laid down the same rules which all the prætors at Rome had laid down besides himself. From the Sicilian edict,—“If any doubt arise about an inheritance . . . . .”

XLVI. But, in the name of the immortal gods, what can possibly be said of this business? For I ask of you now a second time, as I did just now, with reference to the affair of Annia, about the inheritance of females,—I ask you now, I say, about the possession of inheritances,—why you were unwilling to transfer those paragraphs into your provincial edict? Did you think those men who were living in the province more worthy to enjoy just laws than we were? Or is one thing just in Rome and another in Sicily? For you cannot say in this place that there are many things in the provinces which require to be regulated differently from what

they would if they existed at Rome ; at all events not in the case of taking possession of inheritances, or of the inheritances of women. For in both these cases I see that not only all other magistrates, but that you yourself, have issued edicts word for word the same as those which are accustomed to be issued at Rome. The clauses which, with great disgrace and for a great bribe, you had inserted in your edict at Rome, those alone, I see, you omitted in your Sicilian edict, in order not to incur odium in the province for nothing. And as, while he was prætor elect, he composed his whole edict at the pleasure of those who bought law of him to secure their own advantage ; so also, when he had entered on his office, he used to make decrees contrary to his edict without the slightest scruple. Therefore, Lucius Piso filled many books with the affairs in which he had interposed his authority, because Verres had decreed in a manner contrary to his edict. And I think that you have not forgotten what a multitude and what respectable citizens used to assemble before Piso's seat while that man was prætor, and unless he had had him for a colleague, he would have been stoned in the very forum. But his injuries at that time appeared of less importance, because there was a refuge always ready in the justice and prudence of Piso, whom men could apply to without any labour, or any trouble, or any expense, and even without a patron to recommend them. For, I entreat you, recal to your recollection, O judges, what licence that fellow took in determining the law ; how great a variation there was in his decrees, what open buying and selling of justice ; how empty the houses of all those men who were accustomed to be consulted on points of civil law, how full and crammed was the house of Chelidon. And when men had come from that woman to him, and had whispered in his ear, at one time he would recal those between whom he had just decided, and alter his decree ; at another time he, without the least scruple, gave a decision between other parties quite contrary to the last decision which he had given only a little while before. Hence it was that men were found who were even ridiculous in their indignation ; some of whom, as you have heard, said that it was not strange that such piggish<sup>1</sup> justice should be worthless. Others were colder ; but still, because they were angry they seemed ridiculous,

<sup>1</sup> There is a pun here on the name . Verres, which means a pig, a

while they execrated Sacerdos who had spared so worthless a boar. And I should hardly mention these things, for they were not extraordinarily witty, nor are they worthy of the gravity of the present subject, if I did not wish you to recollect that his worthlessness and iniquity were constantly in the mouths of the populace, and had become a common proverb.

XLVII. But shall I first speak of his arrogance towards the Roman people, or his cruelty? Beyond all question, cruelty is the graver and more atrocious crime. Do you think then that these men have forgotten how that fellow was accustomed to beat the common people of Rome with rods? And indeed a tribune of the people touched on that matter in the public assembly, when he produced in the sight of the Roman people the man whom he had beaten with rods. And I will give you the opportunity of taking cognisance of that business at its proper time. But who is ignorant with what arrogance he behaved? how he disregarded every one of a low condition, how he despised them, how he did not account the poor to be free men at all? Publius Trebonius made many virtuous and honourable men his heirs; and among them his own freedman. He had had a brother, Aulus Trebonius, a proscribed man. As he wished to make provision for him, he put down in his will, that his heirs should take an oath to manage that not less than half of each man's share should come to Aulus Trebonius, that proscribed brother of his. The freedman takes the oath; the other heirs go to Verres, and point out to him that they ought not to take such an oath; that they should be doing what was contrary to the Cornelian law, which forbids a proscribed man to be assisted. They obtain from him authority to refuse the oath. He gives them possession; that I do not find fault with. Certainly it was a scandalous thing for any part of his brother's property to be given to a man who was proscribed and in want. But that freedman thought that he should be committing a wickedness if he did not take the oath in obedience to the will of his patron. Therefore Verres declares that he will not give him possession of his inheritance, in order that he may not be able to assist his proscribed patron; and also in order that that might boar; and on the name of Sacerdos, which means also a sacrificing priest.

serve as a punishment for having obeyed the will of his other patron. You give possession to him who did not take the oath. I admit your right to do so ; it is a privilege of the prætor. You take it from him who has taken the oath. According to what precedent? He is aiding a proscribed man. There is a law ; there is a punishment established in such a case. What is that to him who is determining the law? Do you blame him because he assisted his patron, who was in distress at the time, or because he attended to the wishes of his other patron, who was dead, from whom he had received the greatest of all benefits? Which of these actions are you blaming? And then that most admirable man, sitting on his curule chair, said this : " Can a freedman be heir to a Roman knight of such great wealth ?" O how modest must the class of freedmen be, since he departed from that place alive ! I can produce six hundred decrees in which, even if I were not to allege that money had interrupted justice, still the unprecedented and iniquitous nature of the decrees themselves would prove it. But that by one example you may be able to form your conjectures as to the rest, listen to what you have already heard in the previous pleading.

XLVIII. There was a man called Caius Sulpicius Olympus. He died while Caius Sacerdos was prætor. I don't know whether it was not before Verres had begun to announce himself as a candidate for the prætorship. He made Marcus Octavius Ligur his heir. Ligur thus entered upon his inheritance ; he took possession while Sacerdos was prætor, without any dispute. After Verres entered on his office, in accordance with his edict, an edict such as Sacerdos had not issued, the daughter of the patron of Sulpicius began to claim from Ligur a sixth part of the inheritance. Ligur was absent. His brother Lucius conducted his cause ; his friends and relations were present. That fellow Verres said that, unless the business was settled with the woman, he should order her to take possession. Lucius Gellius defended the cause of Ligur. He showed that his edict ought not to prevail with respect to those inheritances which had accrued to the heirs before his prætorship ; that, if this edict had existed at that time, perhaps Ligur would not have entered upon the inheritance at all. This just demand, and the highest authority of influential men, was beaten down by money. Ligur came to

Romæ; he did not doubt that, if he himself had seen Verres, he should have been able to move the man by the justice of his cause and by his own influence. He went to him to his house; he explains the whole business; he points out to him how long ago it was that the inheritance had come to him; and, as it was easy for an able man to do in a most just cause, he said many things which might have influenced any one. At last he began to entreat him not to despise his influence and scorn his authority to such an extent as to inflict such an injury upon him. The fellow began to accuse Ligur of being so assiduous and so attentive in a business which was adventitious, and only belonging to him by way of inheritance. He said that he ought to have a regard for him also; that he required a great deal himself; that the dogs whom he kept about him required a great deal. I cannot recount those things to you more plainly than you have heard Ligur himself relate them in his evidence. What are we to say, then, O Verres? Are we not to give credence to even these men as witnesses? Are these things not material to the question before us? Are we not to believe Marcus Octavius? Are we not to believe Lucius Ligur? Who will believe us? Who shall we believe? What is there, O Verres, which can ever be made plain by witnesses, if this is not made so? Or is that which they relate a small thing? It is nothing less than the prætor of the city establishing this law as long as he remains in office,—that the prætor ought to be co-heir with all those to whom an inheritance comes. And can we doubt with what language that fellow was accustomed to address the rest of the citizens of an inferior rank, of inferior authority, and of inferior fortune; with what language he was accustomed to address country people from the municipal towns; with what language he was accustomed to address those whom he never thought free men,—I mean, the freedmen; when he did not hesitate to ask Marcus Octavius Ligur, a man of the highest consideration as to position, rank, name, virtue, ability, and influence, for money for deciding in favour of his undoubted rights?

XLIX. And as to how he behaved in the matter of putting the public buildings in proper repair, what shall I say? They have said, who felt it. There are others, too, who are speaking of this. Notorious and manifest facts have been brought

forward, and shall be brought forward again. Caius Fannius, a Roman knight, the brother of Quintus Titinius, one of your judges, has said that he gave you money. Recite the evidence of Caius Fannius. [*Read.*] Pray do not believe Caius Fannius when he says this; do not believe—you I mean, O Quintus Titinius—do not believe Caius Fannius, your own brother. For he is saying what is incredible. He is accusing Caius Verres of avarice and audacity; vices which appear to meet in any one else rather than in him. Quintus Tadius has said something of the same sort, a most intimate friend of the father of Verres, and not unconnected with his mother, either in family or in name. He has produced his account-books, by which he proves that he had given him money. Recite the particulars of the accounts of Quintus Tadius. [*Read.*] Recite the evidence of Quintus Tadius. [*Read.*] Shall we not believe either the account-books of Quintus Tadius, or his evidence? What then shall we follow in coming to our decision? What else is giving all men free licence for every possible sin and crime, if it is not the disbelieving the evidence of the most honourable men, and the account books of honest ones? For why should I mention the daily conversation and daily complaints of the Roman people?—why that fellow's most impudent theft, I should rather say, his new and unexampled robbery? how he dared in the temple of Castor, in that most illustrious and renowned monument, a temple which is placed before the eyes and in the daily view of the Roman people, to which the senate is often summoned, where crowded deliberations on the most momentous affairs take place every day, why should I mention his having dared to leave in that place, in contempt of anything any one can say, an eternal monument of his audacity?

L. Publius Junius, O judges, had the guardianship of the temple of Castor. He died in the consulship of Lucius Sylla and Quintus Metellus. He left behind him a young son under age. When Lucius Octavius and Caius Aurelius the consuls had let out contracts for the holy temples, and were not able to examine all the public buildings to see in what repair they were; nor could the prætors to whom that business had been assigned, namely, Caius Sacerdos and Marcus Cæsius; a decree of the senate was passed that Caius Verres and Publius Cælius, the prætors, should examine into and decide about



those public buildings as to which no examination or decision had yet taken place. And after this power was conferred on him, that man, as you have learnt from Caius Fannius and from Quintus Tadius, as he had committed his robberies in every sort of affair without the least disguise and with the greatest effrontery, wished to leave this as a most visible record of his robberies, which we might, not occasionally hear of, but see every day of our lives. He inquired who was bound to deliver up the temple of Castor in good repair. He knew that Junius himself was dead; he desired to know to whom his property belonged. He hears that his son is under age. The fellow, who had been in the habit of saying openly that boys and girls who were minors were the surest prey for the prætors, said that the thing he had so long wished for had been brought into his bosom. He thought that, in the care of a monument of such vast size, of such laborious finish, however sound and in however thorough a state of repair it might be, he should certainly find something to do, and some excuse for plunder. The temple of Castor ought to have been entrusted to Lucius Rabonius. He by chance was the guardian of the young Junius by his father's will. An agreement had been made between him and his ward, without any injury to either, in what state it should be given up to him. Verres summons Rabonius to appear before him; he asks him whether there is anything which has not been handed over to him by his ward, which might be exacted from him. When he said, as was the case, that the delivery of the temple had been very easy for his ward; that all the statues and presents were in their places, that the temple itself was sound in every part; that fellow began to think it a shameful thing if he was to give up so large a temple and so extensive a work without enriching himself by booty, and especially by booty to be got from a minor.

LI. He comes himself into the temple of Castor; he looks all over the temple; he sees the roof adorned all over with a most splendid ceiling, and all the rest of the building as good as new and quite sound. He ponders; he considers what he can do. Some one of those dogs, of whom he himself had said to Ligar that there were a great number about him, said to him—"You, O Verres, have nothing which you can do here, unless you like to try the pillars by a plumb-line." The man,

utterly ignorant of everything, asks what is the meaning of the expression, "by a plumb-line." They tell him that there is hardly any pillar which is exactly perpendicular when tried by a plumb-line. "By my truth," says he, "that is what we must do ; let the pillars be tested by a plumb-line." Rabonius, like a man who knew the law, in which law the number of the pillars only is set down, but no mention made of a plumb-line, and who did not think it desirable for himself to receive the temple on such terms, lest he should be hereafter expected to hand it over under similar conditions, says that he is not to be treated in that way, and that such an examination has no right to be made. Verres orders Rabonius to be quiet, and at the same time holds out to him some hopes of a partnership with himself in the business. He easily overpowers him, a moderate man, and not at all obstinate in his opinions ; and so he adheres to his determination of having the pillars examined. This unprecedented resolve, and the unexpected calamity of the minor, is immediately reported to Caius Mustius, the step-father of the youth, who is lately dead ; to Marcus Junius, his uncle, and to Publius Potitius, his guardian, a most frugal man. They report the business to a man of the greatest consideration, of the greatest benevolence and virtue, Marcus Marcellus, who was also a guardian of the minor. Marcus Marcellus comes to Verres ; he begs of him with many arguments, in the name of his own good faith and diligence in his office, not to endeavour to deprive Junius his ward of his father's fortune by the greatest injustice. Verres, who had already in hope and belief devoured that booty, was neither influenced by the justice of Marcus Marcellus's argument, nor by his authority. And therefore he answered that he should proceed with the examination, according to the orders which he had given. As they found that or all applications to this man were ineffectual, all access to him difficult, and almost impossible, being, as he was, a man with whom neither right, nor equity, nor mercy, nor the arguments of a relation, nor the wishes of a friend, nor the influence of any one had any weight, they resolve that the best thing which they could do, as indeed might have occurred to any one, was to beg Chelidon for her aid, who, while Verres was prætor, was not only the real judge in all civil law. and in the disputes of all private individuals, but who was

supreme also in this affair of the repairs of the public buildings.

LII. Caius Mustius, a Roman knight, a farmer of the revenues, a man of the very highest honour, came to Chelidon. Marcus Junius, the uncle of the youth, a most frugal and temperate man, came to her; a man who shows his regard for his high rank by the greatest honour, and modesty, and attention to his duties. Publius Potitius, his guardian, came to her. Oh that prætorship of yours, bitter to many, miserable, scandalous! To say nothing of other points, with what shame, with what indignation, do you think that such men as these went to the house of a prostitute? men who would have encountered such disgrace on no account, unless the urgency of their duty and of their relationship to the injured youth had compelled them to do so. They came, as I say, to Chelidon. The house was full; new laws, new decrees, new decisions were being solicited: "Let him give me possession." . . . "Do not let him take away from me." . . . "Do not let him give sentence against me." . . . "Let him adjudge the property to me." Some were paying money, some were signing documents. The house was full, not with a prostitute's train, but rather with a crowd seeking audience of the prætor. As soon as they can get access to her, the men whom I have mentioned go to her. Mustius speaks, he explains the whole affair, he begs for her assistance, he promises money. She answers, considering she was a prostitute, not unreasonably; she says that she will gladly do what they wish, and that she will talk the matter over with Verres carefully; and desires Mustius to come again. Then they depart. The next day they go again. She says that the man cannot be prevailed on, that he says that a vast sum can be made of the business.

LIIL. I am afraid that perhaps some of the people, who were not present at the former pleading, (because these things seem incredible on account of their consummate baseness,) may think that they are invented by me. You, O judges, have known them before. Publius Potitius, the guardian of the minor Junius, stated them on his oath. So did Marcus Junius, his uncle and guardian. So would Mustius have stated them if he had been alive; but as Mustius cannot, Lucius Domitius stated that while the affair was recent, he heard these things stated by Mustius; and though he knew that I had had the account

from Mustius while he was alive, for I was very intimate with him; (and indeed I defended Caius Mustius when he gained that trial which he had about almost the whole of his property;) though, I say, Lucius Domitius knew that I was aware that Mustius was accustomed to tell him all his affairs, yet he said nothing about Chelidon as long as he could help it; he directed his replies to other points. So great was the modesty of that most eminent young man, of that pattern for the youth of the city, that for some time, though he was pressed by me on that point, he would rather give any answer than mention the name of Chelidon. At first, he said that the friends of Verres had been deputed to mention the subject to him; at last, after a time, being absolutely compelled to do so, he named Chelidon. Are you not ashamed, O Verres, to have carried on your prætorship according to the will of that woman, whom Lucius Domitius scarcely thought it creditable to him even to mention the name of?

LIV. Being rejected by Chelidon, they adopt the necessary resolution of undertaking the business themselves. They settle the business, which ought to have come to scarcely forty thousand sesterces, with Rabonius the other guardian, for two hundred thousand. Rabonius reports the fact to Verres; as it seems to him the exaction has been sufficiently enormous and sufficiently shameless. He, who had expected a good deal more, receives Rabonius with harsh language, and says that he cannot satisfy him with such a settlement as that. To cut the matter short, he says that he shall issue contracts for the job. The guardians are ignorant of this; they think that what has been settled with Rabonius is definitely arranged—they fear no further misfortune for their ward. But Verres does not procrastinate; he begins to let out his contracts, (without issuing any advertisement or notice of the day,) at a most unfavourable time—at the very time of the Roman games, and while the forum is decorated for them. Therefore Rabonius gives notice to the guardians that he renounces the settlement to which he had come. However, the guardians come at the appointed time; Junius, the uncle of the youth, bids. Verres began to change colour: his countenance, his speech, his resolution failed him. He began to consider what he was to do. If the contract was taken by the minor, if the affair slipped through the fingers of the purchaser whom he

himself had provided, he would get no plunder. Therefore he contrives—what? Nothing very cleverly, nothing of which any one could say, “It was a rascally trick, but still a deep one.” Do not expect any disguised roguery from him, any underhand trick: you will find everything open, undisguised, shameless, senseless, audacious. “If the contract be taken by the minor, all the plunder is snatched out of my hands; what then is the remedy? What? The minor must not be allowed to have the contract.” Where is the usage in the case of selling property, securities, or lands adopted by every consul, and censor, and prætor, and quæstor, that that bidder shall have the preference to whom the property belongs, and at whose risk the property is sold? He excludes that bidder alone to whom alone, I was nearly saying, the power of taking the contract ought to have been offered. “For why”—so the youth might say—“should any one aspire to my money against my will? What does he come forward for? The contract is let out for a work which is to be done and paid for out of my money. I say that it is I who am going to put the place in repair; the inspection of it afterwards will belong to you who let out the contract. You have taken sufficient security for the interests of the people with bonds and sureties; and if you do not think sufficient security has been taken, will you as prætor send whomsoever you please to take possession of my property, and not permit me to come forward in defence of my own fortune?”

LV. It is worth while to consider the words of the contract itself. You will say that the same man drew it up who drew up that edict about inheritance. “The contract for work to be done, which the minor Junius’s . . .” Speak, I pray you, a little more plainly. “Caius Verres, the prætor of the city, has added . . .” The contracts of the censors are being amended. For what do they say? I see in many old documents, “Cnæus Domitius, Lucius Metellus, Lucius Cassius, Cnæus Servilius have added . . .” Caius Verres wants something of the same sort. Read. What has he added? “Admit not as a partner in this work any one who has taken a contract from Lucius Marcius and Marcus Perperna the censors; give him no share in it; and let him not contract for it.” Why so? Is it that the work may not be faulty? But the inspection afterwards belonged to you. Lest he

should not have capital enough? But sufficient security had been taken for the people's interest in bonds and sureties, and more security still might have been had. If in this case the business itself, if the scandalous nature of your injustice had no weight with you;—if the misfortune of this minor, the tears of his relations, the peril of Decimus Brutus, whose lands were pledged as security for him, and the authority of Marcus Marcellus his guardian had no influence with you, did you not even consider this, that your crime would be such that you would neither be able to deny it, (for you had entered it in your account-books,) nor, if you confessed it, to make any excuse for it? The contract is knocked down at five hundred and sixty thousand sesterces, while the guardians kept crying out that they could do it even to the satisfaction of the most unjust of men, for eighty thousand. In truth, what was the job? That which you saw. All those pillars which you see whitewashed, had a crane put against them, were taken down at a very little expense, and put up again of the same stone as before. And you let this work out for five hundred and sixty thousand sesterces. And among those pillars I say that there are some which have never been moved at all by your contractor. I say that there are some which only had the outer coat scraped off, and a fresh coat put on. But, if I had thought that it cost so much to whitewash pillars, I should certainly never have stood for the ædileship. Still, in order that something might appear to be really being done, and that it might not seem to be a mere robbery of a minor—"If in the course of the work you injure anything, you must repair it."

**LVI.** What was there that he could injure, when he was only putting back every stone in its place? "He who takes the contract must give security to bear the man harmless who has taken the work from the former contractor." He is joking when he orders Rabonius to give himself security. "Ready money is to be paid." Out of what funds? From his funds who cried out that he would do for eighty thousand sesterces what you let out at five hundred and sixty thousand. Out of what funds? out of the funds of a minor, whose tender age and desolate condition, even if he had no guardians, the prætor himself ought to protect. But as his guardians did protect him, you took away not only his paternal fortune,

but the property of the guardians also. "Execute the work in the best materials of every sort." Was any stone to be cut and brought to the place? Nothing was to be brought but the crane. For no stone, no materials at all were brought; there was just as much to be done in that contract as took a little labour of artisans at low wages, and there was the hire of the crane. Do you think it was less work to make one entirely new pillar without any old stone, which could be worked up again, or to put back those four in their places? No one doubts that it is a much greater job to make one new one. I will prove that in private houses, where there has been a great deal of expensive carriage, pillars no smaller than these are contracted for to be placed in an open court for forty thousand sesterces apiece. But it is folly to argue about such manifest shamelessness of that man at any greater length especially when in the whole contract he has openly disregarded the language and opinion of every one, inasmuch as he has added at the bottom of it, "Let him have the old materials for himself." As if any old materials were taken from that work, and as if the whole work were not done with old materials. But still, if the minor was not allowed to take the contract, it was not necessary for it to come to Verres himself: some other of the citizens might have undertaken the work. Every one else was excluded no less openly than the minor. He appointed a day by which the work must be completed—the first of December. He gives out the contract about the thirteenth of September: every one is excluded by the shortness of the time. What happens then? How does Rabonius contrive to have his work done by that day?

LVII. No one troubles Rabonius, neither on the first of December, nor on the fifth, nor on the thirteenth. At last Verres himself goes away to his province some time before the work is completed. After he was prosecuted, at first he said that he could not enter the work in his accounts; when Rabonius pressed it, he attributed the cause of it to me, because I had sealed up his books. Rabonius applies to me, and sends his friends to apply to me; he easily gets what he wishes for; Verres did not know what he was to do. By not having entered it in his accounts, he thought he should be able to make some defence; but he felt sure that Rabonius would reveal the whole of the transaction. Although, what could

be more plain than it now is, even without the evidence of any witness whatever. At last he enters the work in Rabonius's name as undertaken by him, four years after the day which he had fixed for its completion. He would never have allowed such terms as those if any other citizen had been the contractor; when he had shut out all the other contractors by the early day which he had fixed, and also because men did not choose to put themselves in the power of a man who, if they took the contract, thought that his plunder was torn from his hands. For why need we discuss the point where the money went to? He himself has showed us. First of all, when Decimus Brutus contended eagerly against him, who paid five hundred and sixty thousand sesterces of his own money; and as he could not resist him, though he had given out the job, and taken securities for its execution, he returned him a hundred and ten thousand. Now if this had been another man's money, he clearly could not have done so. In the second place, the money was paid to Cornificius, whom he cannot deny to have been his secretary. Lastly, the accounts of Rabonius himself cry out loudly that the plunder was Verres's own. Read "The items of the accounts of Rabonius."

LVIII. Even in this place in the former pleadings Quintus Hortensius complained that the young Junius came clad in his *prætexta*<sup>1</sup> into your presence, and stood with his uncle while he was giving his evidence; and said that I was seeking to rouse the popular feeling, and to excite odium against him, by producing the boy. What then was there, O Hortensius, to rouse the popular feeling? what was there to excite odium in that boy? I suppose, forsooth, I had brought forward the son of Gracchus, or of Saturninus, or of some man of that sort, to excite the feelings of an ignorant multitude by the mere name and recollection of his father. He was the son of Publius Junius, one of the common people of Rome; whom his dying father thought he ought to recommend to the protection of guardians and relations, and of the laws, and of the equity of the magistrates, and of your administration of justice. He, through the wicked letting out of contracts by that

<sup>1</sup> The *prætexta* was a token of the tender age of the youth, as it was only worn by boys under the age of seventeen, and then was exchanged for the *toga virilis*.



man, and through his nefarious robbery, being deprived of all his paternal property and fortune, came before your tribunal, if for nothing else, at least to see him through whose conduct he himself has passed many years in mourning, a little less gaily<sup>1</sup> dressed than he was used to be. Therefore, O Hortensius, it was not his age but his cause, not his dress but his fortune, that seemed to you calculated to rouse the popular feeling. Nor did it move you so much that he had come with the *prætexta*, as that he had come without the *bullæ*.<sup>2</sup> For no one was influenced by that dress which custom and the right of his free birth allowed him to wear. Men were indignant, and very indignant, that the ornament of childhood which his father had given him, the proof and sign of his good fortune, had been taken from him by that robber. Nor were the tears which were shed for him shed more by the people than by us, and by yourself, O Hortensius, and by those who are to pronounce sentence in this cause. For because it is the common cause of all men, the common danger of all men, such wickedness like a conflagration must be put out by the common endeavours of all men. For we have little children; it is uncertain how long the life of each individual among us may last. We, while alive, ought to take care and provide that their desolate condition and childhood may be secured by the strongest possible protection. For who is there who can defend the childhood of our children against the dishonesty of magistrates? Their mother, I suppose. No doubt, the mother of Annia, though a most noble woman, was a great protection to her when she was left a minor. No doubt she, by imploring the aid of gods and men, prevented him from robbing her infant ward of her father's fortunes. Can their guardians defend them? Very easily, no doubt, with a prætor of that sort by whom both the arguments, and the earnestness, and the authority of Marcus Marcellus in the cause of his ward Junius were disregarded.

<sup>1</sup> Dressed, that is, in the mourning robe in which defendants in criminal prosecutions usually appeared in court.

<sup>2</sup> "The *bullæ* was an ornament of gold worn by children, suspended from their necks, especially by the children of the noble and wealthy; it was worn by children of both sexes, as a token of paternal affection and of high birth. Instead of the *bullæ* of gold, boys of inferior rank, including the children of freedmen, wore only a piece of leather" —Smith, *Dict. Ant. v. Bullæ*.

LIX. Do we ask what he did in the distant province of Phrygia? what in the most remote parts of Pamphylia? What a robber of pirates he proved himself in war, who had been found to be a nefarious plunderer of the Roman people in the forum? Do we doubt what that man would do with respect to spoils taken from the enemy, who appropriated to himself so much plunder from the spoils of Lucius Metellus? who let out a contract for whitewashing four pillars at a greater price than Metellus paid for erecting the whole of them? Must we wait to hear what the witnesses from Sicily say? Who has ever seen that temple who is not a witness of your avarice, of your injustice, of your audacity? Who has ever come from the statue of Vertumnus into the Circus Maximus, without being reminded at every step of your avarice? for that road, the road of the sacred cars and of such solemn processions, you have had repaired in such a way that you yourself do not dare go by it. Can any one think that when you were separated from Italy by the sea you spared the allies? You who chose the temple of Castor to be the witness of your thefts which the Roman people saw every day, and even the judges at the very moment that they were giving their decision concerning you.

LX. And he, even during his prætorship, exercised the office of judge in public cases.<sup>2</sup> For even that must not be passed over. A fine was sought to be recovered from Quintus Opimius before him while prætor; who was brought to trial, as it was alleged, indeed, because while tribune of the people he had interposed his veto in a manner contrary to the Cornelian law,<sup>3</sup> but, in reality, because while tribune of the people he had said something which gave offence to some one of the nobles. And if I were to wish to say anything of that decision, I should have to call in question and to attack many people, which it is not necessary for me to do. I will only

<sup>1</sup> This temple of Castor had been vowed by Postumius, the dictator, at the battle of Lake Regillus. It was decorated with statues and other embellishments by Lucius Metellus, surnamed Dalmaticus, out of the wealth he acquired by, and the spoils he brought back from, the war in Illyricum.

<sup>2</sup> The prætors appointed the judges, but had not themselves the right of sitting as judges in all criminal cases, only in a few special ones.

<sup>3</sup> This law had been passed by Sylla to take away from the tribunes the power of interposing their veto, but Pompey restored it to them.

say that a few arrogant men, to say the least of them, with his assistance, ruined all the fortunes of Quintus Opimius in fun and joke.

Again ; does he complain of me, because the first pleading of his cause was brought to an end by me in nine days only ; when before himself as judge, Quintus Opimius, a senator of the Roman people, in three hours lost his property, his position, and all his titles of honour ? On account of the scandalous nature of which decision, the question has often been mooted in the senate of taking away the whole class of fines and sentences of that sort. But what plunder he amassed in selling the property of Quintus Opimius, and how openly, how scandalously he amassed it, it would take too long to relate now. This I say,—unless I make it plain to you by the account-books of most honourable men, believe that I have invented it all for the present occasion.

Now the man who profiting by the disaster of a Roman senator, at whose trial he had presided while prætor, endeavoured to strip him of his spoils and carry them to his own house, has he a right to deprecate any calamity to himself ?

LXI. For as for the choosing of other judges by Junius,<sup>1</sup> of that I say nothing. For why should I ? Should I venture to speak against the lists which you produced ? It is difficult to do so ; for not only does your own influence and that of the judges deter me, but also the golden ring of your secretary.<sup>2</sup> I will not say that which it is difficult to prove ; I will say this—which I will prove,—that many men of the first consequence heard you say that you ought to be pardoned for having produced a false list, for that, unless you had guarded against it, you yourself would also have been ruined by the same storm of unpopularity as that under which Caius Junius fell.

In this way has that fellow learnt to take care of himself and of his own safety, by entering both in his own private registers and in the public documents what had never hap-

<sup>1</sup> In the trial between Cluentius and Oppianicus, Junius was the presiding judge. The imputation on him was, that he had used fraudulent tricks to pack the tribunal, in selecting by lot the judges who were to act instead of those who had been objected to by both parties.

<sup>2</sup> The allusion is to the golden ring which Verres, when leaving Sicily, had publicly decreed to his secretary, as is mentioned also in the fourth oration against Verres, that "*De Re Frumentaria*."

pened; by effacing all mention of what had; and by continually taking away something, changing something (taking care that no erasure was visible), interpolating something. For he has come to such a pitch, that he cannot even find a defence for his crimes without committing other crimes. That most senseless man thought that such a substitution of his own judges also could be effected by the instrumentality of his comrade, Quintus Curtius, who was to be principal judge; and unless I had prevented that by the power of the people, and the outcries and reproaches of all men, the advantage of having judges taken from this decuria<sup>1</sup> of our body, whose influence it was desirable for me should be rendered as extensive as possible, while he was substituting others for them without any reason, and placing on the bench those whom Verres had approved:

[The rest of this oration is lost.]

## THE SECOND BOOK OF THE SECOND PLEADING AGAINST CAIUS VERRES.

### CONCERNING HIS MANNER OF DECIDING CAUSES AS JUDGE WHILE IN SICILY.

#### THE ARGUMENT.

Cicero divides his accusation of Verres, on account of his conduct in Sicily, under four heads, of which the first is judicial corruption and extortion. And in this branch of the accusation he does not attend to the chronological order of his offences, but takes the instances according to the different classes under which they seem to fall, and according to their importance.

I. MANY things, O judges, must be necessarily passed over by me, in order that I may be able at last to speak in some manner of those matters which have been entrusted to my

<sup>1</sup> "With the passing of special enactments for the punishment of particular offences was introduced the practice of forming a body of judges for the trial of such offences as the enactments were directed against. Thus it is said that the *lex Calpurnia de pecuniis repetundis*

good faith. For I have undertaken the cause of Sicily; that is the province which has tempted me to this business. But when I took upon myself this burden, and undertook the cause of Sicily, in my mind I embraced a wider range, for I took upon myself also the cause of my whole order—I took upon myself the cause of the Roman people; because I thought that in that case alone could a just decision be come to, if not only a wicked criminal was brought up, but if at the same time a diligent and firm accuser came before the court. On which account I must the sooner come to the cause of Sicily, omitting all mention of his other thefts and iniquities, in order that I may be able to handle it while my strength is yet unimpaired, and that I may have time enough to dilate fully on the business. And before I begin to speak of the distresses of Sicily, it seems to me that I ought to say a little of the dignity and antiquity of that province, and of the advantage which it is to us. For as you ought to have a careful regard for all the allies and provinces, so especially ought you to have a regard for Sicily, O judges, for many, and those the greatest, reasons:—First, because of all foreign nations Sicily was the first who joined herself to the friendship and alliance of the Roman people. She was the first to be called a province; and the provinces are a great ornament to the empire. She was the first who taught our ancestors how glorious a thing it was to rule over foreign nations. She alone has displayed such good faith and such good will towards the Roman people, that the states of that island which have once come into our alliance have never revolted afterwards, but many of them, and those the most illustrious of them, have remained firm to our friendship for ever. Therefore our ancestors made their first strides to dominion over Africa from this province. Nor would the mighty power of Carthage so soon have fallen, if Sicily had not been open to us, both as a granary to supply us with corn, and as a harbour for our fleets.

II. Wherefore, Publius Africanus, when he had destroyed established the *album judicum*, or the body out of which the judges were to be chosen. It is not known what was the number of the judges so constituted, but it has been conjectured that the number was three hundred and fifty, and that ten were chosen from each tribe, and thus the origin of the phrase, *decuriæ judicum* is explained.”—Smith, Dict. Ant. p. 531, v. *Judex*.

Carthage, adorned the cities of the Sicilians with most beautiful statues and monuments, in order to place the greatest number of monuments of his victory among those whom he thought were especially delighted at the victory of the Roman people. Afterwards that illustrious man, Marcus Marcellus himself, whose valour in Sicily was felt by his enemies, his mercy by the conquered, and his good faith by all the Sicilians, not only provided in that war for the advantage of his allies, but spared even his conquered enemies. When by valour and skill he had taken Syracuse, that most beautiful city, which was not only strongly fortified by art, but was protected also by its natural advantages—by the character of the ground about it, and by the sea—he not only allowed it to remain without any diminution of its strength, but he left it so highly adorned, as to be at the same time a monument of his victory, of his clemency, and of his moderation; when men saw both what he had subdued, and whom he had spared, and what he had left behind him. He thought that Sicily was entitled to have so much honour paid to her, that he did not think that he ought to destroy even an enemy's city in an island of such allies. And therefore we have always so esteemed the island of Sicily for every purpose, as to think that whatever she could produce was not so much raised among the Sicilians as stored up in our own homes. When did she not deliver the corn which she was bound to deliver, by the proper day? When did she fail to promise us, of her own accord, whatever she thought we stood in need of? When did she ever refuse anything which was exacted of her? Therefore that illustrious Marcus Cato the wise called Sicily a storehouse of provisions for our republic—the nurse of the Roman people. But we experienced, in that long and difficult Italian war which we encountered, that Sicily was not only a storehouse of provisions to us, but was also an old and well filled treasury left us by our ancestors; for, supplying us with hides, with tunics, and with corn, it clothed, armed, and fed our most numerous armies, without any expense at all to us.

III. What more need I say? How great are these services, O judges, which perhaps we are hardly aware we are receiving, —that we have many wealthy citizens, that they have a province with which they are connected, faithful and productive to which they may easily make excursions, where they may be

welcome to engage in traffic ; citizens, some of whom she dismisses with gain and profit by supplying them with merchandise, some she retains, as they take a fancy to turn farmers, or graziers, or traders in her land, or even to pitch in it their habitations and their homes. And this is no trifling advantage to the Roman people, that so vast a number of Roman citizens should be detained so near home by such a respectable and profitable business. And since our tributary nations and our provinces are, as it were, farms belonging to the Roman people ; just as one is most pleased with those farms which are nearest to one, so too the suburban character of this province is very acceptable to the Roman people. And as to the inhabitants themselves, O judges, such is their patience, their virtue, and their frugality, that they appear to come very nearly up to the old-fashioned manners of our country, and not to those which now prevail. There is nothing then like the rest of the Greeks ; no sloth, no luxury ; on the contrary there is the greatest diligence in all public and private affairs, the greatest economy, and the greatest vigilance. Moreover, they are so fond of our nation that they are the only people where neither a publican nor a money-changer is unpopular. And they have borne the injuries of many of our magistrates with such a disposition, that they have never till this time fled by any public resolution to the altar of our laws and to your protection ; although they endured the misery of that year which so prostrated them that they could not have been preserved through it, if Caius Marcellus had not come among them, by some special providence, as it were, in order that the safety of Sicily might be twice secured by the same family. Afterwards, too, they experienced that terrible government of Marcus Antonius. For they had had these principles handed down to them from their ancestors, that the kindnesses of the Roman people to the Sicilians had been so great, that they ought to think even the injustice of some of our men endurable. The states have never before this man's time given any public evidence against any one. And they would have borne even this man himself, if he had sinned against them like a man, in any ordinary manner ; or, in short, in any one single kind of tyranny. But as they were unable to endure luxury, cruelty, avarice, and pride, when they had lost by the wickedness and lust of one man all their own advantages, all their own rights, and all fruits of the kindness of the senate and

the Roman people, they determined either to avenge themselves for the injuries they had suffered from that man by your instrumentality, or if they seemed to you unworthy of receiving aid and assistance at your hands, then to leave their cities and their homes, since they had already left their fields, having been driven out of them by his injuries.

IV. With this design all the deputations begged of Lucius Metellus that he would come as his successor as early as possible ; with these feelings, they so often bewailed their miseries to their patrons ; agitated by this indignation, they addressed the consuls with demands, which seemed to be not demands, but charges against that tyrant. They contrived also, by their indignation and their tears, to draw me, whose good faith and moderation they had experienced, almost from the employment of my life, in order to become his accuser ; an action with which both the settled plan of my life and my inclination are utterly inconsistent ; (although in this business I appear to have undertaken a cause which has more parts of defence than of accusation in it ;) lastly, the most noble men and the chief men of the whole province have come forward both publicly and privately ; every city of the greatest authority—every city of the highest reputation—have come forward with the greatest earnestness to prosecute its oppressor for its injuries.

But how, O judges, have they come ? It seems to me that I ought to speak before you now on behalf of the Sicilians with more freedom than perhaps they themselves wish. For I shall consult their safety rather than their inclination. Do you think that there was ever any criminal in any province defended in his absence against the inquiry into his conduct urged by his accuser, with such influence, and with such zeal ? The quæstors of both provinces,<sup>1</sup> who were so while he was prætor, stood close to me with their forces. Those also who succeeded them, very zealous for his interests, liberally fed from his stores, were no less vehement against me. See how great was his influence who had four quæstors in one province, most zealous defenders and bulwarks of his cause ; and the prætor and all his train so zealous in his interest, that it was quite plain, that it was not Sicily, which they had come upon when stripped bare, so much as Verres him-

<sup>1</sup> Sicily had two quæstors, one for the western or Lilybæan district, one for the Syracusan.



self, who had left it loaded, which they looked upon as their province. They began to threaten the Sicilians, if they decreed any deputations to make statements against him ; to threaten any one who had gone on any such deputation, to make most liberal promises to others, if they spoke well of him ; to detain by force and under guard the most damaging witnesses of his private transactions, whom we had summoned by word of mouth to give evidence.

V. And though all this was done, yet know ye, that there was but one single city, that, namely, of the Mamertines, which by public resolution sent ambassadors to speak in his favour. But you heard the chief man of that embassy, the most noble man of that state, Caius Heius, speak on his oath, and say, that Verres had had a transport of the largest size built at Messana, the work being contracted for at the expense of the city. And that same ambassador of the Mamertines, his panegyrist, said that he had not only robbed him of his private property, but had also carried away his sacred vessels, and the images of the Di Penates, which he had received from his ancestors, out of his house. A noble panegyric ; when the one business of the ambassadors is discharged by two operations, praising the man and demanding back what has been stolen by him. And on what account that very city is friendly to him, shall be told in its proper place. For you will find that those very things which are the causes of the Mamertines bearing him good-will, are themselves sufficiently just causes for his condemnation. No other city, O judges, praises him by public resolution. The power of supreme authority has had so much influence with a very few men, not in the cities, that either some most insignificant people of the most miserable and deserted towns were found who would go to Rome without the command of their people or their senate, or on the other hand, those who had been voted as ambassadors against him, and who had received the public evidence to deliver, and the public commission, were detained by force or by fear. And I am not vexed at this having happened in a few instances, in order that the rest of the cities, so numerous, so powerful, and so wise.—that all Sicily, in short, should have all the more influence with you when you see that they could be restrained by no force, could be hindered by no danger, from making experiment whether

the complaints of your oldest and most faithful allies had any weight with you. For as to what some of you may, perhaps, have heard, that he had a public encomium passed upon him by the Syracusans, although in the former pleading you learnt from the evidence of Heraclius the Syracusan what sort of encomium it was, still it shall be proved to you in another place how the whole matter really stands as far as that city is concerned. For you shall see clearly that no man has ever been so hated by any people as that man both is and has been by the Syracusans.

VI. But perhaps it is only the native Sicilians who are persecuting him : the Roman citizens who are trading in Sicily defend him, love him, desire his safety. First of all, if that were the case, still in this trial for extortion, which has been established for the sake of the allies, according to that law and forms of proceeding which the allies are entitled to, you ought to listen to the complaints of the allies. But you were able to see clearly in the former pleading, that many Roman citizens from Sicily, most honourable men, gave evidence about most important transactions, both as to injuries which they had received themselves, and injuries which they knew had been inflicted on others. I, O judges, affirm in this way what I know. I seem to myself to have done an action acceptable to the Sicilians in seeking to avenge their injuries with my own labour, at my own peril, and at the risk of incurring enmity in some quarters ; and I am sure that this which I am doing is not less acceptable to our own citizens, who think that the safety of their rights, of their liberty, of their properties and fortunes, consists in the condemnation of that man. On which account, while speaking of his Sicilian prætorship, I will not object to your listening to me on this condition, that if he has been approved of by any description of men whatever, whether of Sicilians or of our own citizens ; if he has been approved of by any class of men, whether agriculturists, or graziers, or merchants ; if he has not been the common enemy and plunderer of all these men,—if, in short, he has ever spared any man in any thing, then you, too, shall spare him.

Now, as soon as Sicily fell to him by lot as his province, immediately at Rome, while he was yet in the city, before he departed, he began to consider within himself and to deli-

berate with his friends, by what means he might make the greatest sum of money in that province in one year. He did not like to learn while he was acting, (though he was not entirely ignorant and inexperienced in the oppression of a province,) but he wished to arrive in Sicily with all his plans for plunder carefully thought of and prepared. Oh how correct was the augury diffused by common report and common conversation among the people in that province! when from his very name men augured in a jesting way what he would do in the province. Indeed, who could doubt, when they recollected his flight and robbery in his quaestorship—when they considered his spoliation of temples and shrines in his lieutenantancy—when they saw in the forum the plunder of his praetorship—what sort of man he was likely to prove in the fourth act of his villainy?

VII. And that you may be aware that he inquired at Rome not only into the different kinds of robbery which he might be able to execute, but into the very names of his victims, listen to this most certain proof, by which you will be able more easily to form an opinion of his unexampled impudence. The very day on which he reached Sicily, (see now whether he was not come, according to that omen bruited about the city,) prepared to sweep<sup>1</sup> the province pretty clean, he immediately sends letters from Messana to Halesa, which I suppose he had written in Italy. For, as soon as he disembarked from the ship, he gave orders that Dio of Halesa should come to him instantly; saying that he wished to make inquiry about an inheritance which had come to his son from a relation, Apollodorus Laphiro. It was, O judges, a very large sum of money. This Dio, O judges, is now, by the kindness of Quintus Metellus, become a Roman citizen; and in his case it was proved to your satisfaction at the former pleading, by the evidence of many men of the highest consideration, and by the account-books of many men, that a million of sesterces had been paid in order that, after Verres had inquired into the cause, in which there could no possible doubt exist, he might have a decision in his favour;—that, besides that, his herds of the highest-bred mares were driven away, that all the plate and embroidered robes which he had in his house

<sup>1</sup> This is another pun on the name of Verres, from its similarity in sound to the word *verro*, I sweep

were carried off; so that Quintus Dio lost eleven hundred thousand sesterces because an inheritance had come to him, and for no other reason. What are we to say? Who was prætor when this inheritance came to the son of Dio? The same man who was so when hers came to Annia the daughter of Publius Annius the senator;—the same who was so when his was left to Marcus Ligur the senator, namely Caius Sacerdos. What are we to say? Had no one been troublesome to Dio on the subject at the time? No more than they had to Ligur, while Sacerdos was prætor. What then? Did any one make any complaint to Verres? Nobody, unless perhaps you suppose that the informers were ready for him at the strait.

VIII. When he was still at Rome, he heard that a very great inheritance had come to a certain Sicilian named Dio; that the heir had been enjoined by the terms of the will to erect statues in the forum; that, unless he erected them, he was to be liable to forfeiture to Venus Erycina. Although they had been erected in compliance with the will, still he, Verres, thought, since the name of Venus was mentioned, that he could find some pretext for making money of it. Therefore he sets up a man to claim that inheritance for Venus Erycina. For it was not (as would have been usual) the quæstor in whose province Mount Eryx was, who made the demand. A fellow of the name of Nævius Turpo is the claimant, a spy and emissary of Verres, the most infamous of all that band of informers of his, who had been condemned in the prætorship of Caius Sacerdos for many wickednesses. For the cause was such that the very prætor himself when he was seeking for an accuser, could not find one a little more respectable than this fellow. Verres acquits his man of any forfeiture to Venus, but condemns him to pay forfeit to himself. He preferred, forsooth, to have men do wrong rather than gods;—he preferred himself to extort from Dio what was contrary to law, rather than to let Venus take anything that was not due to her. Why need I now in this place recite the evidence of Sextus Pompeius Chlorus, who pleaded Dio's cause? who was concerned in the whole business? A most honourable man, and, although he has long ago been made a Roman citizen in reward for his virtues, still the very chief man and the most noble of all the Sicilians. Why need I

recite the evidence of Quintus Cæcilius Dio himself, a most admirable and moderate man? Why need I recite that of Lucius Vetecilius Ligur, of Titus Manlius, of Lucius Calenus? by the evidence of all of whom this case about Dio's money was fully established. Marcus Lucullus said the same thing that he had long ago known all the facts of the tyranny practised on Dio, through the connexion of hospitality which existed between them. What? Did Lucullus, who was at that time in Macedonia, know all these things better than you, O Hortensius, who were at Rome? you to whom Dio fled for aid? you who expostulated with Verres by letter in very severe terms about the injuries done to Dio? Is all this new to you now, and unexpected? is this the first time your ears have heard of this crime? Did you hear nothing of it from Dio, nothing from your own mother-in-law, that most admirable woman, Servilia, an ancient friend and connexion of Dio's? Are not my witnesses ignorant of many circumstances which you are acquainted with? Is it not owing, not to the innocence of your client, but to the exception<sup>1</sup> made by the law, that I am prevented from summoning you as a witness on my side on this charge?

[*The evidence of Marcus Lucullus, of Chlorus, of Dio is read.*]

IX. Does not this Venereal man, who went forth from the bosom of Chelidon to his province, appear to you to have got a sufficiently large sum by means of the name of Verres? Listen now to a no less shamelessly false accusation in a case where a smaller sum was involved. Sosippus and Epicrates were brothers of the town of Agyrium; their father died twenty-two years ago, by whose will, if anything were done wrongly in any point, there was to be a forfeiture of his property to Venus. In the twentieth year after his death, though there had been in the interim so many prætors, so many quaestors, and so many false accusers in the province, the inheritance was claimed from the brothers in the name of Venus. Verres takes cognisance of the cause; by the agency of Volcatius he receives money from the two brothers, about four hundred thousand sesterces. You have heard the evidence of many people already; the brothers of Agyrium

<sup>1</sup> It was forbidden by the Roman law, as by our own, for the advocate to give evidence against his clients of matters which had come to his knowledge by confidential communication.

gained their cause, but on such terms that they left the court stripped and beggared.

X. Oh, but that money never came to Verres. What does that defence mean? is that asserted in this case, or only put out as a feeler? For to me it is quite a new light. Verres set up the accusers; Verres summoned the brother to appear before him; Verres heard the cause; Verres gave sentence. A vast sum was paid; they who paid it gained the cause; and you argue in defence "that money was not paid to Verres." I can help you; my witnesses too say the same thing; they say they paid it to Volcatius. How did Volcatius acquire so much power as to get four hundred thousand sesterces from two men? Would any one have given Volcatius, if he had come on his own account, one half-farthing? Let him come now, let him try; no one will receive him in his house. But I say more; I accuse you of having received forty millions of sesterces contrary to law; and I deny that you have ever accounted for one farthing of that money; but when money was paid for your decrees, for your orders, for your decisions, the point to be inquired into was not into whose hand it was paid, but by whose oppression it was extorted. Those chosen companions of yours were your hands; the prefects, the secretaries, the surgeons, the attendants, the soothsayers, the criers, were your hands. The more each individual was connected with you by any relationship, or affinity, or intimacy, the more he was considered one of your hands. The whole of that retinue of yours, which caused more evil to Sicily than a hundred troops of fugitive slaves would have caused, was beyond all question your hand. Whatever was taken by any one of these men, that must be considered not only as having been given to you, but as having been paid into your own hand. For if you, O judges, admit this defence, "He did not receive it himself," you will put an end to all judicial proceedings for extortion. For no criminal will be brought before you so guilty as not to be able to avail himself of that plea. Indeed, since Verres uses it, what criminal will ever henceforward be found so abandoned as not to be thought equal to Quintus Mucius in innocence by comparison with that man? And even now those who say this do not appear to me to be defending Verres so much as trying, in the instance of Verres, what licence of defence will be

admitted in other cases. And with reference to this matter, you, O judges, ought to take great care what you do. It concerns the chief interests of the republic, and the reputation of our order, and the safety of the allies. For if we wish to be thought innocent, we must not only show that we ourselves are moderate, but that our companions are so too.

XI. First of all, we must take care to take those men with us who will regard our credit and our safety. Secondly, if in the selection of men our hopes have deceived us through friendship for the persons, we must take care to punish them, to dismiss them. We must always live as if we expected to have to give an account of what we have been doing. This is what was said by Africanus, a most kind-hearted man, (but that kind-heartedness alone is really admirable which is exercised without any risk to a man's reputation, as it was by him,) when an old follower of his, who reckoned himself one of his friends, could not prevail on him to take him with him into Africa as his prefect, and was much annoyed at it. "Do not marvel," said he, "that you do not obtain this from me, for I have been a long time begging a man to whom I believe my reputation to be dear, to go with me as my prefect, and as yet I cannot prevail upon him." And in truth there is much more reason to beg men to go with us as our officers into a province, if we wish to preserve our safety and our honour, than to give men office as a favour to them; but as for you, when you were inviting your friends into the province, as to a place for plunder, and were robbing in company with them, and by means of them, and were presenting them in the public assembly with golden rings, did it never occur to you that you should have to give an account, not only of yourself, but of their actions also? When he had acquired for himself these great and abundant gains from these causes which he had determined to examine into himself with his council—that is, with this retinue of his—then he invented an infinite number of expedients for getting hold of a countless amount of money.

XII. No one doubts that all the wealth of every man is placed in the power of those men who allow<sup>1</sup> trials to pro-

<sup>1</sup> At Rome the prætor urbanus, in the provinces the proprætors and the proconsuls, decided whether there was reason for an action at law, and if they decided that there was, then they assigned judges to try the action.

ceed, and of those who sit as judges at the trials ; no one doubts that none of us can retain possession of his house, of his farm, or of his paternal property, if, when these are claimed by any one of you, a rascally prætor, whose judgments no one has the power of arresting, can assign any judge whom he chooses, and if the worthless and corrupt judge gives any sentence which the prætor bids him give. But if this also be added, that the prætor assigns the trial to take place according to such a formula, that even Lucius Octavius Balbus, if he were judge, (a man of the greatest experience in all that belongs to the law and to the duties of a judge,) could not decide otherwise : suppose it ran in this way :—" Let Lucius Octavius be the judge ; if it appears that the farm at Capena, which is in dispute, belongs, according to the law of the Roman people, to Publius Servilius, that farm must be restored to Quintus Catulus," will not Lucius Octavius be bound, as judge to compel Publius Servilius to restore the farm to Quintus Catulus, or to condemn him whom he ought not to condemn ? The whole prætorian law was like that ; the whole course of judicial proceedings in Sicily was like that for three years, while Verres was prætor. His decrees were like this :—" If he does not accept what you say that you owe, accuse him ; if he claims anything, take him to prison."

He ordered Caius Fuficius, who claimed something, to be taken to prison ; so he did Lucius Suetius and Lucius Rucilius. His tribunals he formed in this way :—those who were Roman citizens were to be judges, when Sicilians ought to have been, according to their laws ; those who were Sicilians were to be judges, when Romans<sup>1</sup> should have been. But that you may understand his whole system of judicial proceedings, listen first to the laws of the Sicilians in such cases, and then to the practices this man established.

XIII. The Sicilians have this law,—that if a citizen of any town has a dispute with a fellow-citizen, he is to decide it in his own town, according to the laws there existing ; if a Sicilian has a dispute with a Sicilian of a different city, in

<sup>1</sup> The text here is very much disputed, and is probably wholly corrupt. I have endeavoured to give what is certainly the general sense intended to be conveyed ; though it can scarcely be extracted from the Latin. Grævius reads, . . . "Si Siculi essent, tum si eorum legibus . . ." printing it all in large letters, as if they were the words of a decree of Verres.



that case the prætor is to assign judges of that dispute, according to the law of Publius Rupilius, which he enacted by the advice of ten commissioners appointed to consider the subject, and which the Sicilians call the Rupilian law. If an individual makes a claim in a community, or a community on an individual, the senate of some third city is assigned to furnish the judges, as the citizens of the cities interested in the litigation are rejected as judges in such a case. If a Roman citizen makes a claim on a Sicilian, a Sicilian judge is assigned; if a Sicilian makes a claim on a Roman citizen, a Roman citizen is assigned as judge: in all other matters judges are appointed selected from the body of Roman citizens dwelling in the place. In law-suits between the farmers and the tax collectors, trials are regulated by the law about corn, which they call *Lex Hieronica*. All these rights were not only thrown into disorder while that man was prætor, but indeed were openly taken away from both the Sicilians and from the Roman citizens. First of all, their own laws with reference to one another were disregarded. If a citizen had a dispute with another citizen, he either assigned any one as judge whom it was convenient to himself to assign, crier, soothsayer, or his own physician; or if a tribunal was established by the laws, and the parties had come before one of their fellow-citizens as the judge, that citizen was not allowed to decide without control. For, listen to the edict issued by this man, by which edict he brought every tribunal under his own authority: "If any one had given a wrong decision, he would examine into the matter himself; when he had examined, he would punish." And when he did that, no one doubted that when the judge thought that some one else was going to sit in judgment on his decision, and that he should be at the risk of his life in the matter, he would consider the inclination of the man who he expected would pre-ently be judging in a matter affecting his own existence as a citizen. Judges selected from the Roman settlers there were none; none even of the traders in the cities were proposed as judges. The crowd of judges which I am speaking of was the retinue, not of Quintus Scævola, (who, however, did not make a practice of appointing judges from among his own followers,) but of Caius Verres. And what sort of a retinue do you suppose it was when such a man as he was its chief!

You see announced in the edict, "If the senate gives an erroneous decision . . ." I will prove that, if at any time a bench of judges was taken from the senate, that also gave its decisions, through compulsion on his part, contrary to their own opinions. There never was any selection of the judges by lot, according to the Rupilian law, except when he had no interest whatever in the case. The tribunals established in the case of many disputes by the Lex Hieronica were all abolished by a single edict; no judges were appointed selected from the settlers or from the traders. What great power he had you see; now learn how he exercised it.

XIV. Heraclius is the son of Hiero, a Syracusan; a man among the very first for nobility of family, and, before Verres came as prætor, one of the most wealthy of the Syracusans; now a very poor man, owing to no other calamity but the avarice and injustice of that man. An inheritance of at least three millions of sesterces came to him by the will of his relation Heraclius; the house was full of silver plate exquisitely carved, of abundance of embroidered robes, and of most valuable slaves; things in which who is ignorant of the insane cupidity of that man? The fact was a subject of common conversation, that a great fortune had come to Heraclius, that Heraclius would not only be rich, but that he would be amply supplied with furniture, plate, robes and slaves. Verres, too, hears this; and at first he tries by the tricks and manœuvres which he is so fond of, to get him to lend things to him to look at, which he means never to return. Afterwards he takes counsel from some Syracusans; and they were relations of his, whose wives too were not believed to be entirely strangers to him, by name Cleomenes and Æschrio. What influence they had with him, and on what disgraceful reasons it was founded, you may understand from the rest of the accusation. These men, as I say, give Verres advice. They tell him that the property is a fine one, rich in every sort of wealth; and that Heraclius himself is a man advancing in years, and not very active; and that he has no patron on whom he has any claim, or to whom he has any access except the Marcelli; that a condition was contained in the will in which he was mentioned as heir, that he was to erect some statues in the palæstra. We will contrive to produce people from the palæstra to assert that they have not been erected

according to the terms of the will, and to claim the inheritance because they say that it is forfeited to the palæstra. The idea pleased Verres. For he foresaw that, when such an inheritance became disputed, and was claimed by process of law, it was quite impossible for him not to get some plunder out of it before it was done with. He approves of the plan ; he advises them to begin to act as speedily as possible, and to attack a man of that age, and disinclined to law-suits, with as much bluster as possible.

XV. An action is brought in due form against Heraclius. At first all marvel at the roguery of the accusation. After a little, of those who knew Verres, some suspected, and some clearly saw that he had cast his eyes on the inheritance. In the mean time the day had arrived, on which he had announced in his edict that, according to established usage, and to the Rupilian law, he would assign judges at Syracuse. He had come prepared to assign judges in this cause. Then Heraclius points out to him that he cannot assign judges in his cause that day, because the Rupilian law said that they were not to be assigned till thirty days after the action was commenced. The thirty days had not yet elapsed ; Heraclius hoped that, if he could avoid having them appointed that day, Quintus Arrius, whom the province was eagerly expecting, would arrive as successor to Verres before another appointment could take place. He postponed appointing judges in all suits, and fixed the first day for appointing them that he legally could after the thirty days claimed by Heraclius in his action had elapsed. When the day arrived, he began to pretend that he was desirous to appoint the judges. Heraclius comes with his advocates, and claims to be allowed to have the cause between him and the men of the palæstra, that is to say, with the Syracusan people, tried by strict law. His adversaries demand that judges be appointed to decide on that matter of those cities which were in the habit of frequenting the Syracusan courts. Judges were appointed, whomsoever Verres chose. Heraclius demanded, on the other hand, that judges should be appointed according to the provisions of the Rupilian law ; and that no departure should be made from the established usage of their ancestors, from the authority of the senate, and from the rights of all the Sicilians.

XVI. Why need I demonstrate the licentious wickedness of that Verres, in the administration of justice? Who of you is not aware of it, from his administration in this city? Who ever, while he was prætor, could obtain anything by law against the will of Chelidon? The province did not corrupt that man, as it has corrupted some; he was the same man that he had been at Rome. When Heraclius said, what all men well knew, that there was an established form of law among the Sicilians, by which causes between them were to be tried; that there was the Rupilian law, which Publius Rupilius, the consul, had enacted, with the advice of ten chosen commissioners; that every prætor and consul in Sicily had always observed this law. He said that he should not appoint judges according to the provisions of the Rupilian law. He appointed five judges who were most agreeable to himself. What can you do with such a man as this? What punishment can you find worthy of such licentiousness? When it was prescribed to you by law, O most wicked and most shameless man, in what way you were to appoint judges among the Sicilians; when the authority of a general of the Roman people, when the dignity of ten commissioners, men of the highest rank, when a positive resolution of the senate was against you, in obedience to which resolution Publius Rupilius had established laws in Sicily by the advice of ten commissioners; when, before you came as prætor every one had most strictly observed the Rupilian laws in all points, and especially in judicial matters; did you dare to consider so many solemn circumstances as nothing in comparison with your own plunder? Did you acknowledge no law? Had you no scruple? no regard for your reputation? no fear of any judgment yourself? Was the authority of no one of any weight with you? Was there no example which you chose to follow? But, I was going to say, when these five judges had been appointed, by no law, according to no use, with none of the proper ceremonies, with no drawing of lots, according to his mere will, not to examine into the cause, but to give whatever decision they were commanded, on that day nothing more was done; the parties are ordered to appear on the day following.

XVII. In the meantime Heraclius, as he sees that it is all a plot laid by the prætor against his fortune, resolves, by the

advice of his friends and relations, not to appear before the court. Accordingly he flies from Syracuse that night. Verres the next day, early in the morning,—for he had got up much earlier than he ever did before,—orders the judges to be summoned. When he finds that Heraclius does not appear, he begins to insist on their condemning Heraclius in his absence. They expostulate with him, and beg him, if he pleases, to adhere to the rule he had himself laid down, and not to compel them to decide against the absent party in favour of the party who was present, before the tenth hour. He agrees. In the meantime both Verres himself began to be uneasy, and his friends and counsellors began also to be a good deal vexed at Heraclius' having fled. They thought that the condemnation of an absent man, especially in a matter involving so large a sum of money, would be a far more odious measure than if he had appeared in court, and had there been condemned. To this consideration was added the fact, that because the judges had not been appointed in accordance with the provisions of the Rupilian law, they saw that the affair would appear much more base and more iniquitous. And so, while he endeavours to correct this error, his covetousness and dishonesty are made more evident. For he declares that he will not use those five judges; he orders (as ought to have been done at first, according to the Rupilian law) Heraclius to be summoned, and those who had brought the action against him; he says that he is going to appoint the judges by lot, according to the Rupilian law. That which Heraclius the day before could not obtain from him, though he begged and entreated it of him with many tears, occurred to him the next day of his own accord, and he recollected that he ought to appoint judges according to the Rupilian law. He draws the names of three out of the urn: he commands them to condemn Heraclius in his absence. So they condemn him. What was the meaning of that madness? Did you think that you would never have to give an account of your actions? Did you think that such men as these would never hear of these transactions? Is such an inheritance to be claimed without the slightest grounds for such a claim, in order to become the plunder of the prætor? is the name of the city to be introduced? is the base character of a false accuser to be fixed upon an honourable state? And not this only, but

is the whole business to be conducted in such a manner that there is to be not even the least appearance of justice kept up? For, in the name of the immortal gods, what difference does it make whether the prætor commands and by force compels any one to abandon all his property, or passes a sentence by which, without any trial, he must lose all his fortune?

XVIII. In truth you cannot deny that you ought to have appointed judges according to the provisions of the Rupilian law, especially when Heraclius demanded it. If you say that you departed from the law with the consent of Heraclius, you will entangle yourself, you will be hampered by the statement you make in your own defence. For if that was the case, why, in the first place, did he refuse to appear, when he might have had the judges chosen from the proper body which he demanded? Secondly, why, after his flight, did you appoint other judges by drawing lots, if you had appointed those who had been before appointed, with the consent of each party? Thirdly, Marcus Postumius, the quæstor, appointed all the other judges in the market-place; you appointed the judges in this case alone. However, by these means, some one will say, he gave that inheritance to the Syracusan people. In the first place, even if I were disposed to grant that, still you must condemn him; for it is not permitted to us with impunity to rob one man for the purpose of giving to another. But you will find that he despoiled that inheritance himself without making much secret of his proceedings; that the Syracusan people, indeed, had a great deal of the odium, a great deal of the infamy, but that another had the profit; that a few Syracusans, those who now say that they have come in obedience to the public command of their city, to bear testimony in his favour, were then sharers in the plunder, and are come hither now, not for the purpose of speaking in his favour, but to assist in the valuation of the damages which they claim from him. After he was condemned in his absence, possession is given to the palæstra of the Syracusans,—that is, to the Syracusan people,—not only of that inheritance which was in question, and which was of the value of three millions of sesterces, but also of all Heraclius's own paternal property, which was of equal amount. What sort of a ~~partnership~~ <sup>partnership</sup> is that of yours? You take away a

man's inheritance, which had come to him from a relation, had come by will, had come in accordance with the laws; all which property, he, who made the will, had made over to this Heraclius to have and to use as he would, some time before he died,—of which inheritance, as he had died some time before you became prætor, there had been no dispute, nor had any one made any mention of it.

XIX. However, be it so; take away inheritances from relations, give them to people at the palæstra; plunder other people's property in the name of the state; overturn laws, wills, the wishes of the dead, the rights of the living: had you any right to deprive Heraclius of his paternal property also? And yet as soon as he fled, how shamelessly, how undisguisedly, how cruelly, O ye immortal gods, was his property seized! How disastrous did that business seem to Heraclius, how profitable to Verres, how disgraceful to the Syracusans, how miserable to everybody! For the first measures which are taken are to carry whatever chased plate there was among that property to Verres: as for all Corinthian vessels, all embroidered robes, no one doubted that they would be taken and seized, and carried inevitably to his house, not only out of that house, but out of every house in the whole province. He took away whatever slaves he pleased, others he distributed to his friends: an auction was held, in which his invincible train was supreme everywhere. But this is remarkable. The Syracusans who presided over what was called the collection of this property of Heraclius, but what was in reality the division of it, gave in to the senate their accounts of the whole business; they said that many pairs of goblets, many silver water-ewers, much valuable embroidered cloth, and many valuable slaves, had been presented to Verres; they stated how much money had been given to each person by his order. The Syracusans groaned, but still they bore it. Suddenly this item is read,—that two hundred and fifty thousand sesterces were given to one person by command of the prætor. A great outcry arises from every one, not only from every virtuous man, nor from those to whom it had always seemed scandalous that the goods of a private individual should be taken from him, by the greatest injustice, under the name of being claimed by the people, but even the very chief instigators of the wrong, and in some degree the partners in

the rapine and plunder, began to cry out that the man ought to have his inheritance for himself. So great an uproar arose in the senate-house, that the people ran to see what had happened.

XX. The matter being known to the whole assembly, is soon reported at Verres's house. The man was in a rage with those who had read out the accounts,—an enemy to all who had raised the outcry; he was in fury with rage and passion. But he was at that moment unlike himself. You know the appearance of the man, you know his audacity; yet at that moment he was much disquieted by the reports circulated among the people, by their outcry, and by the impossibility of concealing the robbery of so large a sum of money. When he came to himself, he summoned the Syracusans to him, because he could not deny that money had been given him by them; he did not go to a distance to look for some one, (in which case he would not have been able to prove it,) but he took one of his nearest relations, a sort of second son,<sup>1</sup> and accused him of having stolen the money. He declared that he would make him refund it; and he, after he heard that, had a proper regard for his dignity, for his age, and for his noble birth. He addressed the senate on the subject; he declared to them that he had nothing to do with the business. Of Verres he said what all saw to be true, and he said it plainly enough. Therefore, the Syracusans afterwards erected him a statue; and he himself, as soon as he could, left Verres, and departed from the province. And yet they say that this man complains sometimes of his misery in being weighed down, not by his own offences and crimes, but by those of his friends. You had the province for three years; your son-in-law elect, a young man, was with you one year. Your companions, gallant men, who were your lieutenants, left you the first year. One lieutenant, Publius Tadius, who remained, was not much with you; but if he had been always with you, he would with the greatest care have spared your reputation, and still more would he have spared his own. What pretence have you for accusing others? What reason have you for thinking that you can, I will not say, shift the blame of your actions on another, but that you can divide it with another? That two hundred and fifty thousand sesterces are refunded

<sup>1</sup> He was in fact his son-in-law elect



to the Syracusans, and how they afterwards returned to him by the backdoor, I will make evident to you, O judges, by documents and by witnesses.

XXI. And akin to this iniquity and rascality of that fellow, by which plunder, consisting of a part of that property, came to many of the Syracusans against the will of the people and senate of Syracuse, are those crimes which were committed by the instrumentality of Theomnastus, and Æschrio, and Dionysodorus, and Cleomenes, utterly against the wish of the city; first of all in plundering the whole city, of which matter I have arranged to speak in another part of my accusation, so that, by the assistance of those men whom I have named, he carried off all the statues, all the works in ivory out of the sacred temples, all the paintings from every place, and even whatever images of the gods he fancied; secondly, that in the senate-house of the Syracusans, which they call *βουλευτήριον*, a most honourable place, and of the highest reputation in the eyes of the citizens, where there is a brazen statue of Marcus Marcellus himself, (who preserved and restored that place to the Syracusans, though by the laws of war and victory he might have taken it away,) those men erected a gilt statue to him and another to his son; in order that, as long as the recollection of that man remained, the Syracusan senate might never be in the senate-house without lamentation and groaning. By means of the same partners in his injuries, and thefts, and ~~robberies~~, during his command the festival of Marcellus at Syracuse is abolished, to the great grief of the city;—a festival which they both gladly paid as due to the recent services done them by Caius Marcellus, and also most gladly gave to the family and name and race of the Marcelli. Mithridates in Asia, when he had occupied the whole of that province, did not abolish the festival of Mucius.<sup>1</sup> An enemy, and he too an enemy in other respects, only too savage and barbarous, still would not violate the honour of a name which had been consecrated by holy ceremonies. You forbade the Syracusans to grant one day of festival to the Marcelli, to whom they owed the being able to celebrate other days of festival. Oh, but you gave them

<sup>1</sup> In honour of Quintus Mucius Scævola, who had been prætor in that province, and had established a high character for lenity and incorruptibility.

a splendid day instead of it; you allowed them to celebrate a festival in honour of Verres, and issue contracts for providing all that would be necessary for sacrifices and banquets on that day for many years. But in such an enormous superfluity of impudence as that man's, it seems better to pass over some things, that we may not appear to strain every point,—that we may not appear to have no feelings but those of indignation. For time, voice, lungs, would fail me, if I wished now to cry out how miserable and scandalous it is, that there should be a festive day in his name among those people, who think themselves utterly ruined by that man's conduct. O splendid Verrine festival! whither have you gone that you have not brought the people cause to remember that day? In truth, what house, what city, what temple even have you ever approached without leaving it emptied and ruined. Let the festival, then, be fitly called Verrine,<sup>1</sup> and appear to be established, not from recollection of your name, but of your covetousness and your natural disposition.

XXII. See, O judges, how easily injustice, and the habit of doing wrong creeps on; see how difficult it is to check. There is a town called Bidis, an insignificant one indeed, not far from Syracuse. By far the first man of that city is a man of the name of Epicrates. An inheritance of five hundred thousand sesterces had come to him from some woman who was a relation of his, and so near a relation, that even if she had died intestate, Epicrates must have been her heir according to the laws of Bidis. The transaction at Syracuse which I have just mentioned was fresh in men's memories,—the affair I mean of Heraclius the Syracusan, who would not have lost his property if an inheritance had not come to him. To this Epicrates too an inheritance had come, as I have said. His enemies began to consider that he too might be easily turned out of his property by the same prætor as Heraclius had been stripped of his by; they plan the affair secretly; they suggest it to Verres by his emissaries. The cause is arranged, so that the people belonging to the palæstra at Bidis are to claim his inheritance from Epicrates, just as the men of the Syracusan palæstra had claimed his from Heraclius. You never saw a prætor so devoted to the interests of the palæstra. But he

<sup>1</sup> There is a recurrence here to the pun on the word *verres*, a boar.

defended the men of the palæstra in such a way that he himself came off with his wheels all the better greased. In this instance Verres, as soon as he foresaw what would happen, ordered eighty thousand sesterces to be paid to one of his friends. The matter could not be kept entirely secret. Epicrates is informed of it by one of those who were concerned in it. At first he began to disregard and despise it, because the claim made against him had actually nothing in it about which a doubt could be raised. Afterwards when he thought of Heraclius, and recollected the licentiousness of Verres, he thought it better to depart secretly from the province. He did so ; he went to Rhegium.

XXIII. And when this was known, they began to fret who had paid the money. They thought that nothing could be done in the absence of Epicrates. For Heraclius indeed had been present when the judges were appointed ; but in the case of this man, who had departed before any steps had been taken in the action, before indeed there had been any open mention made of the dispute, they thought that nothing could be done. The men go to Rhegium ; they go to Epicrates ; they point out to him, what indeed he knew, that they had paid eighty thousand sesterces ; they beg him to make up to them the money they themselves were out of pocket ; they tell him he may take any security from them that he likes, that none of them will go to law with Epicrates about that inheritance. Epicrates reproaches the men at great length and with great severity, and dismisses them. They return from Rhegium to Syracuse ; they complain to many people, as men in such a case are apt to do, that they have paid eighty thousand sesterces for nothing. The affair got abroad ; it began to be the topic of every one's conversation. Verres repeats his old Syracusan trick. He says he wants to examine into that affair of the eighty thousand sesterces. He summons many people before him. The men of Bidis say that they gave it to Volcatius ; they do not add that they had done so by his command. He summons Volcatius ; he orders the money to be refunded. Volcatius with great equanimity brings the money, like a man who was sure to lose nothing by it ; he returns it to them in the sight of many people ; the men of Bidis carry the money away. Some one will say, "What fault then do you find with Verres in this, who not

only is not a thief himself, but who did not even allow any one else to be one?" Listen a moment. Now you shall see that this money which was just now seen to leave his house by the main road returned back again by a by-path. What came next? Ought not the prætor, having inquired into the case with the bench of judges, when he had found out that a companion of his own, with the object of corruptly swaying the law, the sentence, and the bench, (a matter in which the reputation of the prætor and even his condition as a free citizen were at stake,) had received money, and that the men of Bidis had given it, doing injury to the fair fame and fortune of the prætor;—ought he not, I say, to have punished both him who had taken the money, and those who had given it? You who had determined to punish those who had given an erroneous decision, which is often done out of ignorance, do you permit men to escape with impunity who thought that money might be received or be paid for the purpose of influencing your decree, your judicial decision? And yet that same Volcatius remained with you, although he was a Roman knight, after he had such disgrace put upon him.

XXIV. For what is more disgraceful for a well-born man—what more unworthy of a free man, than to be compelled by the magistrate before a numerous assembly to restore what has been stolen; and if he had been of the disposition of which not only a Roman knight, but every free man ought to be, he would not have been able after that to look you in the face. He would have been a foe, an enemy, after he had been subjected to such an insult; unless, indeed, it had been done through collusion with you, and he had been serving your reputation rather than his own. And how great a friend he not only was to you then as long as he was with you in the province, but how great a friend he is even now, when you have long since been deserted by all the rest, you know yourself, and we can conceive. But is this the only argument that nothing was done without his knowledge, that Volcatius was not offended with him? that he punished neither Volcatius nor the men of Bidis? It is a great proof, but this is the greatest proof of all, that to those very men of Bidis, with whom he ought to have been angry, as being the men by whom he found out that his decree had been attempted to be influenced by bribes, because they could do nothing against

Epicrates according to law, even if he were present,—to these very men, I say, he not only gave that inheritance which had come to Epicrates, but, as in the case of Heraclius of Syracuse, so too in this case, (which was even rather more atrocious than the other, because Epicrates had actually never had any action brought against him at all,) he gave them all his paternal property and fortune. For he showed that if any one made a demand of any thing from an absent person, he would hear the cause, though without any precedent for so doing. The men of Bidis appear—they claim the inheritance. The agents of Epicrates demand that he would either refer them to their own laws, or else appoint judges, in accordance with the provisions of the Rupilina law. The adversaries did not dare to say anything against this; no escape from it could be devised. They accuse the man of having fled for the purpose of cheating them. They demand to be allowed to take possession of his property. Epicrates did not owe a farthing to any one. His friends said that, if any one claimed anything from him, they would stand the trial themselves, and that they would give security to satisfy the judgment.

XXV. When the whole business was getting cool, by Verres's instigation they began to accuse Epicrates of having tampered with the public documents; a suspicion from which he was far removed. They demand a trial on that charge. His friends began to object that no new proceeding, that no trial affecting his rank and reputation, ought to be instituted while he was absent; and at the same time they did not cease to reiterate their demands that Verres should refer them to their own laws. He, having now got ample room for false accusation, when he sees that there is any point on which his friends refused to appear for Epicrates in his absence, declares that he will appoint a trial on that charge before any other. When all saw plainly that not only that money which had (to make a pretence) been sent from his house, had returned back to it, but that he had afterwards received much more money, the friends of Epicrates ceased to argue in his defence. Verres ordered the men of Bidis to take possession of all his property, and to keep it for themselves. Besides the five hundred thousand sesterces which the inheritance amounted to, his own previous fortune amounted to fifteen hundred thou-

sand. Was the affair planned out in this way from the beginning? Was it completed in this way? Is it a very trifling sum of money? Is Verres such a man as to be likely to have done all this which I have related for nothing?

Now, O judges, hear a little about the misery of the Sicilians. Both Heraclius the Syracusan, and Epicrates of Bidis, being stripped of all their property, came to Rome. They lived at Rome nearly two years in mourning attire, with unshaven beard and hair. When Lucius Metellus went to the province, then they also go back with Metellus, bearing with them letters of high recommendation. As soon as Metellus came to Syracuse he rescinded both the sentences—the sentence in the case of Epicrates, and that against Heraclius. In the property of both of them there was nothing which could be restored, except what was not able to be moved from its place.

XXVI. Metellus had acted admirably on his first arrival, in rescinding and making of no effect all the unjust acts of that man which he could rescind. He had ordered Heraclius to be restored to his property; he was not restored. Every Syracusan senator who was accused by Heraclius he ordered to be imprisoned. And on this ground many were imprisoned. Epicrates was restored at once. Other sentences which had been pronounced at Lilybæum, at Agrigentum, and at Panormus, were reviewed and reformed. Metellus showed that he did not mean to attend to the returns which had been made while Verres was prætor. The tithes which he had sold in a manner contrary to the Lex Hieronica, he said that he would sell according to that law. All the actions of Metellus went to the same point, so that he seemed to be remodelling the whole of Verres's prætorship. As soon as I arrived in Sicily, he changed his conduct. A man of the name of Letilius had come to him two days before, a man not unversed in literature, so he constantly used him as his secretary. He had brought him many letters, and, among them, one from home which had changed the whole man. On a sudden he began to say that he wished to do everything to please Verres; that he was connected with him by the ties of both friendship and relationship. All men wondered that this should now at last have occurred to him, after he had injured him by so many actions and so many decisions.

Some thought that Letilius had come as an ambassador from Verres, to put him in mind of their mutual interests, their friendship, and their relationship. From that time he began to solicit the cities for testimony in favour of Verres, and not only to try to deter the witnesses against him by threats, but even to detain them by force. And if I had not by my arrival checked his endeavours in some degree, and striven among the Sicilians, by the help of Glabrio's letters and of the law, I should not have been able to bring so many witnesses into this court.

XXVII. But, as I began to say, remark the miseries of the Sicilians. Heraclius, whom I have mentioned, and Epicrates came forward a great distance to meet me, with all their friends. When I came to Syracuse, they thanked me with tears; they wished to leave Syracuse, and go to Rome in my company: because I had many other towns left which I wanted to go to, I arranged with the men on what day they were to meet me at Messana. They sent a messenger to me there, that they were detained by the prætor. And though I summoned them formally to attend and give evidence,—though I gave in their names to Metellus,—though they were very eager to come, having been treated with the most enormous injustice, they have not arrived yet. These are the rights which the allies enjoy now, not to be allowed even to complain of their distresses.

You have already heard the evidence of Heraclius of Centuripa, a most virtuous and noble young man, from whom a hundred thousand sesterces were claimed by a fraudulent and false accusation. Verres, by means of penalties and securities<sup>1</sup> exacted, contrived to extort three hundred thousand; and the sentence which had been given in favour of Heraclius, in the affairs about which security had been given, he set aside, because a citizen of Centuripa had acted as judge between two of his fellow-citizens, and he said that he had given a false decision; he forbade him to appear in the senate, and deprived him by an interdict of all the privileges

<sup>1</sup> The *compromissum* was money deposited by both parties as a security for their obeying the decision of the judge, "though the same term was also employed to express the engagement by which parties agreed to settle their differences by arbitration, without the intervention of the prætor."—Smith, Dict. Ant. p. 530, v. *Judex*.

of citizens and of access to all public places. If any one struck him, he announced that he would take no cognisance of the injury ; that if any claim were made on him, he would appoint a judge from his own retinue, but that he would not allow him an action on any ground whatever. And his authority in the province had just this weight, that no one did strike him, though the prætor in his province gave every one leave by word, and in reality incited them to do so ; nor did any one claim anything of him, though he had given licence to false accusation by his authority ; yet that heavy mark of ignominy was attached to the man as long as Verres remained in the province. After this fear had been impressed on the judges, in a manner unexampled and wholly without precedent, do you suppose that any matter was decided in Sicily except according to his will and pleasure ? Does this appear to have been the only effect of it, (which effect, however, it had,) to take his money from Heraclius ? or was not this also the object, as the means by which the greatest plunder was to be got,—to bring, under pretence of judicial decision, the property and fortune of every one into the power of that one man ?

XXVIII. But why should I seek out every separate transaction and cause in the trials which took place on capital charges ? Out of many, which are all nearly alike, I will select those which seem to go beyond all the others in rashness. There was a man of Halicya, named Sopater, among the first men of his state for riches and high character. He, having been accused by his enemies before Caius Sacerdos the prætor, on a capital charge, was easily acquitted. The same enemies again accused this same Sopater on the same charge before Caius Verres when he had come as successor to Sacerdos. The matter appeared trifling to Sopater, both because he was innocent, and because he thought that Verres would never dare to overturn the decision of Sacerdos. The defendant is cited to appear. The cause is heard at Syracuse. Those charges are brought forward by the accusers which had been already previously extinguished, not only by the defence, but also by the decision. Quintus Minucius, a Roman knight, among the first for a high and honourable reputation, and not unknown to you, O judges, defended the cause of Sopater. There was nothing in the cause which seemed possible to be



feared, or even to be doubted about at all. In the meantime that same Timarchides, that fellow's attendant and freedman, who is, as you have learnt by many witnesses at the former hearing, his agent and manager in all affairs of this sort, comes to Sopater, and advises him not to trust too much to the decision of Sacerdos and the justice of his cause; he tells him that his accusers and enemies have thoughts of giving money to the prætor, but that the prætor would rather take it to acquit; and at the same time, that he had rather, if it were possible, not rescind a decision of his predecessor. Sopater, as this happened to him quite suddenly and unexpectedly, was greatly perplexed, and had no answer ready to make to Timarchides, except that he would consider what he had best do in such a case; and at the same time he told him that he was in great difficulties respecting money matters. Afterwards he consulted with his friends; and as they advised him to purchase an acquittal, he came to Timarchides. Having explained his difficulties to him, he brings the man down to eighty thousand sesterces, and pays him that money.

XXIX. When the cause came to be heard, all who were defending Sopater were without any fear or any anxiety. No crime had been committed; the matter had been decided; Verres had received the money. Who could doubt how it would turn out? The matter is not summed up that day; the court breaks up; Timarchides comes a second time to Sopater. He says that his accusers were promising a much larger sum to the prætor than what he had given, and that if he were wise he would consider what he had best do. The man, though he was a Sicilian, and a defendant—that is to say, though he had little chance of obtaining justice—and was in an unfortunate position, still would not bear with or listen to Timarchides any longer. Do, said he, whatever you please; I will not give any more. And this, too, was the advice of his friends and defenders; and so much the more, because Verres, however he might conduct himself on the trial, still had with him on the bench some honourable men of the Syracusan community, who had also been on the bench with Sacerdos when this same Sopater had been acquitted. They considered that it was absolutely impossible for the same men, who had formerly acquitted Sopater, to condemn him now on the same charge, supported by the same witnesses. And so,

with this one hope they came before the court. And when they came thither, when the same men came in numbers on the bench who were used to sit there, and when the whole defence of Sopater rested on this hope, namely, on the number and dignity of the bench of judges, and on the fact of their being, as I have said before, the same men who had before acquitted Sopater of the same charge, mark the open rascality and audacity of the man, not attempted to be disguised, I will not say under any reason, but with even the least dissimulation. He orders Marcus Petilius, a Roman knight, whom he had with him on the bench, to attend to a private cause in which he was judge. Petilius refused, because Verres himself was detaining his friends whom he had wished to have with him on the bench. He, liberal man, said that he did not wish to detain any of the men who preferred being with Petilius. And so they all go; for the rest also prevail upon him not to detain them, saying that they wished to appear in favour of one or other of the parties who were concerned in that trial. And so he is left alone with his most worthless retinue. Minucius, who was defending Sopater, did not doubt that Verres, since he had dismissed the whole bench, would not proceed with the investigation of his cause that day; when all of a sudden he is ordered to state his case. He answers, "To whom?" "To me," says Verres, "if I appear to you of sufficient dignity to try the cause of a Sicilian, a Greek." "Certainly," says he, "you are of sufficient dignity, but I wish for the presence of those men who were present before, and were acquainted with the case." "State your case," says he; "they cannot be present." "For in truth," says Quintus Minucius, "Petilius begged me also to be with him on the bench;" and at the same time he began to leave his seat as counsel. Verres, in a rage, attacks him with pretty violent language, and even began to threaten him severely, for bringing such a charge, and trying to excite such odium against him.

XXX. Minucius, who lived as a merchant at Syracuse, in such a way as always to bear in mind his rights and his dignity and who knew that it became him not to increase his property in the province at the expense of any portion of his liberty, gave the man such answer as seemed good to him, and as the occasion and the cause required. He said that he

would not speak in defence of his client when the bench of judges was sent away and dismissed. And so he left the bar. And all the other friends and advocates of Sopater, except the Sicilians, did the same. Verres, though he is a man of incredible effrontery and audacity, yet when he was thus suddenly left alone got frightened and agitated. He did not know what to do, or which way to turn. If he adjourned the investigation at that time, he knew that when those men were present, whom he had got rid of for the time, Sopater would be acquitted ; but if he condemned an unfortunate and innocent man, (while he himself, the prætor, was without any colleagues, and the defendant without any counsel or patron,) and rescinded the decision of Caius Sacerdos, he thought that he should not be able to withstand the unpopularity of such an act. So he was quite in a fever with perplexity. He turned himself every way, not only as to his mind, but also as to his body ; so that all who were present could plainly see that fear and covetousness were contending together in his heart. There was a great crowd of people present, there was profound silence, and eager expectation which way his covetousness was going to find vent. His attendant Timarchides was constantly stooping down to his ear. Then at last he said, "Come, state your case." Sopater began to implore him by the good faith of gods and man, to hear the cause in company with the rest of the bench. He orders the witnesses to be summoned instantly. One or two of them give their evidence briefly. No questions are asked. The crier proclaims that the case is closed. Verres, as if he were afraid that Petilius, having either finished or adjourned the private cause on which he was engaged, might return to the bench with the rest, jumps down in haste from his seat ; he condemned an innocent man, one who had been acquitted by Caius Sacerdos, without hearing him in his defence, by the joint sentence of a secretary, a physician, and a soothsayer.

XXXI. Keep, pray keep that man in the city, O judges. Spare him and preserve him, that you may have a man to assist you in judging causes ; to declare his opinion in the senate on questions of war and peace, without any covetous desires. Although, indeed, we and the Roman people have less cause to be anxious as to what his opinion in the senate is likely to be : for what will be his authority ? When will

he have either the daring or the power to deliver his opinion? When will a man of such luxury and such indolence ever attempt to mount up to the senate-house except in the month of February?<sup>1</sup> However, let him come; let him vote war against the Cretans, liberty to the Byzantines; let him call Ptolemy king; let him say and think everything which Hortensius wishes him. These things do not so immediately concern us—have not such immediate reference to the risk of our lives, or to the peril of our fortunes.

What really is of vital importance, what is formidable, what is to be dreaded by every virtuous man, is, that if through any influence this man escapes from this trial, he must be among the judges; he must give his decision on the lives of Roman citizens; he must be standard-bearer in the army of that man<sup>2</sup> who wishes to possess undisputed sway over our courts of justice. This the Roman people refuses; this it will never endure; the whole people raises an outcry, and gives you leave, if you are delighted with these men, if you wish from such a set to add splendour to your order, and an ornament to the senate-house, to have that fellow among you as a senator, to have him even as a judge in your own cases, if you choose; but men who are not of your body, men to whom the admirable Cornelian laws do not give the power of objecting to more than three judges, do not choose that this man, so cruel, so wicked, so infamous should sit as judge in matters in which they are concerned.

XXXII. In truth, if that is a wicked action, (which appears to me to be of all actions the most base, and the most wicked,) to take money to influence a decision in a court of law, to put up one's good faith and religion to auction; how much more wicked, flagitious, and scandalous is it, to condemn a man from whom you have taken money to acquit him?—so that the prætor does not even act up to the customs of robbers, for there is honour among thieves. It is a sin to take money from a defendant; how much more to take it from an accuser! how much more wicked still to take

<sup>1</sup> In the month of February, as has been said before, the senate gave audience to the deputies from foreign nations; and these deputies were accustomed to bring rich presents to the senators who favoured their respective nations.

<sup>2</sup> Hortensius is meant here.

it from both parties ! When you had put up your good faith to auction in the province, he had the most weight with you who gave you the most money.—That was natural : perhaps some time or other some one else may have done something of the same sort. But when you had **already** disposed of your good faith and of your scruples to the one party, and had received the money, and had afterwards sold the very same articles to his adversary for a still higher price, are you going to cheat both, and to decide as you please ? and not even to give back the money to the party whom you have deceived ? What is the use of speaking to me of Bulbus, of Stalenus ?<sup>1</sup> What monster of this sort, what prodigy of wickedness have we ever heard of or seen, who would first sell his decision to the defendant, and afterwards decide in favour of the accuser ? who would get rid of, and dismiss from the bench honourable men who were acquainted with the cause ; would by himself alone condemn a defendant, who had been acquitted once, from whom he had taken money, and would not restore him his money ?—Shall we have this man on the list of judges ; Shall he be named as judge in the second senatorial decury ? Shall he be the judge of the lives of free men ? Shall a judicial tablet be entrusted to him, which he will mark not only with wax, but with blood too if it be made worth his while ?

XXXIII. For what of all these things does he deny having done ? That, perhaps, which he must deny or else be silent,—the having taken the money ? Why should he not deny it ? But the Roman knight who defended Sopater, who was present at all his deliberations and at every transaction, Quintus Minucius, says on his oath that the money was paid ; he says on his oath that Timarchides said that a greater sum was being offered by the accusers. All the Sicilians will say the same ; all the citizens of Halicya will say the same ; even the young son of Sopater will say the same, who by that most cruel man has been deprived of his innocent father and of his father's property. But if I cannot make the case plain, as far as the money is concerned, by evidence, can you deny this, or will you now deny, that after you had dismissed the

<sup>1</sup> Bulbus and Stalenus had been judges in the action between Cluentius and Oppianicus, which has been already mentioned, and had been convicted of corruption in that trial.

rest of the judges, after those excellent men who had sat on the bench with Caius Sacerdos, and who were used to sit there with you, had been got rid of, you by yourself decided a matter which had been decided before?—that the man, whom Caius Sacerdos, assisted by a bench of colleagues, after an investigation of the case, acquitted, you, without any bench of colleagues, without investigating the case, condemned? When you have confessed this, which was done openly in the forum at Syracuse, before the eyes of the whole province; then deny, if you like, that you received money. You will be very likely to find a man, when he sees these things which were done openly, to ask what you did secretly; or to doubt whether he had better believe my witnesses or your defenders. I have already said, O judges, that I shall not enumerate all that fellow's actions which are of this sort; but that I shall select those which are the most remarkable.

XXXIV. Listen now to another remarkable exploit of his, one that has already been mentioned in many places, and one of such a sort that every possible crime seems to be comprehended in that one. Listen carefully, for you will find that this deed had its origin in covetousness, its growth in lust, its consummation and completeness in cruelty. Sthenius, the man who is sitting by us, is a citizen of Thermæ, long since known to many by his eminent virtue and his illustrious birth, and now known to all men by his own misfortune and the unexampled injuries he has received from that man. Verres having often enjoyed his hospitality, and having not only stayed often with him at Thermæ, but having almost dwelt with him there, took away from him out of his house everything which could in any uncommon degree delight the mind or eyes of any one. In truth, Sthenius from his youth had collected such things as these with more than ordinary diligence; elegant furniture of brass, made at Delos and at Corinth, paintings, and even a good deal of elegantly wrought silver, as far as the wealth of a citizen of Thermæ could afford. And these things, when he was in Asia as a young man, he had collected diligently, as I said, not so much for any pleasure to himself, as for ornaments against the visits of Roman citizens, his own friends and connexions, whenever he invited them. But after Verres got them all, some by begging for them, some by demanding them, and some by boldly taking

them, Sthenius bore it as well as he could, but he was affected with unavoidable indignation in his mind, at that fellow having rendered his house, which had been so beautifully furnished and decorated, naked and empty ; still he told his indignation to no one. He thought he must bear the injuries of the prætor in silence—those of his guest with calmness. Meantime that man, with that covetousness of his which was now notorious and the common talk of every one, as he took a violent fancy to some exceedingly beautiful and very ancient statues at Thermæ placed in the public place, began to beg of Sthenius to promise him his countenance, and to aid him in taking them away. But Sthenius not only refused, but declared to him that it was utterly impossible that most ancient statues, memorials of Publius Africanus, should ever be taken away out of the town of the Themitani, as long as that city and the empire of the Roman people remained uninjured.

XXXV. Indeed, (that you may learn at the same time both the humanity and the justice of Publius Africanus,) the Carthaginians had formerly taken the town of Himera, one of the first towns in Sicily for renown and for beauty. Scipio, as he thought it a thing worthy of the Roman people, that, after the war was over, our allies should recover their property in consequence of our victory, took care, after Carthage had been taken, that everything which he could manage should be restored to all the Sicilians. As Himera had been destroyed, those citizens whom the disasters of the war had spared had settled at Thermæ, on the border of the same district, and not far from their ancient town. They thought that they were recovering the fortune and dignity of their fathers, when those ornaments of their ancestors were being placed in the town of Thermæ. There were many statues of brass ; among them a statue of Himera herself, of marvellous beauty, made in the shape and dress of a woman, after the name of the town and of the river. There was also a statue of the poet Stesichorus, aged, stooping,—made, as men think, with the most exceeding skill,—who was, indeed, a citizen of Himera, but who both was and is in the highest renown and estimation over all Greece for his genius. These things he coveted to a degree of madness. There is also, which I had almost passed over, a certain she-goat made, as even we

who are unskilled in these matters can judge, with wonderful skill and beauty. These, and other works of art, Scipio had not thrown away like a fool, in order that an intelligent man like Verres might have an opportunity of carrying them away, but he had restored them to the people of Thermæ; not that he himself had not gardens, or a suburban villa, or some place or other where he could put them; but, if he had taken them home, they would not long have been called Scipio's, but theirs to whom they had come by his death. Now they are placed in such places that it seems to me they will always seem to be Scipio's, and so they are called.

XXXVI. When that fellow claimed those things, and the subject was mooted in the senate, Sthenius resisted his claim most earnestly, and urged many arguments, for he is among the first men in all Sicily for fluency of speech. He said that it was more honourable for the men of Thermæ to abandon their city than to allow the memorials of their ancestors, the spoils of their enemies, the gifts of a most illustrious man, the proofs of their alliance and friendship with the Roman people, to be taken away out of their city. The minds of all were moved. No one was found who did not agree that it was better to die. And so Verres found this town almost the only one in the whole world from which he could not carry off anything of that sort belonging to the community, either by violence, or by stealth, or by his own absolute power, or by his interest, or by bribery. But, however, all this covetousness of his I will expose another time; at present I must return to Sthenius. Verres being furiously enraged against Sthenius, renounces the connexion of hospitality with him, leaves his house, and departs;<sup>1</sup> for, indeed, he had moved his quarters before. The greatest enemies of Sthenius immediately invite him to their houses, in order to inflame his mind against Sthenius by inventing lies and accusing him. And these enemies were, Agathinus, a man of noble birth, and Dorotheus, who had married Callidama, the daughter of that same Agathinus, of whom Verres had heard.

<sup>1</sup> The Latin is, "*domo ejus emigrat, atque adeo exit, nam jam ante migrarat.*" *Emigrat* has only a simple meaning; *exit* is said of him who "goes forth without any baggage; he then appeared *migrasse* when he plundered Sthenius of all his furniture and plate, and removed it to his own house."—Garaton.



So he preferred migrating to the son-in-law of Agathinus. Only one night elapsed before he became so intimate with Dorotheus, that, as one might say, they had everything in common. He paid as great attention to Agathinus as if he had been some connexion or relation of his own. He appeared even to despise that statue of Himera, because the figure and features of his hostess delighted him much more.

XXXVII. Therefore he began to instigate the men to create some danger for Sthenius, and to invent some accusation against him. They said they had nothing to allege against him. On this he openly declared to them, and promised to them that they might prove whatever they pleased against Sthenius if they only laid the information before him. So they do not delay. They immediately bring Sthenius before him ; they say that the public documents have been tampered with by him. Sthenius demands, that as his own fellow-citizens are prosecuting him on a charge of tampering with the public documents, and as there is a right of action on such a charge according to the laws of the Thermitani ; since the senate and people of Rome had restored to the Thermitani their city, and their territory and their laws, because they had always remained faithful and friendly ; and since Publius Rupilius had afterwards, in obedience to a decree of the senate, given laws to the Sicilians, acting with the advice of ten commissioners, according to which the citizens were to use their own laws in their actions with one another ; and since Verres himself had the same regulation contained in his edict ; -- on all these accounts, I say, he claims of Verres to refer the matter to their own laws. That man, the justest of all men, and the most remote from covetousness, declares that he will investigate the affair himself, and bids him come prepared to plead his cause at the eighth hour. It was not difficult to see what that dishonest and wicked man was designing. And, indeed, he did not himself very much disguise it, and the woman could not hold her tongue. It was understood that his intention was, that, after he, without any pleading taking place, and without any witnesses being called, had condemned Sthenius, then, infamous that he was, he should cause the man, a man of noble birth, of mature age, and his own host, to be cruelly punished by scourging. And as this was notorious, by the advice of his friends

and connexions, Sthenius fled from Tlarnæ to Rome. He preferred trusting himself to the winter and to the waves, rather than not escape that common tempest and calamity of all the Sicilians.

XXXVIII. That punctual and diligent man is ready at the eighth hour. He orders Sthenius to be summoned; and, when he sees that he does not appear, he begins to burn with indignation, and to go mad with rage; to despatch<sup>1</sup> officers to his house; to send horsemen in every direction about his farms and country houses;—and as he kept waiting there till some certain news could be brought to him, he did not leave the court till the third hour of the night. The next day he came down again the first thing in the morning; he calls Agathinus, he bids him make his statement about the public documents against Sthenius in his absence. It was a cause of such a character, that, even though he had no adversary in court, and a judge unfriendly to the defendant, still he could not find anything to say. So that he confined himself to the mere statement that, when Sacerdos was prætor, Sthenius had tampered with the public documents. He had scarcely said this when Verres gives sentence “that Sthenius seems to have tampered with the public documents,” and, moreover, this man so devoted to Venus, added this besides, with no precedent for, no example of, such an addition, “For that action he should adjudge five hundred thousand sesterces to Venus Erycina out of the property of Sthenius.” And immediately he began to sell his property; and he would have sold it, if there had been ever so little delay in paying him the money. After it was paid, he was not content with this iniquity; he gave notice openly from the seat of justice, and from the tribunal, “That if any one wished to accuse Sthenius in his absence of a capital charge, he was ready to take the charge.” And immediately he began to instigate Agathinus, his new relation and host, to apply himself to such a cause, and to accuse him. But he said loudly, in the hearing of every one, that he would not do so, and that he was not so far an enemy to Sthenius as to say that he was implicated in any capital crime. Just at this moment a man of the name of Pacilius,

<sup>1</sup> The Latin word is *Venerens*: the officers who attended on the Roman magistrate in Sicily were so called from Venus Erycina, who was the patron goddess of all the west of Sicily.

a needy and worthless man, arrives on a sudden. He says, that he is willing to accuse the man in his absence if he may. And Verres tells him that he may, that it is a thing often done, and that he will receive the accusation. So the charge is made. Verres immediately issues an edict that Sthenius is to appear at Syracuse on the first of December. He, when he had reached Rome, and had a sufficiently prosperous voyage for so unfavourable a time of year, and had found everything more just and gentle than the disposition of the prætor, his own guest, related the whole matter to his friends, and it appeared to them all cruel and scandalous, as indeed it was.

XXXIX. Therefore Cnæus Lentulus and Lucius Gellius the consuls immediately propose in the senate that it be established as a law, if it so seem good to the conscript fathers, "That men be not proceeded against on capital charges in the provinces while they are absent." They relate to the senate the whole case of Sthenius, and the cruelty and injustice of Verres. Verres, the father of the prætor, was present in the senate, and with tears begged all the senators to spare his son, but he had not much success. For the inclination of the senate for the proposal of the consuls was extreme. Therefore opinions were delivered to this effect; "that as Sthenius had been proceeded against in his absence, it seemed good to the senate that no trial should take place in the case of an absent man; and if anything had been done, it seemed good that it should not be ratified." On that day nothing could be done, because it was so late, and because his father had found men to waste the time in speaking. Afterwards the elder Verres goes to all the defenders and connexions of Sthenius; he begs and entreats them not to attack his son, not to be anxious about Sthenius; he assures them that he will take care that he suffers no injury by means of his son; that with that object he will send trustworthy men into Sicily both by sea and land. And it wanted now about thirty days of the first of December, on which day he had ordered Sthenius to appear at Syracuse. The friends of Sthenius are moved; they hope that by the letters and messengers of the father the son may be called off from his insane attempt. The cause is not agitated any more in the senate. Family messengers come to Verres, and bring him letters from his father before the

first of December, before any steps whatever had been taken by him in Sthenius's affair; and at the same time many letters about the same business are brought to him from many of his friends and intimates.

XL. On this he, who had never any regard either for his duty or his danger, or for affection, or for humanity, when put in competition with his covetousness, did not think, as far as he was advised, that the authority of his father, nor, as far as he was entreated, that his inclination was to be preferred to the gratification of his own evil passions. On the morning of the first of December, according to his edict, he orders Sthenius to be summoned. If your father, at the request of any friend, whether influenced by kindness or wishing to curry favour with him, had made that petition to you, still the inclination of your father ought to have had the greatest weight with you; but when he begged it of you for the sake of your own safety from a capital charge, and when he had sent trustworthy men from home, and when they had come to you at a time when the whole affair was still intact, could not even then a regard, if not for affection, at least for your own safety, bring you back to duty and to common sense? He summons the defendant. He does not answer. He summons the accuser. (Mark, I pray you, O judges; see how greatly fortune herself opposed that man's insanity, and see at the same time what chance aided the cause of Sthenius;) the accuser, Marcus Pacilius, being summoned, (I know not how it came about,) did not answer, did not appear. If Sthenius had been accused while present, if he had been detected in a manifest crime, still, as his accuser did not appear, Sthenius ought not to have been condemned. In truth, if a defendant could be condemned though his accuser did not appear, I should not have come from Vibo to Velia in a little boat through the weapons of fugitive slaves, and pirates, and through yours, at a time when all that haste of mine at the peril of my life was to prevent your being taken out of the list of defendants if I did not appear on the appointed day. If then in this trial of yours that was the most desirable thing for you,—namely, for me not to appear when I was summoned, why did you not think that it ought also to serve Sthenius that his accuser had not appeared? He so managed the matter that the end entirely corresponded to the beginning;

the same man against whom he had received an accusation while he was absent, he condemns now when the accuser is absent.

XLI. At the very outset news was brought to him that the matter had been agitated in the senate, (which his father also had written him word of at great length;) that also in the public assembly Marcus Palicanus, a tribune of the people, had made a complaint to them of the treatment of Sthenius; lastly, that I myself had pleaded the cause of Sthenius before this college of the tribunes of the people, as by their edict no one was allowed to remain in Rome who had been condemned on a capital<sup>1</sup> charge; and that when I had explained the business as I have now done to you, and had proved that this had no right to be considered a condemnation, the tribunes of the people passed this resolution, and that it was unanimously decreed by them, "That Sthenius did not appear to be prohibited by their edict from remaining in Rome." When this news was brought to him, he for a while was alarmed and agitated; he turned the blunt end of his pen<sup>2</sup> on to his tablets, and by so doing he overturned the whole of his cause. For he left himself nothing which could be defended by any means whatever. For if he were to urge in his defence, "It is lawful to take a charge against an absent man,—no law forbids this being done in a province," he would seem to be putting forth a faulty and worthless defence, but still it would be some sort of a defence. Lastly, he might employ that most desperate refuge, of saying, that he had acted ignorantly; that he had thought that it was lawful. And although this is the worst defence of all, still he would seem to have said something. He erases that from his tablets

<sup>1</sup> It has been explained in note 2, p. 3, on the Oration for Quintius, that a "capital charge" at Rome does not necessarily mean one affecting the *life* of the prisoner, but his status as a free citizen. A charge which involved *infamia*, disfranchisement, was *res capitalis*; though as it is impossible to render *caput* when used in this sense so as to give it its accurate meaning, I have been forced occasionally to render it "life."

<sup>2</sup> To turn the pen was to erase what had been written. "At one end the *stilus* was sharpened to a point for scratching the characters on the wax, while the other end, being flat and circular, served to render the surface of the tablets smooth again, and so to obliterate what had been written. Thus *vertere stilum* means to erase, and hence to correct. — Smith, Dict. Ant. in —

which he had put down, and enters "that the charge was brought against Sthenius while he was present."

XLII. Here consider in how many toils he involved himself, from which he could never disentangle himself. In the first place, he had often and openly declared himself in Sicily from his tribunal, and had asserted to many people in private conversation, that it was lawful to take a charge against an absent man; that he, for example, had done so himself—which he had. That he was in the habit of constantly saying this, was stated at the former pleading by Sextus Pompeius Chlorus, a man of whose virtue I have before spoken highly; and by Cnæus Pompeius Theodorus, a man approved of by the judgment of that most illustrious man Cnæus Pompeius in many most important affairs, and, by universal consent, a most accomplished person; and by Posides Matro of Solentum, a man of the highest rank, of the greatest reputation and virtue. And as many as you please will tell you the same thing at this present trial, both men who have heard it from his own mouth,—some of the leading men of our order,—and others too who were present when the accusation was taken against Sthenius in his absence. Moreover at Rome, when the matter was discussed in the senate, all his friends, and among them his own father, defended him on the ground of its being lawful so to act;—of its having been done constantly;—of his having done what he had done according to the example and established precedent of others. Besides, all Sicily gives evidence of the fact, which in the common petitions of all the states has prescribed this request to the consuls, "to beg and entreat of the conscript fathers, not to allow charges to be received against the absent." Concerning which matter you heard Cnæus Lentulus, the advocate of Sicily, and a most admirable young man, say, that the Sicilians, when they were instructing him in their case, and pointing out to him what matters were to be urged in their behalf before the senate, complained much of this misfortune of Sthenius, and on account of this injustice which had been done to Sthenius, resolved to make this demand which I have mentioned. And as this is the case, were you endued with such insanity and audacity, as, in a matter so clear, so thoroughly proved,—made so notorious even by you yourself, to dare to corrupt the public records? But how did you

corrupt them? Did you not do it in such a way that, even if we all kept silence, still your own handwriting would be sufficient to condemn you? Give me, if you please, the document. Take it round to the judges; show it to them. Do you not see that the whole of this entry, where he states that the charge was made against Sthenius in his presence, is a correction? What was written there before? What blunder did he correct when he made that erasure? Why, O judges, do you wait for proofs of this charge from us? We say nothing; the books are before you, which cry out themselves that they have been tampered with and amended. Do you think you can possibly escape out of this business, when we are following you up, not by any uncertain opinion, but by your own traces, which you have left deeply printed and fresh in the public documents? Has he decided, (I should like to know,) without hearing the cause, that Sthenius has tampered with the public documents, who cannot possibly defend himself from the charge of having tampered with the public documents in the case of that very Sthenius?

XLIII. See now another instance of madness; see how, in trying to acquit himself, he entangles himself still more. He assigns an advocate to Sthenius.—Whom? Any relation or intimate friend? No.—Any citizen, any honourable and noble man of Florence? Not even that.—At least it was some Sicilian, in whom there was some credit and dignity? Far from it.—Whom then did he assign to him? A Roman citizen. Who can approve of this? When Sthenius was the man of the highest rank in his city, a man of most extensive connexions, with numberless friends; when, besides, he was of the greatest influence all over Sicily, by his own personal character and popularity; could he find no Sicilian who was willing to be appointed his advocate? Will you approve of this? Did he himself prefer a Roman citizen? Tell me what Sicilian, when he was defendant in any action, ever had a Roman citizen assigned to him as his advocate? Produce the records of all the prætors who preceded Verres; open them. If you find one such instance, I will then admit to you that this was done as you have entered it in your public documents. Oh but, I suppose, Sthenius thought it honourable to himself for Verres to choose a man for his advocate out of the number of Roman citizens who were his own friends

and connexions! Whom did he choose? Whose name is written in the records? Caius Claudius, the son of Caius, of the Palatine tribe. I do not ask who this Claudius is; how illustrious, how honourable, how well suited to the business, and deserving that, because of his influence and dignity, Sthenius should abandon the custom of all the Sicilians, and have a Roman citizen for his advocate. I do not ask any of these questions;—for perhaps Sthenius was influenced not by the high position of the man, but by his intimacy with him.—What? What shall we say if there was in the whole world no greater enemy to Sthenius than this very Caius Claudius, both constantly in old times, and especially at this time and in this affair?—if he appeared against him on the charge of tampering with the public documents?—if he opposed him by every means in his power? Which shall we believe,—that an enemy of Sthenius was actually appointed his advocate, or that you, at a time of the greatest danger to Sthenius, made free with the name of his enemy, to ensure his ruin?

XLIV. And that no one may have any doubt as to the real nature of the whole transaction, although I feel sure that by this time that man's rascality is pretty evident to you all, still listen yet a little longer. Do you see that man with curly hair, of a dark complexion, who is looking at us with such a countenance as shows that he seems to himself a very clever fellow? him, I mean, who has the papers in his hand—who is writing—who is prompting him—who is next to him. That is Caius Claudius, who in Sicily was considered Verres's agent and interpreter, the manager of all his dirty work, a sort of colleague to Timarchides. Now he is promoted so high that he scarcely seems to yield to Apronius in intimacy with him; indeed he called himself the colleague and ally not of Timarchides, but of Verres himself. Now doubt, if you can, that he chose that man of all the world to impose the worthless character of a false advocate on, whom he knew to be most hostile to Sthenius, and most friendly to himself. And will you hesitate in this case, O judges, to punish such enormous audacity and cruelty and injustice as that of this man? Will you hesitate to follow the example of those judges, who, when they had condemned Cnæus Dolabella, rescinded the condemnation of Philodamus of Opus, because a charge had been received against him not in his absence, which is of all things the



most unjust and the most intolerable, but after a commission had been given him by his fellow-citizens to proceed to Rome as their ambassador? That precedent which the judges, in obedience to the principles of equity, established in a less important cause, will you hesitate to adopt in a cause of the greatest consequence, especially now that it has been established by the authority of others?

XLV. But who was it, O Verres, whom you treated with such great, with such unexampled injustice? Against whom did you receive a charge in his absence? Whom did you condemn in his absence; not only without any crime, and without any witness, but even without any accuser? Who was it? O ye immortal gods! I will not say your own friend,—that which is the dearest title among men. I will not say your host,—which is the most holy name. There is nothing in Sthenius's case which I speak of less willingly. The only thing which I find it possible to blame him in is,—that he, a most moderate and upright man, invited you, a man full of adultery, and crime, and wickedness, to his house; that he, who had been and was connected by ties of hospitality with Caius Marius, with Cnæus Pompeius, with Caius Marcellus, with Lucius Sisenna, your defender, and with other excellent citizens, added your name also to that of those unimpeachable men. On which account I make no complaint of violated hospitality, and of your abominable wickedness in violating it; I say this not to those who know Sthenius,—that is to say, not to any one of those who have been in Sicily; (for no one who has is ignorant in how great authority he lived in his own city, in what great honour and consideration among all the Sicilians;) but I say it that those, too, who have not been in the province, may be able to understand who he was in whose case you established such a precedent, that both on account of the iniquity of the deed, as well as on account of the rank of the man, it appeared scandalous and intolerable to every one.

XLVI. Is not Sthenius the man, he who when he had very easily obtained all the honourable offices in his city, executed them with the greatest splendour and magnificence?—who decorated a town, not itself of the first rank, with most spacious places of public resort, and most splendid monuments, at his own expense?—on account of whose good services towards the state of Thermæ, and towards all the Sicilians, a brazen tablet was set up in the senate-house at Thermæ; in

which mention was made of his services, and engraved at the public expense?—which tablet was torn down under your government, and is now brought hither by me, that all may know the honour in which he was held among his countrymen, and his preeminent dignity. Is this the man, who when he was accused before that most illustrious man, Cnæus Pompeius, and when his enemies and accusers charged him, in terms calculated to excite odium against him, rather than true, of having been ill affected to the republic on account of his intimacy and his connexions of hospitality with Caius Marius, was acquitted by Cnæus Pompey with such language as showed that, from what had come out at that very trial, Cnæus Pompeius judged him most worthy of his own intimacy? and moreover was defended and extolled by all the Sicilians in such a manner, that Pompey thought that by his acquittal he had earned, not only the gratitude of the man himself, but that of the whole province? Lastly, is not he the man who had such affection towards the republic, and also such great authority among his fellow-citizens, that he alone in all Sicily, while you were prætor, did what not only no other Sicilian, but what all Sicily even could not do,—namely, prevented you from taking away any statue, any ornament, any sacred vessel, or any public property from Thermæ; and that too when there were many remarkable beautiful things there, and though you coveted everything? See now, what a difference there is between you, in whose name days of festival are kept among the Sicilians, and those splendid Verrean games are celebrated; to whom gilt statues are erected at Rome, presented by the commonwealth of Sicily, as we see inscribed upon them;—see, I say, what a difference there is between you and this Sicilian, who was condemned by you, the patron of Sicily. Him very many cities of Sicily praise by public resolutions in his favour, by their own evidence, by deputations sent hither with that object. You, the patron of all the Sicilians, the solitary state of the Mamertini, the partner of your thefts and crimes, praises publicly; and yet in such a way that, by a new process, the deputies themselves injure your cause, though the deputation praises you. The other states all publicly accuse you, complain of you, impeach you by letters, by deputations, by evidence; and, if you are acquitted, think themselves utterly ruined.

**XLVII.** It is in the case of this man and of his property

that you have erected a monument of your crimes and cruelty even on Mount Eryx itself; on which is inscribed the name Sthenius of Thermæ. I saw a Cupid made of silver, with a torch. What object had you,—what reason was there for employing the plunder of Sthenius on that subject rather than on any other? Did you wish it to be a token of your own cupidity, or a trophy of your friendship and connexion of hospitality with him, or a proof of your love towards him? Men, who in their exceeding wickedness are pleased not only with their lust and pleasure itself, but also with the fame of their wickedness, do wish to leave in many places the marks and traces of their crimes. He was burning with love of that hostess for whose sake he had violated the laws of hospitality. He wished that not only to be known, but also to be recorded for ever. And therefore, out of the proceeds of that very action which he had performed, Agathinus being the accuser, he thought that a reward was especially due to Venus, who had caused the prosecution and the whole proceeding. I should think you grateful to the Gods if you had given this gift to Venus, not out of the property of Sthenius, but out of your own, as you ought to have done, especially as an inheritance had come to you from Chelidon that very same year. On these grounds now, even if I had not undertaken this cause at the request of all the Sicilians; if the whole province had not requested this favour of me; if my affection and love for the republic, and the injury done to the credit of our order and of the courts of justice, had not compelled me to do so; and if this had been my only reason, that you had so cruelly, and wickedly, and abominably treated my friend and connexion<sup>1</sup> Sthenius, to whom I had formed an extraordinary attachment in my quæstorship, of whom I had the highest possible opinion, whom while I was in the province I knew to be most zealous and earnest for my reputation,—I should still think I had plenty of reason to incur the enmity of a most worthless man, in order to defend the safety and fortunes of my friend. Many men have done the same in the times of our ancestors. Lately, too, that most eminent man

<sup>1</sup> I have in some instances translated *hospes* "friend," and oftener still "connexion," though either word is far from representing adequately the idea of the Latin *hospes*; because, as modern manners are unacquainted with the usage, modern languages have no word to express it.

Cnæus Domitius did so, who accused Marcus Silanus, a man of consular rank, on account of the injuries done by him to Egritomarus of the Transalpine country, his friend. I should think it became me to follow the example of their good feeling and regard for their duty ; and I should hold out hope to my friends and connexions to think that they would live a safer life owing to my protection. But when the cause of Sthenius draws along with it the common calamity of the whole province, and when many of my friends and connexions are being defended by me at the same time, both in their public and private interests, I ought not in truth to fear that any one can suppose that I have done what I have in undertaking this cause under the pressure and compulsion of any motive except that of the strictest duty.

XLVIII. And that we may at last give up speaking of the investigations made, and the judicial proceedings conducted, and of the decisions given by that man ; and as his exploits of that class are countless, let us put some bounds and limits to our speech and accusation. We will take a few cases of another sort.

You have heard Quintus Varius say, that his agents paid that man a hundred and thirty thousand sesterces for a decision in his cause. You recollect that the evidence of Quintus Varius was corroborated, and that this whole affair was proved by the testimony of Caius Sacerdos, a most excellent man. You know that Cnæus Sertius and Marcus Modius, Roman knights, and that six hundred Roman citizens besides, and many Sicilians, said that they had given that money for decisions in their causes. And why need I dilate upon this accusation when the whole matter is set plainly forth in the evidence ? Why should I argue about what no one can doubt ? Or will any man in the world doubt that he set up his judicial decisions for sale in Sicily, when at Rome he sold his very edict and all his decrees ? and that he received money from the Sicilians for issuing extraordinary decrees, when he actually made a demand on Marcus Octavius Ligur for giving a decision on his cause ? For what method of extorting money did he ever omit ? What method did he fail to devise, even if it had escaped the notice of every one else ? Was anything in the Sicilian states ever sought to be obtained in which there is any honour, any power, or any authority,

that you did not make it a source of your own gain, and sell it to the best bidder ?

XLIX. At the former pleading evidence was given of both a public and a private nature ; deputies from Centuripa, from Halesa, from Catina, and from Panormus, and from many other cities gave evidence ; but now, also, a great many private individuals have been examined, by whose testimony you have ascertained that no one in all Sicily for the space of three years was ever made senator in any city for nothing,—no one by vote, as their laws prescribe,—no one except by his command, or by his letters ; and that in the appointment of all these senators, not only were no votes given, but there was not even any consideration of those families from which it was lawful to select men for that body, nor of their income, nor of their age ; nor were any other of the Sicilian laws of the slightest influence. Whoever wished to be made a senator, though he was a boy, though he was unworthy, though he was of a class from which it was not lawful to take senators ; still, if he paid money enough to appear in his eyes a fit man to gain his object, so it always was. Not only the laws of the Sicilians had no influence in this matter, but even those which had been given to them by the senate and people of Rome had none either. For the laws which he makes who has the supreme command given to him by the Roman people, and authority to make laws conferred on him by the senate, ought to be considered the laws of the senate and people of Rome. The citizens of Halesa, who were till lately in the enjoyment of their own laws, in return for the numerous and great services and good deeds done both by themselves and by their ancestors to our republic, lately in the consulship of Lucius Licinius and Quintus Mucius, requested laws from our senate, as they had disputes among themselves about the elections into their senate. The senate, by a very honourable decree, voted that Caius Claudius Pulcher, the son of Appius the prætor, should give them laws to regulate their elections into their senate. Caius Claudius, taking as his counsellors all the Marcelli who were then alive, with their advice gave laws to the men of Halesa, in which he laid down many rules about the age of the men who might be elected ; that no one might be under thirty years of age ; about trade,—that no one engaged in it might be

elected ; about their income, and about all other matters ; all which regulations prevailed till that man became prætor, by the authority of our magistrates, and with the cordial good-will of the men of Halesa. But from him even a crier who was desirous of it, bought that rank for a sum of money, and boys sixteen and seventeen years old purchased the title of senator ; and that which the men of Halesa, our most ancient and faithful allies and friends, had petitioned, and that successfully, at Rome, to have put on such a footing that it might not be lawful for men to be elected even by vote, he now made easy to be obtained by bribery.

L. The people of Agrigentum have old laws about appointing their senate, given them by Scipio, in which the same principles are laid down, and this one besides,—as there are two classes of Agrigentines, one of the old inhabitants, and the other of the new,—settlers whom Titus Manlius, when prætor, had led from other towns of the Sicilians to Agrigentum, in obedience to a resolution of the senate ;—it was provided in the laws of Scipio, that there should not be a greater number of members of the senate taken from the class of settlers than from the old inhabitants of Agrigentum. That man, who had levelled all laws by bribery, and who had taken away all distinction between things for money, not only disturbed all those regulations which related to age, rank, and traffic, but even with respect to these two classes of old and new inhabitants, he disturbed the proportion of their selection. For when a senator died of the old inhabitants, and when the remaining number of each class was equal, it was necessary, according to the laws, that one of the original inhabitants should be elected in order that theirs might be the larger number. And though this was the case, still, not only some of the original inhabitants, but also some of the new settlers, came to him to purchase the rank of senator. The result is, that through bribery, one of the new men carries the day, and gets letters of appointment from the prætor. The Agrigentines send deputies to him to inform him of their laws, and to explain to him the invariable usage of past years, in order that he might be aware that he had sold that rank to one with whom he had no right even to treat on the subject. By whose speech, as he had already received the money, he was not in the least influenced. He did the

same thing at Heraclea. For thither also Publius Rupilius led settlers, and gave them similar laws about the appointment of the senate, and about the number of the old and new senators. There he did not only receive money, as he did in the other cities, but he even confused the classes of the original inhabitants and of the new settlers.

LI. Do not wait for me to go through all the cities of Sicily in my speech. In this one statement I comprehend everything,—that no one could be made a senator while he was prætor except those who had given him money. And I carry on the same charge to all magistracies, agencies, and priesthoods; by which acts he has not only trampled on the laws of men, but on all the religious reverence due to the immortal gods. There is at Syracuse a law respecting their religion, which enjoins a priest of Jupiter to be taken by lot every year, and that priesthood is considered among the Syracusans as the most honourable. When three men have been selected by vote out of the three classes of citizens, the matter is decided by lot. He by his absolute command had contrived to have his intimate friend Theomnastus returned among the three by vote. When it came to the decision by lot, which he could not command, men were waiting to see what he would do. The fellow at first forbade them to elect by lot, as that seemed the easiest way, and ordered Theomnastus to be appointed without casting lots. The Syracusans say that cannot possibly be done, according to the reverence due to their sacred laws; they say it would be impious. He orders the law to be read to him. It is read. In it was written, “that as many lots were to be thrown into the urn as there were names returned; that he whose name was drawn was to have the priesthood.” He then, ingenious and clever man! said, “Capital! it is written, ‘As many lots as there are names returned;’ how many names then were returned?” It is answered, “Three.” “Is there then anything necessary except that three lots should be put in, and one drawn out?” “Nothing.” He orders three lots to be put in, on all of which was written the name of Theomnastus. A great outcry arises, as it seemed to every one a scandalous and infamous proceeding. And so by these means that most honourable priesthood is given to Theomnastus.

LII. At Cephalædium there is a regular month, in which

the pontifex is bound to be appointed. A man of the name of Artemo, surnamed Climachias, was desirous of that honour, a man of sufficient riches to be sure, and of noble family ; but he could not possibly have been appointed if a man of the name of Herodotus had been present. For that place and rank was thought to be so decidedly due to him for that year, that even Climachias could say nothing against him. The matter is referred to Verres, and is decided according to his usual fashion. Some beautiful and valuable specimens of carving are removed from Artemo's. Herodotus was at Rome ; he thought that he should arrive in time enough for the comitia if he came the day before. Verres, in order that the comitia might not be held in any other month than the regular one, and that the honour might not be refused to Herodotus when he was present, (a thing which he was not anxious for, and which Climachias was very eager to avoid,) contrives, (I have said before, there is no one cleverer, and never was, in his way,)—he contrives, I say, how the comitia may be held in the regular month for them, and yet Herodotus may not be able to be present. It is a custom of the Sicilians, and of the rest of the Greeks, because they wish their days and months to agree with the calculations as to the sun and moon, if there be any difference sometimes to take out a day, or, at most, two days from a month, which they call *ἐξαπέσιποι*. And so also they sometimes make a month longer by a day or by two days. And when he heard of that, he, this new astronomer, who was thinking not so much of the heavens as of the heavy plate,<sup>1</sup> he orders (not a day to be taken out of the month, but) a month and a half to be taken out of the year ; so that the day which, as one may say, ought to have been the thirteenth of January, became the first of March. And that is done in spite of the remonstrances and indignation of every one. That was the legitimate day for holding the comitia. On that day Climachias is declared to have been elected priest. When Herodotus returns from Rome, fifteen days, as he supposed, before the comitia, he comes on the month of the comitia, when the comitia have been held thirty days before. Then the people of Cepha-lædium voted an intercalary month of forty-five days, in order

<sup>1</sup> The original puns on the resemblance between *cælum*, "heaven," and *cœlæum*, "carved" or "chased."



that the rest of the months might fall again into their proper season. If these things could be done at Rome, no doubt he would somehow or other have contrived to have the forty-five days between the two sets of games taken away, during which days alone this trial could take place.

LIII. But now it is worth while to see how the censors were appointed in Sicily while that man was prætor. For that is the magistracy among the Sicilians, the appointments to which are made by the people with the greatest care, because all the Sicilians pay a yearly tax in proportion to their incomes; and, in making the census, the power is entrusted to the censor of making every sort of valuation, and of determining the total amount of every man's contribution. Therefore the people choose with the greatest care the man in whom they can place the greatest confidence in a matter affecting their own property; and on account of the greatness of the power, this magistracy is an object of the greatest ambition. In such a matter, Verres did not choose to do any thing obscurely, nor to play tricks in the drawing of lots, nor to take days out of the calendar. He did not choose to do anything in an underhand manner, or by means of artifice; but in order to take away the fondness and desire for honours and ambition out of every city, feelings which usually tend to the ruin of a state, he declared that he should appoint the censors in every city. When the prætor announced so vast a scene of bargaining and trafficking as that, people came to Syracuse to see him, from all quarters. The whole of the prætor's house was on fire with the eagerness and cupidity of men; and no wonder, when all the comitia of so many cities were packed together into one house, and when all the ambition of an entire province was confined in one chamber. Bribes being openly asked for, and biddings being openly made, Timarchides appointed two censors for every city. He, by his own labour, and by his own visits to every one, by all the trouble which he took in this employment, achieved this, that all the money came to Verres without his having any anxiety on his part. How much money this Timarchides made, you cannot as yet know for a certainty; but in what a variety of manners, and how shamefully, he plundered people, you heard at the former pleading, by the evidence of many witnesses.

LIV. But that you may not wonder how that freedman obtained so much influence with him, I will tell you briefly what the man is ; so that you may both see the worthlessness of the man who kept such a fellow about him, especially in that employment and position, and that you may also see the misery of the province. In the seduction of women, and in all licentiousness and wickedness of that character, I found this Timarchides wonderfully fitted by nature to be subservient to his infamous lusts, and unexampled profligacy. In finding out who people were, in calling on them, in addressing them, in bribing them, in doing anything in matters of that sort, however cunningly, however audaciously, however shamelessly it might be necessary to go to work, I heard that this man could contrive admirable schemes for ensuring success. For, as for Verres himself, he was only a man of a covetousness ever open-mouthed, and ever threatening, but he had no ingenuity, no resources ; so that, in whatever he did of his own accord, (just as you know was the case with him at Rome,) he seemed to rob openly rather than to cheat. But the other fellow's skill and artifice were marvellous, so that he could hunt out and scent out with the greatest acuteness, all over the province, whatever had happened to any one, whatever any one stood in need of. He was able to find out, to converse with, to tamper with every one's foes, and every one's enemies ; to know the circumstances of every trial on both sides ; to ascertain men's inclinations, and power, and resources ; where it was necessary to strike terror ; where it was desirable to hold out hope. Every accuser, every informer, he had in his power ; if he wished to cause trouble to any one, he did it without any difficulty. All Verres's decrees, and commands, and letters, he sold in the most skilful and cunning manner. And he was not only the minister of Verres's pleasures, he also took equally good care of himself. He not only picked up whatever money had slipped through his principal's fingers, by which he amassed great riches, but he also picked up the relics of his pleasures and of his profligacy. Therefore do not fancy that Athenio<sup>1</sup> reigned in Sicily, for he took no city ; but know ye that the runaway slave Timar-

<sup>1</sup> Athenio was a Cilician slave who had headed a revolt of slaves in Sicily, A.U.C. 650. He was at last defeated and slain by the consul Aquilius, A.U.C. 651.

chides reigned in every city of Sicily for three years; that the children, the matrons, the property, and all the fortunes of the most ancient and most devoted allies of the Roman people were all that time in the power of Timarchides. He therefore, as I say, he, Timarchides, sent censors into every city, having taken bribes for their appointment. Comitia for the election of censors, while Verres was prætor, were never held, not even for the purpose of making a pretence of legality.

LV. This was the most shameless business of all. Three hundred denarii were openly exacted (for this, forsooth, was permitted by the laws) from each censor, to be paid down for the prætor's statue. There were appointed a hundred and thirty censors. They gave ~~one~~ sum of money for the censorship contrary to the law; these thirty-nine thousand denarii they openly paid down for the statue, in compliance with the laws. First of all, what was all that money for? Secondly, why did the censors pay it to you for your statue? I suppose there is a regular order of censors, a college of them. They are a distinct class of men! Why, it is either cities in their capacity of communities, that confer these honours, or men according to their classes, as cultivators, as merchants, as shipowners. But why to censors rather than to ædiles? Is it for any service that they have done? Therefore, will you confess that these things were begged of you,—for you will not dare to say they were purchased of you;—that you granted those magistracies to men out of favour, and not with a view to the interests of the republic? And when you confess this, will any one doubt that you incurred that unpopularity and hatred among the different tribes of that province, not out of ambition, nor for the sake of doing a kindness to any one, but with the object of procuring money? Therefore those censors did the same thing that those do in our republic, who have got offices by bribery; they took care to use their power so as to fill up again that gap in their property. The census was so taken, when you were prætor, that the affairs of no state whatever could be administered according to such a census. For they made a low return of the incomes of all the richest men, and exaggerated that of each poor man. And so in levying the taxes so heavy a burden was laid upon the common people, that even if the men themselves said nothing, the facts alone would discredit that

census ; as may easily be understood from the circumstances themselves.

LVI. For Lucius Metellus, who, after I came into Sicily for the sake of prosecuting my inquiries, became on a sudden after the arrival of Letilius not only the friend of Verres, but even his relative ; because he saw that that census could not possibly stand, ordered that former one to be attended to which had been when that most gallant and upright man, Sextus Peducæus, was prætor. For at that time there were censors made according to the laws, elected by their cities, in whose case, if they did anything wrong, punishments were appointed by the laws. But when you were prætor, how could the censor either fear the law, by which he was not bound, since he had not been created by the law ; or fear your reproof for having sold what he had bought of you ? Let Metellus now detain my witnesses—let him compel others to praise him, as he has attempted in many instances ; only let him do what he is doing. For whoever was treated by any one with such insult, with so much ignominy ? Every fifth year a census is taken of all Sicily. A census was taken when Peducæus was prætor. When the five years had elapsed in your prætorship, a census was taken again. The next year Lucius Metellus forbids any mention to be made of your census ; he says that censors must be created afresh ; and in the meantime he orders the census of Peducæus to be attended to. If an enemy of yours had done this to you, although the province would have borne it with great equanimity, still it would have seemed the severe decision of an enemy. A new friend, a voluntary relation did it. For he could not do otherwise, if he wished to retain the province in its allegiance, if he wished to live himself in safety in the province.

LVII. Are you waiting to see what these men also will decide ? If he had deprived you of your office, he would have treated you with less insult, than when he abrogated and annulled the things which you had done in your office. Nor did he behave in this way in that matter alone, but he had done the same in many other matters of the greatest importance, before I arrived in Sicily. For he ordered your friends, the palæstra people, to restore his property to Heraclius the Syracusan, and the people of Bidis to restore his property to Epicrates, and Appius Claudius his to his ward

at Drepanum ; and, if Letilius had not arrived in Sicily with letters a little too soon, in less than thirty days Metellus would have annulled your whole three years' prætorship.

And, since I have spoken of that money which the censors paid to you for your statue, it seems to me that I ought not to pass over that method of raising money, which you exacted from the cities on pretence of erecting statues. For I see that the sum total of that money is very large, amounting to a hundred and twenty thousand sesterces. This much is proved by the evidence and letters of the cities. And he admits that, and indeed he cannot say otherwise. What sort of conduct then are we to think that which he denies, when these actions which he confesses are so infamous ? For what do you wish to be believed ? That all that money was spent in statues ?—Suppose it was. Still this is by no means to be endured, that the allies should be robbed of so much money, in order that statues of a most infamous robber may be placed in every alley, where it appears scarcely possible to pass in safety.

LVIII. But where in the world, or on what statues, was that enormous sum of money spent ? It will be spent, you will say. Let us, forsooth, wait for the recurrence of that regular five years. If in this interval he has not spent it, then at last we will impeach him for embezzlement in the article of statues. He is brought before the court as a criminal on many most important charges. We see that a hundred and twenty thousand sesterces have been taken on this one account. If you are condemned, you will not, I presume, trouble yourself about having that money spent on statues within five years. If you are acquitted, who will be so insane as to attack you in five years' time on the subject of the statues, after you have escaped from so many and such grave charges ? If, therefore, this money has not been spent as yet, and if it is evident that it will not be spent, we may understand that a plan has been found out by which he may take and appropriate to himself a hundred and twenty thousand sesterces at one swoop, and by which others too, if this is sanctioned by you, may take as large sums as ever they please on similar grounds ; so that we shall appear not to deter men from taking money, but, as we approve of some methods of taking money, we shall seem rather to be giving

decent names to the basest actions. In truth, suppose, for example, that Caius Verres had demanded a hundred and twenty thousand sesterces from the people of Centuripa, and had taken this money from them; there would have been no doubt, I conceive, that, if that were proved, he must have been condemned.—What then? Suppose he demanded three hundred thousand sesterces of the same people; and compelled them to give them, and carried them off? Shall he be acquitted because it was entered in the accounts that that money was given for statues? I think not; unless, indeed, our object is to create, not, an unwillingness to take money on the part of our magistrates, but a cause for giving it on the part of our allies. But if statues are a great delight to any one, and if any one is greatly attracted by the honour and glory of having them raised to him, still he must lay down these rules; first of all, that he must not take to his own house the money given for those purposes; secondly, that there must be some limit to those statues; and lastly, that at all events they must not be exacted from unwilling people.

LIX. And concerning the embezzlement of the money, I ask of you whether the cities themselves were accustomed to let out contracts for erecting statues to the man who would take the contract on the best terms, or to appoint some surveyor to superintend the erection of the statues, or to pay the money to you, or to any one whom you appointed? For the statues were erected under the superintendence of those men by whom that honour was paid to you—I am glad to hear it; but, if that money was paid to Timarchides, cease, I beg of you, to pretend that you were desirous of glory and of monuments when you are detected in so evident a robbery.

What then? Is there to be no limit to statues? But there must be. Indeed, consider the matter in this way. The city of Syracuse (to speak of that city in preference to others) gave him a statue;—it is an honour: and gave his father one;—a pretty and profitable picture of affection: and gave his son one;—this may be endured, for they did not hate the boy: still how often, and for how many individuals will you take statues from the Syracusans? You accepted one to be placed in the forum. You compelled them to place one in the senate-house. You ordered them to contribute money for

those statues which were to be erected at Rome. You ordered that the same men should also contribute as agriculturists, they did so. You ordered the same men also to pay their contribution to the common revenue of Sicily; even that they did also. When one city contributed money on so many different pretences, and when the other cities did the same, does not the fact itself warn you to think that some bounds must be put to this covetousness? But if no city did this of its own accord; if all of them only paid you this money for statues because they were induced to do so by your command, by fear, by force, by injury; then, O ye immortal gods, can it be doubtful to any one, that, even if any one were to establish a law, that it was allowable to accept money for statues, still he would also establish one, that at all events it was not allowable to extort it? First, therefore, I will cite the whole of Sicily as a witness on this point; and Sicily declares to me with one voice that an immense sum of money was extorted from her by force under the name of providing statues. For the deputations of all the cities, in their common petitions—nearly all of which have arisen from your injuries,—have inserted this demand also; “that they might not for the future promise statues to any one till he had left the province.”

LX. There have been many prætors in Sicily. Often, in the times of our ancestors, the Sicilians have approached the senate; often in the memory of the present generation; but it is your prætorship that has introduced and originated a new kind of petition. For what else is so strange, not only in the matter but in the very form of the petition? For other points which occur in the same petitions with reference to your injuries, are indeed novel, but still they are not urged in a novel manner. The Sicilians beg and entreat of the conscript fathers that our magistrates may henceforth sell the tenths according to the law of Hiero. You were the first who had sold them in a way contrary to that law.—That they may not put a money value on the corn which is ordered for the public granary. This, too, is now requested for the first time on account of your three denarii:<sup>1</sup> but that kind of petition is not unprecedented.—That a charge be not taken

<sup>1</sup> See the note on the next oration, “De Re Frumentaria,” for an explanation of this; and on points connected with the topic of corn, and the *societas* of the *publicani*, see the Argument of the next oration.

against any one in his absence. This has arisen from the misfortune of Sthenius, and your tyranny.—I will not enumerate the other points. All the demands of the Sicilians are of such a nature that they look like charges collected against you alone as a criminal. Still all these, though they refer to new injuries, preserve the ordinary form of requests; but this request about the statues must appear ridiculous to the man who is not acquainted with the facts and with the meaning of it; for they entreat that they may not be compelled to erect statues;—what then? That they may not be allowed to do so;—what does this mean? Do you request of me not to be allowed to do what it depends on yourself to do or not? Ask rather that no one may compel you to promise a statue, or to erect one against your will. I shall do no good, says he; for they will all deny that they compelled me to do so: if you wish for my preservation, put this violence on me,—that it may be utterly illegal for me to make such a promise. It is from your prætorship that such a request as this has taken its rise; and those who employ it, intimate and openly declare that they, entirely against their will, contributed money for your statues, being compelled by fear and violence. Even suppose they did not say this, still, would it not be impossible for you to avoid confessing it? See and consider what defence you are going to adopt; for then you will understand that you must confess this about the statues.

LXI. For I am informed that your cause is planned out in this way by your advocates, men of great ingenuity, and that you are instructed and trained by them in this way; that, as each influential and honourable man from the province of Sicily gives an energetic testimony against you, as many of the leading Sicilians have already done to a great extent, you are immediately to say to your defenders, "That man is an enemy of mine because he is an agriculturist." And so, I suppose, you have it in your mind to set aside the class of agriculturists, saying that they have come with a hostile and inimical disposition towards Verres because he was a little strict in collecting the tenths. The agriculturists, then, are all your enemies, all your adversaries. There is not one of them who does not wish you dead. Altogether you are admirably well off, when that order and class of men which is



the most virtuous and honourable, by which both the republic in general, and most especially that province upheld, is fixedly hostile to you. However, be it so; another time we will consider of the disposition of the agriculturists and of their injuries. For the present I assume, what you grant me, that they are most hostile to you. You say, forsooth, on account of the tenths. I grant that; I do not inquire whether they are enemies with or without reason. What then is the meaning of those gilt equestrian statues which greatly offend the feelings and eyes of the Roman people, near the temple of Vulcan? For I see an inscription on them stating that the agriculturists had presented one of them. If they gave this statue to do you honour, they are not your enemies. Let us believe the witnesses; for then they were consulting your honour, now they are regarding their own consciences. But if they presented the statues under the compulsion of fear, you must confess that you exacted money in the province on account of statues by violence and fear. Choose whichever alternative you like.

LXII. In truth I would willingly now abandon this charge about the statues, to have you admit to me, what would be most honourable to you, that the agriculturists contributed this money for a statue to do you honour, of their own free will. Grant me this. In a moment you cut from under your feet the principal part of your defence. For then you will not be able to say that the agriculturists were angry with and enemies to you. O singular cause; O miserable and ruinous defence; for the defendant, and he too a defendant who has been prætor in Sicily, to be unwilling to receive an admission from his accuser that the agriculturists erected him a statue of their own free will, that they have a good opinion of him, that they are his friends, that they desire his safety! He is afraid of your believing this, for he is overwhelmed with the evidence given against him by the agriculturists. I will avail myself of what is granted to me; at all events you must judge that those men, who, as he himself wishes it to be believed, are most hostile to him, did not contribute money for his honour and for his monuments of their own free will. And that this may be most easily understood, ask any one you please of the witnesses whom I shall produce, who are witnesses from Sicily, whether a Roman citizen or a Sicilian, and : ne

too who appears most hostile to you, who says that he has been plundered by you, whether he contributed anything in his own name to the statue? You will not find one man to deny it. In truth they all contributed. Do you think then that any one will doubt that he who ought to be most hostile to you, who has received the severest injuries from you, paid money on account of a statue to you because he was compelled by violence and authoritative command, not out of kindness and by his own free will? And I have neither counted up, nor been able to count, O judges, the amount of this money, which is very large, and which has been most shamelessly extorted from unwilling men, so as to estimate how much was extorted from agriculturists, how much from traders who trade at Syracuse, at Agrigentum, at Panormus, at Lilybæum; since you see by even his own confession that it was extorted from most unwilling contributors.

LXIII. I come now to the cities of Sicily, in which case it is exceedingly easy to form an opinion of their inclination. Did the Sicilians also contribute against their will? It is not probable. In truth it is evident that Caius Verres so conducted himself during his prætorship in Sicily, that, as he could not satisfy both parties, both the Sicilians and the Romans, he considered rather his duty to our allies, than his ambition, which might have prompted him to gratify the citizens. And therefore I saw him called in an inscription at Syracuse, not only the patron of that island, but also the saviour of it. What a great expression is this! so great that it cannot be expressed by any single Latin word. He in truth is a saviour, who has given salvation. In his name days of festival are kept—that fine Verrean festival—not as if it was the festival of Marcellus, but instead of the Marcellian festival, which they abolished at his command. His triumphal arch is in the forum at Syracuse, on which his son stands, naked; and he himself from horseback looks down on the province which has been stripped bare by himself. His statues are in every place; which seem to show this, that he very nearly erected as many statues at Syracuse as he had taken away from it. And even at Rome we see an inscription in his honour carved at the foot of the statues, in letters of the largest size, “that they were given by the community of Sicily.” Why were they given? How can any one be in

duced to believe that such great honours were paid to him by people against their will?

LXIV. Here, too, you must deliberate and consider even much more than you did in the case of the agriculturists, what you intend. It is an important matter. Do you wish the Sicilians, both in their public and private capacity, to be considered friends to you, or enemies? If enemies, what is to become of you? Whither will you flee for refuge? On what will you depend? Just now you repudiated the greater part of the agriculturists, most honourable and wealthy men, both Sicilians and Roman citizens. Now, what will you do about the Sicilian cities? Will you say that the Sicilians are friendly to you? How can you say so? They who (though they have never done such a thing in the instance of any one else before, as to give public evidence against him, even though many men who have been prætors in that province have been condemned, and only two, who have been prosecuted, have been acquitted;)—they, I say, who now come with letters, with commissions, with public testimonies against you, while, if they were to utter a panegyric on you in behalf of their state, they would appear to do so according to their usual custom, rather than because of your deserts. When these men make a public complaint of your actions, do they not show this that your injuries have been so great that they preferred to depart from their ancient habit, rather than not speak of your habits? You must, therefore, inevitably confess that the Sicilians are hostile to you; since they have addressed to the consuls petitions of the gravest moment directed against you, and have entreated me to undertake this cause, and the advocacy of their safety; since, though they were forbidden to come by the prætor, and hindered by four quæstors, they still have thought every one's threats and every danger insignificant, in comparison with their safety; since at the former pleading they gave their evidence so earnestly and so bitterly, that Hortensius said that Artemo, the deputy of Centuripa, and the witness authorized by the public council there, was an accuser, not a witness. In truth he, together with Andron, a most honourable and trustworthy man, both on account of his virtue and integrity, and also on account of his eloquence, was appointed by his fellow-citizens as their deputy, in order that he might be able to explain in the most intelligible

and clear manner the numerous and various injuries which they have sustained from Verres.

LXV. The people of Halesa, of Catana, of Tyndaris, o. Enna, of Herbita, of Agyrium, of Netum, of Segesta, gave evidence also. It is needless to enumerate them all. You know how many gave evidence, and how many things they proved at the former pleading. Now both they and the rest shall give their evidence. Every one, in short, shall be made aware of this fact in this cause,—that the feelings of the Sicilians are such, that if that man be not punished, they think that they must leave their habitations and their homes, and depart from Sicily, and flee to some distant land. Will you persuade us that these men contributed large sums of money to confer honour and dignity on you of their own free will? I suppose, forsooth, they who did not like you to remain in safety in your own city, wished to have memorials of your person and name in their own cities! The facts show that they wished it. For I have been for some time thinking that I was handling the argument about the inclination of the Sicilians towards you too tenderly, as to whether they were desirous to erect statues to you, or were compelled to do so. What man ever lived of whom such a thing was heard as has happened to you, that his statues in his province, erected in the public places, and some of them even in the holy temples, were thrown down by force by the whole population? There have been many guilty magistrates in Asia, many in Africa, many in Spain, in Gaul, in Sardinia, many in Sicily itself; but did we ever hear such a thing as this of any of them? It is an unexampled thing, O judges, a sort of prodigy among the Sicilians, and among all the Greeks. I would not have believed that story about the statues, if I had not seen them myself uprooted and lying on the ground; because it is a custom among all the Greeks to think that honours paid to men by monuments of that sort, are, to some extent, consecrated, and under the protection of the gods. Therefore, when the Rhodians, almost single-handed, carried on the first war against Mithridates, and withstood all his power and his most vigorous attacks on their walls, and shores, and fleets,—when they, beyond all other nations, were enemies to the king; still, even then, at the time of imminent danger to their city, they did not touch his statue which was among

them in the most frequented place in their city. Perhaps there might seem some inconsistency in preserving the effigy and image of the man, when they were striving to overthrow the man himself: but still I saw, when I was among them, that they had a religious feeling in those matters handed down to them from their ancestors, and that they argued in this way;—that as to the statue, they regarded the period when it had been erected; but as to the man, they regarded the fact of his waging war against them, and being an enemy.

LXVI. You see, therefore, that the custom and religious feeling of the Greeks, which is accustomed to defend the monuments of enemies, even at a time of actual war, could not, even in a time of profound peace, protect the statues of a prætor of the Roman people. The men of Tauromenium, which is a city in alliance<sup>1</sup> with us, most quiet men, who were formerly as far removed as possible from the injuries of our magistrates, owing to the protection the treaty was to them; yet even they did not hesitate to overturn that man's statue. But when that was removed, they allowed the pedestal to remain in the forum, because they thought it would tell more strongly against him, if men knew that his statue had been thrown down by the Tauromenians, than if they thought that none had ever been erected. The men of Tyndarus threw down his statue in the forum; and for the same reason left the horse without a rider. At Leontini, even in that miserable and desolate city, his statue in the gymnasium was thrown down. For why should I speak of the Syracusans, when that act was not a private act of the Syracusans, but was done by them in common with all their neighbouring allies, and withal most the whole province? How great a multitude, how vast a concourse of men is said to have been present when his statues were pulled down and overturned! But where was this done? In the most frequented and sacred place of the whole city; before Serapis himself, in the very entrance and vestibule of the temple.

<sup>1</sup> The *fœderatæ civitates* were those states which were connected with Rome by a treaty *fœdus*. The name did not include Roman colonies, or Latin colonies, or any place which had obtained the Roman *civitas*. They were independent states, yet under a general liability to furnish a contingent for the Roman army; they were nearly all confined within the limits of Italy, though Gades, Saguntum and Massilia were exceptions, as well as Tauromenium. Vide Smith, Dict. Ant. p. 427.

And if Metellus had not acted with great vigour, and by his authority, and by a positive edict forbidden it, there would not have been a trace of a statue of that man left in all Sicily.

And I am not afraid of any of these things seeming to have been done in consequence of my arrival, much less in consequence of my instigation. All those things were done, not only before I arrived in Sicily, but before he reached Italy. While I was in Sicily, no statue was thrown down. Hear now what was done after I departed from thence.

LXVII. The senate of Centuripa decreed, and the people ordered, that the quæstors should issue a contract for taking down whatever statues there were of Caius Verres himself, of his father, and of his son; and that while such demolition was being executed, there should be not less than thirty senators present. Remark the soberness and dignity of that city. They neither chose that those statues should remain in their city which they themselves had given against their will, under the pressure of authority and violence; nor the statues of that man, against whom they themselves (a thing which they never did before) had sent by a public vote commissions and deputies, with the most weighty testimony, to Rome. And they thought that it would be a more important thing if it seemed to have been done by public authority, than by the violence of the multitude. When, in pursuance of this design, the people of Centuripa had publicly destroyed his statues, Metellus hears of it. He is very indignant; he summons before him the magistrates of Centuripa and the ten principal citizens. He threatens them with measures of great severity, if they do not replace the statues. They report the matter to the senate. The statues, which could do no good to his cause, are replaced; the decrees of the people of Centuripa, which had been passed concerning the statues, are not taken away. Here I can excuse some of the actors. I cannot at all excuse Metellus, a wise man, if he acts foolishly. What? did he think it would look like a crime in Verres, if his statues were thrown down, a thing which is often done by the wind, or by some accident? There could be in such a fact as that no charge against the man, no reproof of him. Whence, then, does the charge and accusation arise? From the intention and will of the people by whom it was caused.

LXVIII. I. if Metellus had not compelled the men of Centuripa to replace the statues, should say, "See, O judges, what exceeding and bitter indignation the injuries of that man have implanted in the minds of our allies and friends ; when that most friendly and faithful city of Centuripa, which is connected with the Roman people by so many reciprocal good offices, that it has not only always loved our republic, but has also shown its attachment to the very name of Roman in the person of every private individual, has decided by public resolution and by the public authority that the statues of Caius Verres ought not to exist in it." I should recite the decrees of the people of Centuripa ; I should extol that city, as with the greatest truth I might ; I should relate that ten thousand of those citizens, the bravest and most faithful of our allies,—that every one of the whole people resolved, that there ought to be no monument of that man in their city. I should say this if Metellus had not replaced the statues. I should now wish to ask of Metellus himself, whether by his power and authority he has at all weakened my speech ? I think the very same language is still appropriate. For, even if the statues were ever so much thrown down, I could not show them to you on the ground. This only statement could I use, that so wise a city had decided that the statues of Caius Verres ought to be demolished. And this argument Metellus has not taken from me. He has even given me this additional one ; he has enabled me to complain, if I thought fit, that authority is exercised over our friends and allies with so much injustice, that, even in the services they do people, they are not allowed to use their own unbiassed judgment ; he has enabled me to entreat you to form your conjectures, how you suppose Lucius Metellus behaved to me in those matters in which he was able to injure me, when he behaved with such palpable partiality in this one in which he could be no hindrance to me. But I am not angry with Metellus, nor do I wish to rob him of his excuse which he puts forth to every one, that he did nothing spitefully nor with any especial design.

LXIX. Now, therefore, it is so evident that you cannot deny it, that no statue was given to you with the good will of any one ; no money on account of statues, that was not squeezed out and extorted by force. And, in making that charge, I do not wish that ~~alone~~ to be understood, that you

get money to the amount of a hundred and twenty thousand sesterces ; but much more do I wish to have this point seen clearly, which was proved at the same time, namely, how great both is and was the hatred borne to you by the agriculturists, and by all the Sicilians. And as to this point, what your defence is to be I cannot guess.—“ Yes, the Sicilians hate me, because I did a great deal for the sake of the Roman citizens.” But they too are most bitter against you, and most hostile. “ I have the Roman citizens for my enemies, because I defended the interests and rights of the allies.” But the allies complain that they were considered and treated by you as enemies. “ The agriculturists are hostile to me on account of the tenths.” Well ; they who cultivate land untaxed and free from this impost ; why do they hate you ? why do the men of Halesa, of Centuripa, of Segesta, of Halicya hate you ? What race of men, what number of men, what rank of men can you name that does not hate you, whether they be Roman citizens or Sicilians ? So that even if I could not give a reason for their hating you, still I should think that the fact ought to be mentioned ; and that you also, O judges, ought to hate the man whom all men hate. Will you dare to say, either that the agriculturists, that all the Sicilians, in short, think well of you, or that it has nothing to do with the subject what they think ? You will not dare to say this, nor if you were to wish to do so would you be allowed. For those equestrian statues erected by the Sicilians, whom you affect to despise, and by the agriculturists, deprive you of the power of saying that ; the statues, I mean, which a little while before you came to the city you ordered to be erected and to have inscriptions put upon them, to serve as a check to the inclinations of all your enemies and accusers. For who would be troublesome to you, or who would dare to bring an action against you, when he saw statues erected to you by traders, by agriculturists, by the common voice of all Sicily ? What other class of men is there in that province ? —None. Therefore he is not only loved, but even honoured by the whole province, and also by each separate portion of it, according to their class. Who will dare to touch this man ? Can you then say that the evidence of agriculturists, of traders, and of all the Sicilians against you, ought to be no objection to you, when you hoped to be able to extinguish all



your unpopularity and infamy by placing their names in an inscription on your statues? Or, if you attempted to add honour to your statues by their authority, shall I not be able to corroborate my argument by the dignity of those same men? Unless, perchance, in that matter, some little hope still consoles you, because you were popular among the farmers of the revenues: but I have taken care, through my diligence, that that popularity should not serve,—you have contrived, by your own wisdom, to show that it ought to be an injury to you. Listen, O judges, to the whole affair in a few words.

LXX. In the collecting the tax on pasture lands in Sicily there is a sub-collector of the name of Lucius Carpinatius, who both for the sake of his own profit, and perhaps because he thought it for the interest of his partners, cultivated the favour of Verres to the neglect of everything else. He, while he was attending the prætor about all the markets, and never leaving him, had got into such familiarity with, and aptitude at the practice of selling Verres's decrees and decisions, and managing his other concerns, that he was considered almost a second Timarchides. He was in one respect still more important; because he also lent money at usury to those who were purchasing anything of the prætor. And this usury, O judges, was such that even the profit from the other transactions was inferior to the gain obtained by it. For the money which he entered as paid to those with whom he was dealing, he entered also under the name of Verres's secretary, or of Timarchides, or even under Verres's own name, as received from them. And besides that, he lent other large sums belonging to Verres, of which he made no entry at all, in his own name. Originally this Carpinatius, before he had become so intimate with Verres, had often written letters to the shareholders about his unjust actions. But Canuleius, who had an agency at Syracuse, in the harbour, had also written accounts to his shareholders of many of Verres's robberies, giving instances, especially, concerning things which had been exported from Syracuse without paying the harbour dues. But the same company was farming both the harbour dues and the taxes on pasture land. And thus it happened that there were many things which we could state and produce against Verres from the letters of that company. But it hap-

xcl. Verres'

pened that Carpinatius, who had by this time become connected with him by the greatest intimacy, and also by community of interests, afterwards sent frequent letters to his partners, speaking of his exceeding kindness, and of his services to their common property. And in truth, as he was used to do and to decree everything which Carpinatius requested him, Carpinatius also began to write still more flaming accounts to his shareholders, in order, if possible, utterly to efface the recollection of all that he had written before. But at last, when Verres was departing, he sent letters to them, to beg them to go out in crowds to meet him and to give him thanks; and to promise zealously that they would do whatever he desired them. And the shareholders did so, according to the old custom of farmers; not because they thought him deserving of any honour, but because they thought it was for their own interest to be thought to remember kindness, and to be grateful for it. They expressed their thanks to him, and said that Carpinatius had often sent letters to them mentioning his good offices.

LXXI. When he had made answer that he had done those things gladly, and had greatly extolled the services of Carpinatius, he charges a friend of his, who at that time was the chief collector of that company, to take care diligently, and to make sure that there was nothing in any of the letters of any of the partners which could tell against his safety and reputation. Accordingly he, having got rid of the main body of the shareholders, summons the collectors of the tenths, and communicates the business to them. They resolve and determine that those letters in which any attack was made on the character of Caius Verres shall be removed, and that care be taken that that business shall not by any possibility be any injury to Caius Verres. If I prove that the collectors of the tenths passed this resolution,—if I make it evident that, according to this decree, the letters were removed, what more would you wait for? Can I produce to you any affair more absolutely decided? Can I bring before your tribunal any criminal more fully condemned? But condemned by whose judgment? By that, forsooth, of those men whom they who wish for severe tribunals think ought to decide on causes,—by the judgment of the farmers, whom the people is now demanding to have for judges, and concerning whom, that we

may have them for judges, we at this moment see a law proposed, not by a man of our body, not by a man born of the equestrian order, not by a man of the noblest birth: the collectors of the tenths, that is to say, the chiefs, and, as it were, the senators of the farmers, voted that these letters should be removed out of sight. I have men, who were present, whom I can produce, to whom I will entrust this proof, most honourable and wealthy men, the very chiefs of the equestrian order, on whose high credit the very speech and cause of the man who has proposed this law mainly relies. They shall come before you; they shall say what they determined. Indeed, if I know the men properly, they will not speak falsely. For they were able, indeed, to put letters to their community out of sight; they have not been able to put out of sight their own good faith and conscientiousness. Therefore the Roman knights,<sup>1</sup> who condemned you by their judgment, have not been willing to be condemned in the judgment of those judges. Do you now consider whether you prefer to follow their decision or their inclination.

LXXII. But see now, how far the zeal of your friends, your own devices, and the inclination of those partners aid you. I will speak a little more openly; for I am not afraid of any one thinking that I am saying this in the spirit of an accuser rather than with proper freedom. If the collectors had not removed those letters according to the resolution of the farmers of the tenths, I could only say against you what I had found in those letters; but now that the resolution has been passed, and the letters have been removed, I may say whatever I can, and the judge may suspect whatever he chooses. I say that you exported from Syracuse an immense weight of gold, of silver, of ivory, of purple; much cloth from Melita, much embroidered stuff, much furniture of Delos, many Corinthian vessels, a great quantity of corn, an immense load of honey; and that on account of these things, because no port dues were paid on them, Lucius Canuleius, who was the agent in the harbour, sent letters to his partners.

Does this appear a sufficiently grave charge? None, I think, can be graver. What will Hortensius say in defence? Will he demand that I produce the letters of Canuleius? Will he say that a charge of this sort is worthless unless it be sup-

<sup>1</sup> See the argument to the next oration.

ported by letters? I shall cry out that the letters have been put out of the way; that by a resolution of the shareholders the proofs and evidences of his thefts have been taken from me. He must either contend that this has not been done, or he must bear the brunt of all my weapons. Do you deny that this was done? I am glad to hear that defence. I descend into the arena; for equal terms and an equal contest are before us. I will produce witnesses, and I will produce many at the same time; since they were together when this took place, they shall be together now also. When they are examined, let them be bound not only by the obligation of their oath and regard for their character, but also by a common consciousness of the truth. If it be proved that this did take place as I say it did, will you be able to say, O Hortensius, that there was nothing in those letters to hurt Verres? You not only will not say so, but you will not even be able to say this,—that there was not as much in them as I say there was. This then is what you have brought about by your wisdom and by your interest; that, as I said a little while ago, you have given me the greatest licence for accusing, and the judges the most ample liberty to believe anything.

LXXIII. But though this be the case, still I will invent nothing. I will recollect that I have not taken a criminal to accuse, but that I have received clients to defend; and that you ought to hear the cause not as it might be produced by me, but as it has been brought to me; that I shall satisfy the Sicilians, if I diligently set forth what I have known myself in Sicily, and what I have heard from them; that I shall satisfy the Roman people, if I fear neither the violence nor the influence of any one; that I shall satisfy you, if by my good faith and diligence I give you an opportunity of deciding correctly and honestly; that I shall satisfy myself, if I do not depart a hair's breadth from that course of life which I have proposed to myself. Wherefore, you have no ground to fear that I will invent anything against you. You have cause even to be glad; for I shall pass over many things which I know to have been done by you, because they are either too infamous, or scarcely credible. I will only discuss this whole affair of this society. That you may now hear the truth, I will ask, Was such a resolution passed? When I have ascertained that, I will ask, Have the letters been removed? When that too, is

proved, you will understand the matter, even if I say nothing. If they who passed this resolution for his sake—namely, the Roman knights—were now also judges in his case, they would beyond all question condemn that man, concerning whom they knew that letters which laid bare his robberies had been sent to themselves, and had been removed by their own resolution. He, therefore, who must have been condemned by those Roman knights who desire everything to turn out for his interest, and who have been most kindly treated by him, can he, O judges, by any possible means or contrivance be acquitted by you?

And that you may not suppose that those things which have been removed out of the way, and taken from you, were all so carefully hidden, and kept so secretly, that with all the diligence which I am aware is universally expected of me nothing concerning them has been able to be arrived at or discovered, I must tell you that, whatever could by any means or contrivance be found out, has been found out, O judges. You shall see in a moment the man detected in the very act; for as I have spent a great part of my life in attending to the causes of farmers, and have paid great attention to that body, I think that I am sufficiently acquainted with their customs by experience and by intercourse with them.

LXXIV. Therefore, when I ascertained that the letters of the company were removed out of the way, I made a calculation of the years that that man had been in Sicily; then I inquired (what was exceedingly easy to discover) who during those years had been the collectors of that company,—in whose care the records had been. For I was aware that it was the custom of the collectors who kept the records, when they gave them up to the new collector, to retain copies of the documents themselves. And therefore I went in the first place to Lucius Vibius, a Roman knight, a man of the highest consideration, who, I ascertained, had been collector that very year about which I particularly had to inquire. I came upon the man unexpectedly when he was thinking of other things. I investigated what I could, and inquired into everything. I found only two small books, which had been sent by Lucius Canuleius to the shareholders from the harbour at Syracuse; in which there was entered an account of many months, and of things exported in Verres's name without having paid har-

bour dues. These I sealed up immediately. These were documents of that sort which of all the papers of the company I was most anxious to find; but still I only found enough, O judges, to produce to you as a sample, as it were. But still, whatever is in these books, however unimportant it may seem to be, will at all events be undeniable; and by this you will be able to form your conjectures as to the rest. Read for me, I beg, this first book, and then the other.

[*The books of Canuleius are read.*]

I do not ask now whence you got those four hundred jars of honey, or such quantities of Maltese cloth, or fifty cushions for sofas, or so many candelabra;—I do not, I say, inquire at present where you got these things; but, how you could want such a quantity of them, that I do ask. I say nothing about the honey; but what could you want with so many Maltese garments? as if you were going to dress all your friends' wives;—or with so many sofa cushions? as if you were going to furnish all their villas.

LXXV. As in these little books there are only the accounts of a few months, conjecture in your minds what they must have been for the whole three years. This is what I contend for. From these small books found in the house of one collector of the company, you can form some conjecture how great a robber that man was in that province; what a number of desires, what different ones, what countless ones he indulged; what immense sums he made not only in money, but invested also in articles of this sort; which shall be detailed to you more fully another time. At present listen to this. By these exportations, of which the list was read to you, he writes that the shareholders had lost sixty thousand sesterces by the five per cent. due on them as harbour dues at Syracuse. In a few months, therefore, as these little insignificant books show, things were stolen by the prætor and exported from one single town of the value of twelve hundred thousand sesterces. Think now, as the island is one which is accessible by sea on all sides, what you can suppose was exported from other places? from Agrigentum, from Lilybæum, from Panormus, from Thermæ, from Halesa, from Catina, from the other towns? And what from Messana? the place which he thought safe for his purpose above all others,—where he was at. says easy and comfortable in his mind, because

he had selected the Mamertines as men to whom he could send everything which was either to be preserved carefully, or exported secretly. After these books had been found, the rest were removed and concealed more carefully ; but we, that all men may see that we are acting without any ulterior motive, are content with these books which we have produced.

LXXVI. Now we will return to the accounts of the society of money received and paid, which they could not possibly remove honestly, and to your friend Carpinatius. We inspected at Syracuse accounts of the company made up by Carpinatius, which showed by many items that many of the men who had paid money to Verres, had borrowed it of Carpinatius. That will be clearer than daylight to you, O judges, when I produce the very men who paid the money ; for you will see that the times at which, as they were in danger, they bought themselves off, agree with the records of the company not only as to the years, but even as to the months.

While we were examining this matter thoroughly, and holding the documents actually in our hands, we see on a sudden erasures of such a sort as to appear to be fresh wounds inflicted on papers. Immediately, having a suspicion of something wrong, we bent our eyes and attention on the names themselves. Money was entered as having been received from Caius Verrutius the son of Caius, in such a way that the letters had been let stand down to the second R, all the rest was an erasure. A second, a third, a fourth—there were a great many names in the same state. As the matter was plain, so also was the abominable and scandalous worthlessness of the accounts. We began to inquire of Carpinatius who that Verrutius was, with whom he had such extensive pecuniary dealings. The man began to hesitate, to look away, to colour. Because there is a provision made by law with respect to the accounts of the farmers, forbidding their being taken to Rome ; in order that the matter might be as clear and as completely proved as possible, I summon Carpinatius before the tribunal of Metellus, and produce the accounts of the company in the forum. There is a great rush of people to the place ; and as the partnership existing between Carpinatius and that prætor, and his usury, were well known, all people were watching with the most eager expectation to see what was contained in the accounts.

LXXVII. I bring the matter before Metellus ; I state to him that I have seen the accounts of the shareholders, that in these there is a long account of one Caius Verrutius made up of many items, and that I saw, by a computation of the years and months, that this Verrutius had had no account at all with Carpinatius, either before the arrival of Caius Verres, or after his departure. I demand that Carpinatius shall give me an answer who that Verrutius is ; whether he is a merchant, or a broker, or an agriculturist, or a grazier ; whether he is in Sicily, or whether he has now left it. All who were in the court cried out at once that there had never been any one in Sicily of the name of Verrutius. I began to press the man to answer me who he was, where he was, whence he came ; why the servant of the company who made up the accounts always made a blunder in the name of Verrutius at the same place ? And I made this demand, not because I thought it of any consequence that he should be compelled to answer me these things against his will, but that the robberies of one, the dishonesty of the other, and the audacity of both might be made evident to all the world. And so I leave him in the court, dumb from fear and the consciousness of his crimes, terrified out of his wits, and almost frightened to death ; I take a copy of the accounts in the forum, with a great crowd of men standing round me ; the most eminent men in the assembly are employed in making the copy ; the letters and the erasures are faithfully copied and imitated, and transferred from the accounts into books.

The copy was examined and compared with the original with the greatest care and diligence, and then sealed up by most honourable men. If Carpinatius would not answer me then, do you, O Verres, answer me now, who you imagine this Verrutius, who must almost be one of your own family, to be. It is quite impossible that you should not have known a man in your own province, who, I see, was in Sicily while you were prætor, and who, I perceive from the accounts themselves, was a very wealthy man. And now, that this may not be longer in obscurity, advance into the middle,<sup>1</sup> open the volume, the copy of the accounts, so that every one may be able to see now, not the traces only of that man's avarice, but the very bed in which it lay.

\* This is said of the officers of the court who have the accounts in their keeping during the trial.



LXXVIII. You see the word *Verrutius*?—You see the first letters untouched? you see the last part of the name, the tail of *Verres*, smothered in the erasure, as in the mud. The original accounts, O judges, are in exactly the same state as this copy.—What are you waiting for? What more do you want? You, Verres, why are you sitting there? Why do you delay? for either you must show us Verrutius, or confess that you yourself are Verrutius. The ancient orators are extolled, the Crassi and Antonii, because they had the skill to efface the impression made by an accusation with great clearness, and to defend the causes of accused persons with eloquence. It was not, forsooth, in ability only that they surpassed those who are now employed here as counsel, but also in good fortune. No one, in those times, committed such crimes as to leave no room for any defence; no one lived in such a manner that no part of his life was free from the most extreme infamy; no one was detected in such manifest guilt, that, shameless as he had been in the action, he seemed still more shameless if he denied it.

But now what can Hortensius do? Can he argue against the charges of avarice by panegyrics on his client's economy? He is defending a man thoroughly profligate, thoroughly licentious, thoroughly wicked. Can he lead your attention away from this infamy and profligacy of his, and turn them into some other direction by a mention of his bravery? But a man more inactive, more lazy, one who is more a man among women, a debauched woman among men, cannot be found.—But his manners are affable. Who is more obstinate? more rude? more arrogant?—But still all this is without any injury to any one. Who has ever been more furious, more treacherous, and more cruel? With such a defendant and such a cause, what could all the Crassus's and Antonius's in the world do? This is all they would do, as I think, O Hortensius; they would have nothing to do with the cause at all, lest by contact with the impudence of another they might lose their own characters for virtue. For they come to plead causes free and unshackled, so as not, if they did not choose to act shamelessly in defending people, to be thought ungrateful for abandoning them.

## THE THIRD BOOK OF THE SECOND PLEADING IN THE ACCUSATION AGAINST CAIUS VERRES.

### ON THE COUNT RELATING TO CORN.

#### THE ARGUMENT.

A great part of this speech is occupied with charges against Verres of extortion committed with respect to the *decuriæ* or tenths. "The *decuriæ* formed a part of the *vectigalia* of the Romans, and were paid by subjects whose territory, either by conquest, or by *deditio*, had become the property of the state. They consisted, as the name denotes, of a tithe or tenth of the produce of the soil, levied upon the cultivators (*aratores*) or occupiers (*possessores*) of the lands; which from being subject to this payment were called *agri decumani*. . . . It appears from Cicero (c. Verr. act. ii. lib. iii.) that the Romans, on reducing Sicily to a province, allowed to the old inhabitants a continuance of their ancient rights, and that, with some few exceptions, the territory of all the states was subjected, as formerly, to the payment of a tithe on corn, wine, oil, and the '*fruges minutæ*.'<sup>1</sup> It was further determined that the place and time of paying these tithes to the *decumani* should 'be and continue' as settled by the law of king Hiero (Lex Hieronica), which enacted severe penalties against any arator who did not pay his due, as well as against the *decumani* who exacted more than their tenth. . . . The name of *decumani* was also applied to the farmers of these tributes, who purchased them from the state, and then collected them on their own account." In fact "the revenues which Rome derived from conquered countries, consisting chiefly of tolls, tithes, harbour duties, &c. . . . were chiefly let out, or, as the Romans expressed it, sold by the censors in Rome itself to the highest bidders, (Cic. c. Verr. ii. iii. 7.) . . . The tithes raised in the province of Sicily alone, with the exception of those of wine, oil, and garden produce, were not sold at Rome, but in the district of Sicily itself, according to a practice established by Hiero, (Cic. c. Verr. ii. iii. 64, 33.) The persons who undertook the farming of the public revenue, of course, belonged to the wealthiest Romans; and down to the end of the republic, as well as during the earlier part of the empire, the farming of the public revenues was almost exclusively in the hands of the equites, whence the words *equites* and *publicani* are sometimes used as synonymous, (Cic. c. Verr. i. 51, 52, 71,;

<sup>1</sup> "*Fruges minutæ*" probably pulse.—Biddle's Lat. Dict. in v. *Minutus*.

... The publicani had to give security to the state for the sum at which they bought one or more branches of the revenue in a province; and as no one person was rich enough to give sufficient security, a number of equites generally united together and formed a company (*socii, societas, or corpus*) which was recognised by the state, and by which they were enabled to carry on their undertakings on a large scale. The shares which each partner in such a company took in the business were called *partes*, and if they were small *particulæ*. The responsible person in each company, and the one who contracted with the state, was called *maniceps*, but there was also a *magister* to manage the business of each company, who resided at Rome, and kept up an extensive correspondence with the agents in the provinces, (Cic. c. Verr. ii. 74.) He seems to have held his office only for one year; his representative in the province was called *submagister*, who had to travel about and superintend the actual business of collecting the revenues. ... Nobody but a Roman citizen was allowed to become a member of a company of publicani; freedmen and slaves were excluded, (Cic. c. Verr. ii. iii. 39.) No Roman magistrate, however, or governor of a province, was allowed to take any share whatever in a company of publicani, (Cic. c. Verr. ii. iii. 57); a regulation which was chiefly intended as a protection against the oppression of the provincials. . . The actual levying or collecting of the taxes in the provinces was performed by an inferior class of men, who were said *operas publicanis dare, or esse in operis societatis*, (Cic. c. Verr. ii. iii. 41.) They were engaged by the publicani, and consisted of freemen as well as slaves, Romans as well as provincials." (Cic. c. Verr. ii. iii. 77.)—Smith, Dict. Ant. pp. 316, 806, vv. *Decumæ, Publicani*.

Verres had broken the law which forbade a governor of a province to hold shares in a company which farmed the revenue; and as he had therefore a personal interest in increasing the taxes, he committed unexampled acts of extortion himself, and protected those who committed similar acts. And in many other respects he had plundered the cultivators of the public domain, whom I have called in this translation "agriculturists," not using the word "farmers," by which word I have rendered "publicani."

The medimnus, as we see, (c. 45, 46), was equal to six modii, and contained within a fraction of twelve English gallons, or a bushel and a half.

I. EVERY man, O judges, who, without being prompted by any enmity, or stung by any private injury, or tempted by any reward, prosecutes another for the good of the republic, ought to consider, not only how great a burden he is taking upon himself at the time, but also how much trouble he is courting for the remainder of his life. For he imposes on himself a law of innocence, of moderation, and of all virtues, who demands from another an account of *his* life; and he does so the more if, as I said before, he does this being urged by no other motive except a desire for the common good. For

if any one assumes to himself to correct the manners of others, and to reprove their faults, who will pardon him, if he himself turn aside in any particular from the strict line of duty? Wherefore, a citizen of that sort is the more to be praised and beloved by all men for this reason also,—that he does not only remove a worthless citizen from the republic, but he also promises and binds himself to be such a man as to be compelled, not only by an ordinary inclination to virtue and duty, but by even some more unavoidable principle, to live virtuously and honourably. And, therefore, O judges, that most illustrious and most eloquent man, Lucius Crassus, was often heard to say that he did not repent of anything so much as having ever proceeded against Caius Carbo: for by so doing he had his inclination as to everything less uncontrolled, and he thought, too, that his way of life was remarked by more people than he liked. And he, fortified as he was by the protection of his own genius and fortune, was yet hampered by this anxiety which he had brought upon himself, before his judgment was fully formed, at his entrance into life; on which account virtue and integrity is less looked for from those who undertake this business as young men, than from those who do so at a riper age; for they, for the sake of credit and ostentation, become accusers of others before they have had time to take notice how much more free the life of those who have accused no one is. We who have already shown both what we could do, and what judgment we had, unless we could easily restrain our desires, should never, of our own accord, deprive ourselves of all liberty and freedom in our way of life.

II. And I have a greater burden on me than those who have accused other men, (if that deserve to be called a burden which you bear with pleasure and delight,)—but still I have in one respect undertaken a greater burden than others who have done the same thing, because all men are required to abstain most especially from those vices for which they have reproved another. Have you accused any thief or rapacious man? You must for ever avoid all suspicion of avarice. Have you prosecuted any spiteful or cruel man? You must for ever take care not to appear in any matter the least harsh or severe. A seducer? an adulterer? You must take care most diligently that no trace of licentiousness be ever seen in

your conduct. In short, everything which you have impeached in another must be earnestly avoided by you yourself. In truth, not only no accuser, but no reprover even can be endured, who is himself detected in the vice which he reproves in another. I, in the case of one man, am finding fault with every vice which can exist in a wicked and abandoned man. I say that there is no indication of lust, of wickedness, of audacity, which you cannot see clearly in the life of that one man. In the case of this criminal, I, O judges, establish this law against myself; that I must so live as to appear to be, and always to have been, utterly unlike that man, not only in all my actions and words, but even in that arrogance and haughtiness of countenance and eyes which you see before you. I will bear without uneasiness, O judges, that that course of life which was previously agreeable to me of my own accord, shall now, by the law and conditions I have laid down for myself, become necessary for me.

III. And in the case of this man you often, O Hortensius, are asking me, under the pressure of what enmity or what injury I have come forward to accuse him. I omit all mention of my duty, and of my connexion with the Sicilians; I answer you as to the point of enmity. Do you think there is any greater enmity than that arising from the opposite opinions of men, and the contrariety of their wishes and inclinations? Can he who thinks good faith the holiest thing in life avoid being an enemy to that man who, as quæstor, dared to despoil, to desert, to betray, and to attack his consul, whose counsels he had shared, whose money he had received, with all whose business affairs he had been entrusted? Can he who reverences modesty and chastity behold with equanimity the daily adulteries, the dissolute manners of that man, the domestic pandering to his passions? Can he who wishes to pay due honours to the immortal gods, by any means avoid being an enemy to that man who has plundered all the temples, who has dared to commit his robberies even on the track of the wheels of the sacred car?<sup>1</sup> Must not he who thinks that all men ought to live under equal laws, be very hostile to you, when he considers the variety and caprice of your decrees? Must not he who grieves at the injuries

<sup>1</sup> *Thensa* was the chariot or car on which the images of the gods were carried in the Ludi Circenses.

of the allies and the distresses of the provinces be excited against you by the plundering of Asia, the harassing of Pamphylia, the miserable state and the agony of Sicily? Ought not he who desires the rights and the liberty of the Roman citizens to be held sacred among all men,—to be even more than an enemy to you, when here collects your scourgings, your executions, your crosses erected for the punishment of Roman citizens? Or if he had in any particular made a decree contrary to my interest unjustly, would you then think that I was fairly an enemy to him; but now that he has acted contrary to the interests, and property, and advantage, and inclination, and welfare of all good men, do you ask why I am an enemy to a man towards whom the whole Roman people is hostile? I, who above all other men ought to undertake, to gratify the desires of the Roman people, even a greater burden and duty than my strength perhaps is equal to.

IV. What? cannot even those matters, which seem more trifling, move any one's mind,—that the worthlessness and audacity of that man should have a more easy access to your own friendship, O Hortensius, and to that of other great and noble men, than the virtue and integrity of any one of us? You hate the industry of new men; you despise their economy; you scorn their modesty; you wish their talents and virtues to be depressed and extinguished. You are fond of Verres: I suppose so. If you are not gratified with his virtue, and his innocence, and his industry, and his modesty, and his chastity, at least you are transported at his conversation, his accomplishments, and his high breeding. He has no such gifts; but, on the contrary, all his qualities are stained with the most extreme disgrace and infamy, with most extraordinary stupidity and boorishness. If any man's house is open to this man, do you think it is open, or rather that it is yawning and begging something? He is a favourite of your factors, of your valets. Your freedmen, your slaves, your housemaids, are in love with him. He, when he calls, is introduced out of his turn; he alone is admitted, while others, often most virtuous men, are excluded. From which it is very easily understood that those people are the most dear to you who have lived in such a manner that without your protection they cannot be safe. What? do you think this can

be endurable to any one,—that we should live on slender incomes in such a way as not even to wish to acquire anything more; that we should be content with maintaining our dignity, and the goodwill of the Roman people, not by wealth, but by virtue; but that that man, having robbed every one on all sides, and having escaped with impunity, should live in prosperity and abundance? that all your banquets should be decorated with his plate, your forum and hall of assembly with his statues and pictures? especially when, through your own valour, you are rich in all such trophies? That it should be Verres who adorns your villas with his spoils? That it should be Verres who is vieing with Lucius Mummius: so that the one appears to have laid waste more cities of the allies, than the other overthrew belonging to the enemy? That the one, unassisted, seems to have adorned more villas with the decorations of temples, than the other decorated temples with the spoils of the enemy? And shall he be dearer to you, in order that others may more willingly become subservient to your covetousness at their own risk?

V. But these topics shall be mentioned at another time, and they have already been mentioned elsewhere. Let us proceed to the other matters, after we have in a few words, O judges, begged your favourable construction. All through our former speech we had your attention very carefully given to us. It was very pleasing to us; but it will be far more pleasing, if you will be so kind as to attend to what follows; because in all the things which were said before, there was some pleasure arising from the very variety and novelty of the subjects and of the charges. Now we are going to discuss the affair of corn; which indeed in the greatness of the iniquity exceeds nearly all the other charges, but will have far less variety and agreeableness in the discussion. But it is quite worthy of your authority and wisdom, O judges, in the matter of careful hearing, to give no less weight to conscientiousness in the discharge of your duties, than to pleasure. In inquiring into this charge respecting the corn, keep this in view, O judges, that you are going to inquire into the estates and fortunes of all the Sicilians—into the property of all the Roman citizens who cultivate land in Sicily—into the revenues handed down to you by your ancestors—into the life and sustenance of the Roman people. And if these matters ap-

pear to you important—ay, and most important,—do not be weary if they are pressed upon you from various points of view, and at some length. It cannot escape the notice of any one of you, O judges, that all the advantage and desirableness of Sicily, which is in any way connected with the convenience of the Roman people, consists mainly in its corn; for in other respects we are indeed assisted by that province, but as to this article, we are fed and supported by it. The case, O judges, will be divided under three heads in my accusation: for, first, I shall speak of the collectors of the tenths; secondly, of the corn which has been bought; thirdly, of that which has been valued.

VI. There is, O judges, this difference between Sicily and other provinces, in the matter of tribute derived from the lands; that in the other provinces, either the tribute imposed is of a fixed amount, which is called *stipendiarium*, as in the case of the Spaniards and most of the Carthaginian provinces, being a sort of reward of victory, and penalty for war; or else a contract exists between the state and the farmers, settled by the censor, as is the case in Asia, by the Sempronian law. But the cities in Sicily were received into our friendship and alliance, retaining the same laws which they had before, and that being subject to the Roman people on the same conditions as they had formerly been subject to their own princes. Very few cities of Sicily were subdued in war by our ancestors, and even in the case of those which were, though their land was made the public domain of the Roman people, still it was afterwards restored to them. That domain is regularly let out to farmers by the censors. There are two federate cities, whose tenths are not put up to auction; the city of the Mamertines and Taurominium. Besides these, there are five cities without any treaty, free and enfranchised; Centuripa, Halesa, Segesta, Halicya, and Panormus. All the land of the other states of Sicily is subject to the payment of tenths; and was so, before the sovereignty of the Roman people, by the will and laws of the Sicilians themselves. See now the wisdom of our ancestors, who, when they had added Sicily, so valuable an assistant both in war and peace, to the republic, were so careful to defend the Sicilians and to retain them in their allegiance, that they not only imposed no new tax upon their lands, but did not even alter the law of putting up for sale



the contracts of the farmers of the tenths, or the time or place of selling them ; so that they were to put them up for sale at the regular time of year, at the same place, in Sicily,—in short, in every respect as the law of Hiero directed ; they permitted them still to manage their own affairs, and were not willing that their minds should be disturbed even by a new name to a law, much less by an actual new law. And so they resolved that the farming of the tenths should always be put up to auction according to the law of Hiero, in order that the discharge of that office might be the more agreeable if, though the supreme power was changed, still, not only the laws of that king, who was very dear to the Sicilians, but his name also remained in force among them. This law the Sicilians always used before Verres was prætor. He first dared to root up and alter the established usages of them all, their customs which had been handed down to them from their ancestors, the conditions of their friendship with us, and the rights secured to them by our alliance.

VII. And in this, this is the first thing I object to and accuse you for, that in a custom of such long standing, and so thoroughly established, you made any innovation at all. Have you ever gained anything by this genius of yours ? Were you superior in prudence and wisdom to so many wise and illustrious men who governed that province before you ? That is your renown ; this praise is due to your genius and diligence. I admit and grant this to you. I do know that, at Rome, when you were prætor, you did transfer by your edict the possession of inheritance from the children to strangers, from the first heirs to the second, from the laws to your own licentious covetousness. I do know that you corrected the edicts of all your predecessors, and gave possession of inheritance not according to the evidence of those who produced the will, but according to theirs who said that a will had been made. And I do know too that those new practices, first brought forward and invented by you, were a very great profit to you. I recollect, moreover, that you also abrogated and altered the laws of the censors about the keeping the public buildings in repair ; so that he might not take the contract to whom the care of the building belonged ; so that his guardians and relations might not consult the advantage of their ward so as to prevent his being stripped of all his

property ; that you appointed a very limited time for the work, in order to exclude others from the business ; but that with respect to the contractor you favoured, you did not observe any fixed time at all. So that I do not marvel at your having established a new law in the matter of the tenths ; you, a man so wise, so thoroughly practised in prætorian edicts and censorian laws. I do not wonder, I say, at your having invented something ; but I do blame you, I do impeach you, for having of your own accord, without any command from the people, without the authority of the senate, changed the laws of the province of Sicily. The senate permitted Lucius Octavius and Caius Cotta, the consuls, to put up to auction at Rome the tenths of wine, and oil, and of pulse, which before your time the quæstors had been in the habit of putting up in Sicily ; and to establish any law with respect to those articles which they might think fit. When the contract was offered for sale, the farmers begged them to add some clauses to the law, and yet not to depart from the other laws of the censors. A man opposed this, who by accident was at Rome at that time ; your host,—your host, and intimate friend, I say, O Verres,—Sthenius, of Thermæ, who is here present. The consuls examined into the matter. When they had summoned many of the principal and most honourable men of the state to form a council on the subject ; according to the opinion of that council they gave notice that they should put the tenths up to auction according to the law of Hiero.

VIII. Was it not so ? Men of the greatest wisdom, invested with the supreme authority, to whom the senate had given the whole power of making laws respecting the letting out the farming of the tributes, (and this power had been ratified by the people, while only one Sicilian objected to it,) would not alter the name of the law of Hiero, even when the measure would have been accompanied by an augmentation of the revenue ; but you, a man of no wisdom, of no authority, without any order from people or senate, while all Sicily objected, abrogated the whole law of Hiero, to the greatest injury and even destruction of the revenue. But what law is this, O judges, which he amends, or rather totally abrogates ? A law framed with the greatest acuteness and the greatest diligence, which gives up the cultivator of

the land to the collector of the tenths, guarded by so many securities, that neither in the corn fields, nor on the threshing floors, nor in the barns, nor while removing his corn privily, nor while carrying it away openly, can the cultivator defraud the collector of one single grain without the severest punishment. The law has been framed with such care, that it is plain that a man framed it who had no other revenues; with such acuteness that it was plain that he was a Sicilian; with such severity, that he was evidently a tyrant: by this law, however, cultivating the land was an advantageous trade for the Sicilian; for the laws for the collectors of the tenths were also drawn up so carefully that it is not possible for more than the tenth to be extorted from the cultivator against his will. And though all these things were settled in this way, after so many years and even ages, Verres was found not only to change, but entirely to overturn them, and to convert to purposes of his own most infamous profit those regulations which had long ago been instituted and established for the safety of the allies and the benefit of the republic. In the first instance he appointed certain men, collectors of the tenths in name, in reality the ministers and satellites of his desires; by whom I will show that the province was for three years so harassed and plundered, O judges, that it will take many years and a long series of wise and incorruptible governors to recover it.

IX. The chief of all those who were called collectors, was Quintus Apronius, that man whom you see in court, concerning whose extraordinary wickedness you have heard the complaints of most influential deputations. Look, O judges, at the face and countenance of the man; and from that obstinacy which he retains now in the most desperate circumstances, you may imagine and recollect what his arrogance must have been in Sicily. This Apronius is the man whom Verres (though he had collected together the most infamous men from all quarters, and though he had taken with him no small number of men like himself in worthlessness, licentiousness, and audacity,) still considered most like himself of any man in the whole province. And so in a very short time they became intimate, not because of interest, nor of reason, nor of any introduction from mutual friends, but from the baseness and similarity of their pursuits. You know the je-

ruined and licentious habits of Verres. Imagine to yourselves, if you can, any one who can be in every respect equal to him in the wicked and dissolute commission of every crime, that man will be Apronius ; who, as he shows not only by his life, but by his person and countenance, is a vast gulf and whirlpool of every sort of vice and infamy. Him did Verres employ as his chief agent in all his adulteries, in all his plundering of temples, in all his debauched banquets ; and the similarity of their manners caused such a friendship and unanimity between them, that Apronius, whom every one else thought a boor and a barbarian, appeared to him alone an agreeable and an accomplished man ; that, though every one else hated him, and could not bear the sight of him, Verres could not bear to be away from him ; that, though others shunned even the banquets at which Apronius was to be present, Verres used the same cup with him ; lastly, that, though the odour of Apronius's breath and person is such that even, as one may say, the beasts cannot endure him, he appeared to Verres alone sweet and pleasant. He sat next to him on the judgment-seat ; he was alone with him in his chamber ; he was at the head of his table at his banquets ; and especially then, when he began to dance at the feast naked, while the young son of the prætor was sitting by.

X. This man, as I began to say, Verres selected for his principal agent in distressing and plundering the fortunes of the cultivators of the land. To this man's audacity, and wickedness, and cruelty, our most faithful allies and most virtuous citizens were given up, O judges, by this prætor, and were placed at his mercy by new regulations and new edicts, the entire law of Hiero, as I said before, having been rejected and repudiated.

First of all, listen, O judges, to his splendid edict. "Whatever amount of tithe the collector declared that the cultivator ought to pay, that amount the cultivator should be compelled to pay to the collector."—How? Let him pay as much as Apronius demands? What is this? is the regulation of a prætor for allies, or the edict and command of an insane tyrant to conquered enemies? Am I to give as much as he demands? He will demand every grain that I can get out of my land. Am I to give all? Ay, and more too, if he chooses. What, then, am I to do? What do you think? You

must either pay, or you will be convicted of having disobeyed the edict. O ye immortal gods, what a state of things is this? For it is hardly credible. And indeed I am persuaded, O judges, that, though you should think that all other vices are met in this man, still this must seem false to you. For I myself, though all Sicily told me of it, still should not dare to affirm this to you, if I was not able to recite to you these edicts from his own documents in those very words—as I will do. Give this, I pray you, to the clerk; he shall read from the register. Read the edict about the returns of property.

*[The edict about the returns of property is read.]*

He says I am not reading the whole. For that is what he seems to intimate by shaking his head. What am I passing over? is it that part where you take care of the interests of the Sicilians, and show regard for the miserable cultivators? For you announce in your edict, that you will condemn the collector in eightfold damages, if he has taken more than was due to him. I do not wish anything to be passed over. Read this also which he requires; read every word.

*[The edict about the eightfold damages is read.]*

Does this mean that the cultivator is to prosecute the collector at law? It is a miserable and unjust thing for men to be brought from the country into the forum, from the plough to the courts of justice; from habits of rustic life to actions and trials to which they are wholly unaccustomed.

XI. When in all the other countries liable to tribute, of Asia, of Macedonia, of Spain, of Gaul, of Africa, of Sicily, and in those parts of Italy also which are so liable; when in all these, I say, the farmer in every case has a right to claim and a power to distrain,<sup>1</sup> but not to seize and take possession without the interference of the law, you established regulations respecting the most virtuous and honest and honourable class of men,—that is, respecting the cultivators of the soil,—which are contrary to all other laws. Which is the most just, for the collector to have to make his claim, or for the cultivator to have to recover what has been unlawfully seized? for them to go to trial when things are in their original state, or when one side is ruined? for him to be in possession of the property who has acquired it by hard labour, or him who has obtained it by bidding for it at an auction? What more?

<sup>1</sup> See Professor Long's note on this passage.

They who cultivate single acres, who never cease from personal labour, of which class there were a great number, and a vast multitude among the Sicilians before you came as prætor. — what are they to do? When they have given to Apronius all he has demanded, are they to leave their allotments? to leave their own household gods? to come to Syracuse, in order while you, forsooth, are prætor, to prosecute, by the equal law which they will find there, Apronius, the delight and joy of your life, in a suit for recovery of their property? But so be it. Some fearless and experienced cultivator will be found, who, when he has paid the collector as much as he says is due, will seek to recover it by course of law, and will sue for the eightfold penalty. I look for the vigour of the edict, for the impartiality of the prætor; I espouse the cause of the cultivator; I wish to see Apronius condemned in the eightfold penalty. What now does the cultivator demand? Nothing but sentence for an eightfold penalty, according to the edict. What says Apronius? He is unable to object. What says the prætor? He bids him challenge the judges. Let us, says he, make out the decuries. What decuries? Those from my retinue; you will challenge the others. What? of what men is that retinue composed? Of Volusius the soothsayer, and Cornelius the physician, and the other dogs whom you see licking up the crumbs about my judgment-seat. For he never appointed any judge or recuperator<sup>1</sup> from the proper body.<sup>2</sup> He said all men who possessed one clod of earth were

<sup>1</sup> The *recuperatores* were a kind of judges, usually appointed by the prætors in some particular kinds of action, and especially in those relating to money.

<sup>2</sup> The Latin word here is *conventus*, which often occurs in these orations; properly it means any assembly of men, but when the Romans had reduced foreign countries into the form of provinces, it assumed a more definite meaning. Sometimes it was applied to the whole body of Roman citizens, who were either permanently or temporarily settled in a province. Also, in order to facilitate the administration of justice, a province was divided into a number of districts, each of which was called *conventus*. . . Roman citizens living in a province, at certain times of the year, fixed by the proconsul, assembled in the chief town of the district, and this meeting bore the name of *conventus*. At this *conventus* litigant parties applied to the proconsul, who selected a number of judges from the *conventus* to try their causes. The proconsul himself presided at the trial, and pronounced the sentence according to the views of the judges who were his assessors.—Smith, Dict. Ant. in v *Conventus*.

unfairly ; prejudiced against the collectors. People had to sue Apronius before these men who had not yet got rid of the surfeit from his last banquet.

XII. What a splendid and memorable court ! what an impartial decision ! what a safe resource for the cultivators of the soil ! And that you may understand what sort of decisions are obtained in actions for the eightfold penalty, and what sort of judges those selected from that man's retinue are considered to be, listen to this. Do you think that any collector, when this licence was allowed him of taking from the cultivator whatever he claimed, ever did demand more than was due ? Consider yourselves in your own minds, whether you think any one ever did so, especially when it might have happened, not solely through covetousness, but even through ignorance. Many must have done so. But I say that all extorted more, and a great deal more, than the proper tenths. Tell me of one man, in the whole three years of your prætorship, who was condemned in the eightfold penalty. Condemned, indeed ! Tell me of one man who was ever prosecuted according to your edict. There was not, in fact, one cultivator who was able to complain that injustice had been done to him ; not one collector who claimed one grain more as due to him than really was due. Far from that. Apronius seized and carried off whatever he chose from every one. In every district the cultivators, harassed and plundered as they were, were complaining, and yet no instance of a trial can be found. Why is this ? Why did so many bold, honourable, and highly esteemed men—so many Sicilians, so many Roman knights—when injured by one most worthless and infamous man, not seek to recover the eightfold penalty, which had most unquestionably been incurred ? What is the cause, what is the reason ? That reason alone, O judges, which you see,—because they knew they should come off at the trial defrauded and ridiculed. In truth, what sort of trial must that be, when three of the profligate and abandoned retinue of Verres sat on the tribunal under the name of judges ?—slaves of Verres, not inherited by him from his father, but recommended to him by his mistress. The cultivator, forsooth, might plead his cause ; he might show that no corn was left him by Apronius,—that even his other property was seized ; that he himself had been driven away with blows. Those admirable

men would lay their heads together, they would chat to one another about revels and harlots, if they could catch any when leaving the prætor. The cause would seem to be properly heard: Apronius would have risen, full of his new dignity as a knight; not like a collector all over dirt and dust, but reeking with perfumes, languid with the lateness of the last night's drinking party, with his first motion, and with his breath he would have filled the whole place with the odour of wine, of perfume, and of his person. He would have said, what he repeatedly has said, that he had bought, not the tenths, but the property and fortunes of the cultivators; that he, Apronius, was not a collector, but a second Verres,—the absolute lord and master of those men. And when he had said this, those admirable men of Verres's train, the judges, would deliberate, not about acquitting Apronius, but they would inquire how they could condemn the cultivator himself to pay damages to Apronius.

XIII. When you had granted this licence for plundering the cultivators to the collectors of the tenths,—that is, to Apronius,—by allowing him to demand as much as he chose, and to carry off as much as he demanded, were you preparing this defence for your trial,—that you had promised by edict that you would assign judges in a trial for an eightfold penalty? Even if in truth you were to give power to the cultivator, not only to challenge his judges, but even to pick them out of the whole body of the Syracusan assembly, (a body of most eminent and honourable men,) still no one could bear this new sort of injustice,—that, when one has given up the whole of one's produce to the farmer, and had one's property taken out of one's hands, then one is to endeavour to recover one's property and to seek its restitution by legal proceedings; but when what is granted by the edict is, in name indeed, a trial, but in reality a collusion of your attendants, most worthless men, with the collectors, who are your partners, and besides that, with the judges, do you still dare to mention that trial, especially when what you say is refuted, not merely by my speech, but by the facts themselves? when in all the distresses of the cultivators of the soil, and all the injustice of the collectors, not only has no trial ever taken place according to that splendid edict, but none has ever been so much as demanded? However, he will be more favourable



to the cultivators than he appears; for the same man who has announced in his edict that he will allow a trial against the collectors, in which they shall be liable to an eightfold penalty, had it also set down in his edict, that he would grant a similar trial against the cultivators, in which they should be liable to a fourfold penalty. Who now dares to say that this man was unfavourably disposed or hostile to the cultivators? How much more lenient is he to them than to the collectors? He has ordered in his edict that the Sicilian magistrate should exact from the cultivator whatever the collector declared ought to be paid to him. What sentence has he left behind, which can be pronounced against a cultivator of the soil? It is not a bad thing, says he, for that fear to exist; so that, when the money has been exacted from the cultivator, still there will be behind a fear of the court of justice, to prevent him from stirring himself. If you wish to exact money from me by process of law, remove the Sicilian magistrate. If you employ this violence, what need is there of a process of law? Moreover, who will there be who would not prefer paying to your collectors what they demand, to being condemned in four times the amount by your attendants.

XIV. But that is a splendid clause in the edict, that gives notice that in all disputes which arise between the cultivator and the collector, he will assign judges, if either party wishes it. In the first place, what dispute can there be when he who ought to make a claim, makes a seizure instead? and when he seizes, not as much as is due, but as much as he chooses? and when he, whose property is seized, cannot possibly recover his own by a suit at law? In the second place, this dirty fellow wants even in this to seem cunning and wily; for he frames his edict in these words—"If either wishes it, I will assign judges." How neatly does he think he is robbing him! He gives each party the power of choice; but it makes no difference whether he wrote—"If either wishes it," or "If the collector wishes it." For the cultivator will never wish for those judges of yours. What next? What sort of edicts are those which he issued to meet particular occasions, at the suggestion of Apronius? When Quintus Septitius, a most honourable man, and a Roman knight, resisted Apronius, and declared that he would not pay more than a tenth, a sudden special edict makes its appearance, that no one is to remove his corn from the threshing-floor, before he has settled the

demands of the collector. Septitius put up with this injustice also, and allowed his corn to be damaged by the rain, while remaining on the threshing-floor; when on a sudden that most fruitful and profitable edict comes out, that every one was to have his tenths delivered at the water-side before the first of August. By this edict, it was not the Sicilians, (for he had already sufficiently crushed and ruined them by his previous edicts,) but all those Roman knights who had fancied that they could preserve their rights against Apronius, excellent men, and highly esteemed by other prætors, who were delivered bound hand and foot into the power of Apronius. For just listen and see what sort of edicts these are. "A man," says he, "is not to remove his corn from the threshing-floor, unless he has settled all demands." This is a sufficiently strong inducement to making unfair demands; for I had rather give too much, than not remove my corn from the threshing-floor at the proper time. But that violence does not affect Septitius, and some others like Septitius, who say, "I will rather not remove my corn, than submit to an extortionate demand." To these then the second edict is opposed. "You must have delivered it by the first of August." I will deliver it then.—"Unless you have settled the demands, you shall not remove it." So the fixing of the day for delivering it at the waterside, compelled the man to remove his corn from the threshing-floor. And the prohibition to remove, unless the demand were settled, made the settlement compulsory and not voluntary.

XV. But what follows is not only contrary to the law of Hiero, not only contrary to the customs of all former prætors, but even contrary to all the rights of the Sicilians, which they have as granted them by the senate and people of Rome,—that they shall not be forced to give security<sup>1</sup> to appear in any courts of justice but their own. Verres made a regulation that the cultivator should appear to an action brought by a collector in any court which the collector might choose. So that in this way also gain might accrue to Apronius, when he dragged a defendant all the way from Leontini to Lilybæum to appear before the court there, by making false accusations against the wretched cultivators. Although that device for false accusation was also contrived with singular cunning, when he ordered that the cultivators should make a

<sup>1</sup> See Professor Long's note on this passage.

return of their acres. as to what they were sown with. And this had not only great power in causing most iniquitous claims to be submitted to, as we shall show hereafter, and that too without any advantage to the republic, but at the same time it gave a great handle to false accusations, which all men were liable to if Apronius chose. For, as any one said anything contrary to his inclination, immediately he was summoned before the court on some charge relative to the returns made of his lands. Through fear of which action a great quantity of corn was extorted from many, and vast sums were collected ; not that it was really difficult to make a correct return of a man's acres, or even to make an extravagantly liberal one, (for what danger could there be in doing that?) but still it opened a pretext for demanding a trial because the cultivator had not made his return in the terms of the edict. And you must feel sure what sort of trial that would be while that man was prætor, if you recollect what sort of a train and retinue he had about him. What is it, then, which I wish you to understand, O judges, from the iniquity of these new edicts? That any injury has been done to our allies? That you see. That the authority of his predecessors has been overruled by him? He will not dare to deny it. That Apronius had such great influence while he was prætor? That he must unavoidably confess.

XVI. But perhaps you will inquire in this place, as the law reminds you to do, whether he himself has made any money by this conduct. I will show you that he has made vast sums, and I will prove that he established all those iniquitous rules which I have mentioned before, with no object but his own profit, when I have first removed out of his line of defence that rampart which he thinks he shall be able to employ against all my attacks.

I sold, says he, the tenths at a high price. What are you saying? Did you, O most audacious and senseless of men, sell the tenths? Did you sell those portions which the senate and people of Rome allowed you to sell, or the whole produce ; and in that the whole property and fortunes of the cultivators? If the crier had openly given notice by your order, that there was being sold, not a tenth, but half the corn, and if purchasers had come with the idea of buying half the corn,—if then you had sold the half for more than

the other prætors had sold the tenth part of it, would that seem strange to any one? But what shall we say if the crier gave notice of a sale of the tenths, but if, in fact, by your regulation,—by your edict,—by the terms of the sale which you offered, more than a half portion was sold? Will you still think that creditable to yourself, to have sold what you had no right to sell for more than others sold what they fairly could? Oh, I sold the tenths for more than others had sold them. By what means did you manage that? by innocent means? Look at the temple of Castor, and then, if you dare, talk of your innocent means. By your diligence? Look at the erasures in your registers at the name of Sthenius of Thermæ, and then have the face to call yourself diligent. By your ability? You who refused at the former pleadings to put questions to the witnesses, and preferred presenting yourself dumb before them, pray call yourself and your advocates able men as much as you please. By what means, then, did you manage what you say you did? For it is a great credit to you if you have surpassed your predecessors in ability, and left to your successors your example and your authority. Perhaps you had no one before you fit to imitate. But, no doubt, all men will imitate you, the inventor and first parent of such excellent methods. What cultivator of the soil, when you were prætor, paid a tenth? Who paid two-tenths only? Who was there who did not think himself treated with the greatest lenity if he paid three-tenths instead of one, except a few men, who, on account of a partnership with you in your robberies, paid nothing at all? See how great a difference there is between your harshness and the kindness of the senate. The senate, when owing to any necessity of the republic it is compelled to decree that a second tenth shall be exacted, decrees that for that second tenth money be paid to the cultivators, so that the quantity which is taken beyond what is strictly due may be considered to be purchased, not to be taken away. You, when you were exacting and seizing so many tenths, not by a decree of the senate, but by your own edicts and nefarious regulations, shall you think that you have done a great deed if you sell them for more than Lucius Hortensius, the father of this Quintus Hortensius, did,—than Cnæus Pompeius or Caius Marcellus sold them for; men who did not violate justice

or law, or established rules? Were you to consider what might be got in one year, or in two years, and to neglect the safety of the province, the well-doing of the corn interest, and the interests of the republic in future times, though you came to the administration of affairs when matters were so managed that sufficient corn was supplied to the Roman people from Sicily, and still it was a profitable thing for the cultivators to plough and till their land? What have you brought about? What have you gained? In order that, while you were prætor, some addition might be made to the revenue derived from the tenths, you have caused the allotments of land to be deserted and abandoned. Lucius Metellus succeeded you. Were you more innocent than Metellus? Were you more desirous of credit and honour? For you were seeking the consulship, but Metellus neglected the renown which he had inherited from his father and his grandfather. He sold the tenths for much less, not only than you had done, but even than those had who had sold them before you.

XVII. I ask, if he himself could not contrive any means for selling them at the best possible price, could he not follow in the fresh steps of you the very last prætor, so as to use your admirable edicts and regulations, invented and devised by you their author? But he thought that he should not at all be a Metellus if he imitated you in anything; he who when he thought that he was to go to that province sent letters to the cities of Sicily from Rome, a thing which no one in the memory of man ever did before, in which he exhorts and entreats the Sicilians to plough and sow their land for the service of the Roman people. He begs this some time before his arrival, and at the same time declares that he will sell the tenths according to the law of Hiero; that is to say, that in the whole business of the tenths he will do nothing like that man. And he writes this, not from being impelled by any covetousness to send letters into the province before his time, but out of prudence, lest, if the seed-time passed, we should have not a single grain of corn in the province of Sicily. See Metellus's letters. Read the letter of Lucius Metellus.

[*The letters of Lucius Metellus are read.*]

XVIII. It is these letters, O judges, of Lucius Metellus,

which you have heard, that have raised all the corn that there is this year in Sicily. No one would have broken one clod of earth in all the land of Sicily subject to the payment of tenths, if Metellus had not sent this letter. What? Did this idea occur to Metellus by inspiration, or had he his information from the Sicilians who had come to Rome in great numbers, and from the traders of Sicily? And who is ignorant what great crowds of them assembled at the door of the Marcelli, the most ancient patrons of Sicily? what crowds of them thronged to Cnæus Pompeius, the consul elect, and to the rest of the men connected with the province? And such a thing never yet took place in the instance of any one, as for a man to be openly accused by those people over whose property and families he had supreme dominion and power. So great was the effect of his injuries, that men preferred to suffer anything, rather than not to bewail themselves and complain of his wickedness and injuries. And when Metellus had sent these letters couched in almost a supplicating tone to all the cities, still he was far from prevailing with them to sow the land as they formerly had. For many had fled, as I shall presently show, and had left not only their allotments of land, but even their paternal homes, being driven away by the injuries of that man.

I will not indeed, O judges, say anything for the sake of unduly exaggerating my charges. But the sentiments which I have imbibed through my eyes and in my mind, those I will state to you truly, and, as far as I can, plainly. For when four years afterwards I came into Sicily, it appeared to me in such a condition as those countries are apt to be in, in which a bitter and long war has been carried on. Those plains and fields which I had formerly seen beautiful and verdant, I now saw so laid waste and desolate that the very land itself seemed to feel the want of its cultivators, and to be mourning for its master. The land of Herbita, of Enna, of Morgantia, of Assoria, of Imachara, and of Agyrium, was so deserted as to its principal part, that we had to look not only for the allotments of land, but also for the body of owners. But the district of Ætna, which used to be most highly cultivated, and that which was the very head of the corn country, the district of Leontini, the character of which was formerly such that when you had once seen that sown, you did not fear any

learnness of provisions, was so rough and unsightly, that in the most fruitful part of Sicily we were asking where Sicily could be gone? The previous year had, indeed, greatly shaken the cultivators, but the last one had utterly ruined them.

XIX. Will you dare also to make mention to me of the tenths? Do you, after such wickedness, after such cruelty, after such numerous and serious injuries done to people, when the whole province of Sicily entirely depends on its arable land, and on its rights connected with that land; after the cultivators have been entirely ruined, the fields deserted—after you have left no one in so wealthy and populous a province—not only no property, but no hope even remaining; do you, I say, think that you can acquire any popularity by saying that you have sold the tenths at a better price than the other prætors? As if the Roman people had formed this wish, or the senate had given you this commission, by seizing all the fortunes of the cultivators under the name of tenths, to deprive the Roman people for all future time of that revenue, and of their supply of corn; and, as if after that, by adding some part of your own plunder to the total amount got from the tenths, you could appear to have deserved well of the Roman people.

And I say this, as if his injustice was to be reproved in this particular, that, out of a desire for credit to be got by surpassing others in the sum derived from tenths, he had put forth a law rather too severe, and edicts rather too stringent, and rejected the examples of all his predecessors. You sold the tenths at a high price. What will be said, if I prove that you appropriated and took to your own house no less a sum than you had sent to Rome under the name of tenths? What is there to obtain popularity for you in that plan of yours, when you took for yourself from a province of the Roman people a share equal to that which you sent to the Roman people? What will be said if I prove that you took twice as much corn yourself as you sent to the Roman people? Shall we still expect to see your advocate toss his head at this accusation, and throw himself on the people, and on the assembly here present? These things you have heard before, O judges; but perhaps you have heard it on no other authority than report, and the common conversation of men. Know now

that an enormous sum was taken by him on pretences connected with corn ; and consider at the same time the profligacy of that saying of his, when he said that by the profit made on the tenths alone, he could buy himself off from all his dangers.

XX. We have heard this for a long time, O judges. I say that there is not one of you who has not often heard that the collectors of the tenths were that man's partners. I do not think that anything else has been said against him falsely by those who think ill of him but this. For they are to be considered partners of a man, with whom the gains of a business are shared. But I say that the whole of these gains, and the whole of the fortunes of the cultivators, went to Verres alone. I say that Apronius, and those slaves of Venus, who were quite a new class of farmers first heard of in his prætorship, and the other collectors, were only agents of that one man's gains, and ministers of his plunder. How do you prove that? How did I prove that he had committed robbery in the contract for those pillars? Chiefly, I think, by this fact, that he had put forth an unjust and unprecedented law. For who ever attempted to change all the rights of people, and the customs of all men, getting great blame for so doing, except for some gain? I will proceed and carry this matter further. You sold the tenths according to an unjust law, in order to sell them for more money. Why, when the tenths were now knocked down and sold,—when nothing could now be added to their sum total, but much might be to your own gains,—why did new edicts appear, made on a sudden and to meet an emergency? For I say, that in your third year you issued edicts, that a collector might summon a man before the court anywhere he liked ; that the cultivator might not remove his corn from the threshing-floor, before he had settled the claims of the collector ; that they should have the tenths delivered at the water-side before the first of August. All these edicts, I say, you issued after the tenths had been sold. But if you had issued them for the sake of the republic, notice would have been given of them at the time of selling ; because you were acting with a view to your own interest, you, being prompted by your love of gain and by the emergency, repaired the omission which had unintentionally occurred. But who can be induced to believe this—that you, without any profit,



or even without the greatest profit to yourself, disregarded the great disgrace, the great danger to your position as a free man, and to your fortunes, which you were incurring, so far as, though you were daily hearing the groans and complaints of all Sicily,—though, as you yourself have said, you expected to be brought to trial for this,—though the hazard of this present trial is not at all inconsistent with the opinion you yourself had formed,—still to allow the cultivators of the soil to be harassed and plundered with circumstances of the most scandalous injustice? In truth, though you are a man of singular cruelty and audacity, still you would be unwilling for a whole province to be alienated from you,—for so many most honourable men to be made your greatest enemies, if your desire for money and present booty had not overcome all reason and all consideration of safety. But, O judges, since it is not possible for me to detail to you the sum total and the whole number of his acts of injustice,—since it would be an endless task to speak separately of the injuries done to each individual,—I beg you, listen to the different kinds of injustice.

XXI. There is a man of Centuripa, named Nympho, a clever and industrious man, a most experienced and diligent cultivator. He, though he rented very large allotments, (as other rich men like him have been in the habit of doing in Sicily,) and though he cultivated them at great expense, keeping a great deal of stock, was treated by that man with such excessive injustice, that he not only abandoned his allotments, but even fled from Sicily, and came to Rome with many others who had been driven away by that man. He then contrived that the collector should assert that Nympho had not made a proper return of his number of acres, according to that notable edict, which had no other object except making profit of this sort. As Nympho wished to defend himself in a regular action, he appoints some excellent judges, that same physician Cornelius, (his real name is Artemidorus, a citizen of Perga, under which name he had formerly in his own country acted as guide to Verres, and as prompter in his exploit of plundering the temple of Diana,) and Volusius the soothsayer, and Valerius the crier. Nympho was condemned before he had fairly got into court. In what penalty? perhaps you will ask, for there was no fixed sum mentioned in the

edict. In the penalty of all the corn which was on his threshing-floors. So Apronius the collector takes, by a penalty for violating an edict, and not by any rights connected with his farming the revenue—not the tenth that was due, not corn that had been removed and concealed, but seven thousand medimni of wheat—from the allotments of Nympho.

XXII. A farm belonging to the wife of Xeno Menenius, a most noble man, had been let to a settler. The settler, because he could not bear the oppressive conduct of the collectors, had fled from his land. Verres gave his favourite sentence of condemnation against Xeno for not having made a return of his acres. Xeno said that it was no business of his; that the farm was let. Verres ordered a trial to take place according to this formula,—“If it should appear” that there were more acres in the farm than the settler had returned, then Xeno was to be condemned. He said not only that he had not been the cultivator of the land, which was quite sufficient, but also that he was neither the owner of that farm, nor the lessor of it; that it belonged to his wife; that she herself transacted her own affairs; that she had let the land. A man of the very highest reputation, and of the greatest authority, defended Xeno, Marcus Cossetius. Nevertheless Verres ordered a trial, in which the penalty was fixed at eighty thousand sesterces. Xeno, although he saw that judges were provided for him out of that band of robbers, still said that he would stand the trial. Then that fellow, with a loud voice, so that Xeno might hear it, orders his slaves of Venus to take care the man does not escape while the trial is proceeding, and as soon as it is over to bring him before him. And at the same time he said also, that he did not think that, if from his riches he disregarded the penalty of a conviction, he would also disregard the scourge. He, under the compulsion of this violence and this fear, paid the collectors all that Verres commanded.

XXIII. There is a citizen of Murgentia, named Polemarchus, a virtuous and honourable man. He, when seven hundred medimni were demanded as the tenths due on fifty acres, because he refused to pay them, was summoned before the prætor at his own house; and, as he was still in bed, he was introduced into his bed-chamber, into which no one else was admitted, except his woman and the collector. There he

was beaten and kicked about till, though he had refused before to pay seven hundred medimni, he now promised a thousand. Eubulides Grosphus is a man of Centuripa, a man above all others of his city, both for virtue and high birth, and also for wealth. They left this man, O judges, the most honourable man of a most honourable city, not merely only so much corn, but only so much life as pleased Apronius. For by force, by violence, and by blows, he was induced to give corn, not as much as he had, but as much as was demanded of him, which was even more. Sostratus, and Numenius, and Nymphodorus, of the same city, three brothers of kindred sentiments, when they had fled from their lands because more corn was demanded of them than their lands had produced, were treated thus,—Apronius collected a band of men, came into their allotments, took away all their tools, carried off their slaves, and drove off their live stock. Afterwards, when Nymphodorus came to Ætna to him, and begged to have his property restored to him, he ordered the man to be seized and hung up on a wild olive, a tree which is the forum there; and an ally and friend of the Roman people, a settler and cultivator of your domain, hung suspended from a tree in a city of our allies, and in the very forum, for as long a period as Apronius chose.

I have now been recounting to you, O judges, the species of countless injuries which he has wrought,—one of each sort. An infinite host of evil actions I pass over. Place before your own eyes, keep in your minds, these invasions by collectors of the whole of Sicily, their plunderings of the cultivators of the soil, the harshness of this man, the absolute reign of Apronius. He despised the Sicilians; he did not consider them as men, he thought that they would not be vigorous in avenging themselves, and that you would treat their oppression lightly.

XXIV. Be it so. He adopted a false opinion about them, and a very injurious one about you. But while he deserved so ill of the Sicilians, at least, I suppose, he was attentive to the Roman citizens; he favoured them; he was wholly devoted to securing their good-will and favour? *He* attentive to the Roman citizens? There were no men to whom he was more severe or more hostile. I say nothing of chains, of imprisonment, of scourgings, of executions. I say nothing even of that cross which he wished to be a witness to the Roman

citizens of his humanity and benevolence to them. I say nothing, I say, of all this, and I put all this off to another opportunity. I am speaking about the tenths,—about the condition of the Roman citizens in their allotments; and how they were treated you heard from themselves. They have told you that their property was taken from them. But since there was such a cause for it as there was, these things are to be endured,—I mean, the absence of all influence in justice, of all influence in established customs. There are, in short, no evils, O judges, of such magnitude that brave men, of great and free spirit, think them intolerable. What shall we say if, while that man was prætor, violent hands were, without any hesitation, laid by Apronius on Roman knights, who were not obscure, nor unknown, but honourable, and even illustrious? What more do you expect? What more do you think I can say? Must I pass as quickly as possible from that man and from his actions, in order to come to Apronius, as, when I was in Sicily, I promised him that I would do?—who detained for two days in the public place at Leontini, Caius Matrinius, a man, O judges, of the greatest virtue, the greatest industry, the highest popularity. Know, O judges, that a Roman knight was kept two days without food, without a roof over his head, by a man born in disgrace, trained in infamy, practised in accommodating himself to all Verres's vices and lusts; that he was kept and detained by the guards of Apronius two days in the forum at Leontini, and not released till he had agreed to submit to his terms.

XXV. For why, O judges, should I speak of Quintus Lollius, a Roman knight of tried probity and honour? (the matter which I am going to mention is clear, notorious, and undoubted throughout all Sicily; )—who, as he was a cultivator of the domain in the district of Ætna, and as his farm belonged to Apronius's district as well as the rest, relying on the ancient authority and influence of the equestrian order, declared that he would not pay the collectors more than was due from him to them. His words are reported to Apronius. He laughed, and marvelled that Lollius had heard nothing of Matrinius or of his other actions. He sends his slaves of Venus to the man. Remark this also, that a collector had officers appointed to attend him by the prætor; and see if this is a

slight argument that he abused the name of the collectors to purposes of his own gain. Lollius is brought before Apronius by the slaves of Venus, and dragged along, at a convenient moment, when Apronius had just returned from the palæstra, and was lying on a couch which he had spread in the forum of Ætna. Lollius is placed in the middle of that seemly banquet of gladiators. I would not, in truth, O judges, believe the things which I am now saying, although I heard them commonly talked about, if the old man had not himself told them to me in the most solemn manner, when he was with tears expressing his thanks to me and to the willingness with which I had undertaken this accusation. A Roman knight, I say, nearly ninety years old, is placed in the middle of Apronius's banquet, while Apronius in the meantime was rubbing his head and face with ointment. "What is this, Lollius," says he; "cannot you behave properly, unless you are compelled by severe measures?" What was the man to do? should he hold his tongue, or answer him? In truth he, a man of that bright character, and that age, did not know what to do. Meantime Apronius called for supper and wine; and his slaves, who were of no better manners than their master, and were born of the same class and in the same rank of life, brought these things before the eyes of Lollius. The guests began to laugh, Apronius himself roared; unless, perchance, you suppose that he did not laugh in the midst of wine and feasting, who even now at the time of his danger and ruin cannot suppress his laughter. Not to detain you too long; know, O judges, that Quintus Lollius, under the compulsion of these insults, came into the terms and conditions of Apronius. Lollius, enfeebled by old age and disease, could not come to give his evidence. What need have we of Lollius? There is no one who is ignorant of this, no one of your own friends, no one who is brought forward by you, no one at all who, if he is asked, will say that he now hears this for the first time. Marcus Lollius, his son, a most excellent young man, is present; you shall hear what he says—For Quintus Lollius, his son, who was the accuser of Calpurnius, a young man both virtuous and bold, and of the highest reputation for eloquence, when being excited by these injuries and insults he had set out for Sicily, was murdered on the way; and the crime of his death is imputed indeed to fugitive

slaves ; but, in real'ty, no one in Sicily doubts that he must be murdered because he could not keep to himself his intentions respecting Verres. He, in truth, had no doubt that the man who, under the promptings of a mere love of justice, had already accused another, would be ready as an accuser for him on his arrival, when he was stimulated by the injuries of his father, and indignation at the treatment received by his family.

XXVI. Do you now thoroughly understand, O judges, what a pest, what a barbarian has been let loose in your most ancient, most loyal, and nearest province ? Do you see now on what account Sicily, which has before this endured the thefts, and rapine, and iniquities, and insults of so many men, has not been able to submit to this unprecedented, and extraordinary, and incredible series of injuries and insults ? All men are now aware why the whole province sought out that man as a defender of its safety, from the effects of whose good faith, and diligence, and perseverance Verres could not possibly be saved. You have been present at many trials, you know that many guilty and wicked men have been impeached within your own recollection, and that of your ancestors. Have you ever seen any one, have you ever heard of any one, who has lived in the practice of such great, such open robberies, of such audacity, of such shameless impudence ? Apronius had his attendants of Venus about him ; he took them with him about the different cities ; he ordered banquets to be prepared and couches to be spread for him at the public expense, and to be spread for him in the forum. Thither he ordered most honourable men to be summoned, not only Sicilians, but even Roman knights, so that men of the most thoroughly proved honour were detained at his banquet, when none but the most impure and profligate men would join him in a banquet. Would you, O most profligate and abandoned of all mortals, when you knew these things, when you were hearing of them every day, when you were seeing them, would you ever have allowed or endured that such things should have taken place, to your own great danger, if they had taken place without enormous profit to yourself ? Was it the profit made by Apronius, and his most beastly conversation, and his flagitious caresses, that had such influence with you, that no care for or thought of your own fortunes ever touched

your mind? You see, O judges, what sort of conflagration, and how vast a torrent of collectors spread itself with violence, not only over the fields but also over all the other property of the cultivators; not only over the property, but also over the rights of liberty and of the state. You see some men suspended from trees; others beaten and scourged; others kept as prisoners in the public place; others left standing alone at a feast; others condemned by the physician and crier of the prætor; and nevertheless the property of all of them is carried off from the fields and plundered at the same time. What is all this? Is this the rule of the Roman people? Are these the laws of the Roman people? are these their tribunals? are these their faithful allies? is this their suburban province? Are not rather all these things such that even Athenio would not have done them if he had been victorious in Sicily? I say, O judges, that the evidence of fugitive slaves would not have equalled one quarter of the wickedness of that man.

XXVII. In this manner did he behave to individuals. What more shall I say? How were cities treated in their public capacity? You have heard many statements and testimonies from some cities, and you shall hear them from the rest. And first of all, listen to a brief tale concerning the people of Agyrium, a loyal and illustrious people. The state of Agyrium is among the first in all Sicily for honour;—a state of men wealthy before this man came as prætor, and of excellent cultivators of the soil. When this same Apronius had purchased the tenths of that district, he came to Agyrium; and when he had come thither with his regular attendants—that is to say, with threats and violence,—he began to ask an immense sum, so that when he had got his profit, he might depart. He said that he did not wish to have any trouble, but that, when he had got his money, he would depart as soon as possible to some other city. All the Sicilians are not contemptible men, if only our magistrates leave them alone; but they are many, of sufficient courage, and very economical and temperate, and among the very first is this city of which I am now speaking, O judges. Therefore the men of Agyrium make answer to this most worthless man, that they will give him the tenths which are due from them, that they will not add to them any profit for himself, especially since he had

bought them an excellent bargain. Apronius informs Verres, whose business it really was, what was going on.

XXVIII. Immediately, as if there had been some conspiracy at Agyrium formed against the republic, or as if the lieutenant of the prætor had been assaulted, the magistrates and five principal citizens are summoned from Agyrium at his command. They went to Syracuse. Apronius is there. He says that those very men who had come had acted contrary to the prætor's edict. They asked, in what? He answered, that he would say in what before the judges. He, that most just man, tried to strike his old terror into the wretched Agyrians; he threatened that he would appoint their judges out of his own retinue. The Agyrians, being very intrepid men, said that they would stand the trial. That fellow put on the tribunal Artemidorus Cornelius, the physician, Valerius, the prier, Tlepolemus, the painter, and judges of that sort; not one of whom was a Roman citizen, but Greek robbers of temples, long since infamous, and now all Corneliuses. The Agyrians saw that whatever charge Apronius brought before those judges, he would very easily prove; but they preferred to be convicted, and so add to his unpopularity and infamy, rather than accede to his conditions and terms. They asked what formula would be given to the judges on which to try them? He answered, "If it appeared that they had acted contrary to the edict," on which formula he said that he should pronounce judgment. They preferred trying the question according to a most unjust formula, and with most profligate judges, rather than come to any settlement with him of their own accord. He sent Timarchides privily to them, to warn them, if they were wise, to settle the matter. They refused. "What, then, will you do? Do you prefer to be convicted each of you in a penalty of fifty thousand sesterces?" They said they did. Then he said out loud, in the hearing of every one, "Whoever is condemned, shall be beaten to death with rods." On this they began with tears to beg and entreat him to be allowed to give up their cornfields, and all their produce, and their allotments, when stripped of everything, to Apronius, and to depart themselves without insult and annoyance. These were the terms, O judges, on which Verres sold the tenths. Hortensius may say, if he pleases, that Verres sold them at a high price.



XXIX. This was the condition of the cultivators of the soil while that man was prætor; that they thought themselves exceedingly well off, if they might give up their fields when stripped of everything to Apronius, for they wished to escape the many crosses which were set before their eyes. Whatever Apronius had declared to be due, that they were forced to give, according to the edict. Suppose he declared more was due than the land produced? Just so. How could that be? The magistrates were bound, according to his own edict, to compel the payment. Well, but the cultivators could recover. Yes, but Artemidorus was the judge. What next? What happened if the cultivator had given less than Apronius had demanded? A prosecution of the cultivator to recover a fourfold penalty. Before judges taken from what body? From that admirable retinue of most honourable men in attendance on the prætor. What more? I say that you returned less than the proper number of acres: select judges for the matter which is to be tried, namely, your violation of the edict. Out of what class? Out of the same retinue. What will be the end of it? If you are convicted, (and what doubt can there be about a conviction with those judges?) you must be beaten to death with rods. When these are the rules, these the conditions, will there be any one so foolish as to think that what was sold were the tenths? Who believes that nine parts were left to the cultivator? Who does not perceive that that fellow considered as his own gain and plunder the property and possessions and fortunes of the cultivators? From fear of the rods the Agyrians said that they would do what they were commanded to.

XXX. Listen now to what his orders were; and conceal, if you can, that you are aware of what all Sicily well knew, that the prætor himself was the farmer of the tenths, or rather the lord and sovereign of all the allotments in the province. He orders the Agyrians to take the tenths themselves in the name of their city, and to give a compliment to Apronius. If he had bought them at a high price, since you are a man who inquired into the proper price with great diligence, who, as you say, sold them at a high price, why do you think that a compliment ought to be added as a present to the purchaser? Be it so; you did think so. Why did you order them to add it? What is the meaning of taking and appro-

priating money, for which the law has a hold on you, if this is not it,—I mean the compelling men by force and despotic power against their will to give a compliment to another, that is to say, to give him money? Well, what comes next? If they were ordered to give some small compliment to Apronius, the delight of the prætor's life, suppose that it was given to Apronius, if it seems to you the compliment to Apronius, and not the plunder of the prætor. You order them to take the tenths; to give Apronius a compliment,—thirty-three thousand medimni of wheat. What is this? One city is compelled by the command of the prætor to give to the Roman people out of one district almost food enough to support it for a month. Did you sell the tenths at a high price, when such a compliment was given to the collector? In truth, if you had inquired carefully into the proper price, then when you were selling them, they would rather have given ten thousand medimni more than, than six hundred thousand sesterces afterwards. It seems a great booty. Listen to what follows, and remark it carefully, so as to be the less surprised that the Sicilians, being compelled by their necessity, entreated aid from their patrons, from the consuls, from the senate, from the laws, from the tribunals. To pay Apronius for testing the wheat which was given to him, Verres orders the Agyrians to pay Apronius three sesterces for every medimnus.

XXXI. What is this? When such a quantity of corn has been extorted and exacted under the name of a compliment, is money to be exacted besides for testing the corn? Or could, not only Apronius, but any one, if corn was to be served out to the army, disapprove of the Sicilian corn, which Verres might have measured on the threshing-floor, if he had liked? That vast quantity of corn is given and extorted at your command. That is not enough. Money is demanded besides. It is paid. That is too little. For the tenths of barley more money is extorted. You order thirty thousand sesterces to be paid. And so from one city there are extorted by force, by threats, by the despotic power and injustice of the prætor, thirty-three thousand medimni of wheat, and besides that, sixty thousand sesterces! Are these things obscure? Or, even if all the world wished it, can those things be obscure which you did openly, which you ordered in open court, which

you extorted when every one was looking on? concerning which matters the magistrates and five chief men of Agrinum, whom you summoned from their homes for the sake of your own gain, reported your acts and commands to their own senate at home; and that report, according to their laws, was recorded in the public registers, and the ambassadors of the Agyrians, most noble men, are at Rome, and have deposed to these facts in evidence. Examine the public letters of the Agyrians; after that the public testimony of the city. Read the public letters.

*[The public letters are read.]*

Read the public evidence.

*[The public evidence is read.]*

You have remarked in this evidence, O judges, that Apollodorus, whose surname is Pyragrus, the chief man of his city, gave his evidence with tears, and said that since the name of the Roman people had been heard by and known to the Sicilians, the Agyrians had never either said or done anything contrary to the interests of even the meanest of the Roman citizens; but that now they are compelled by great injuries and great suffering to give evidence in a public manner against a prætor of the Roman people. You cannot, in truth, O Verres, invalidate the evidence of this one city by your defence; so great a weight is there in the fidelity of these men, such great indignation is there at their injuries, such great conscientiousness is there in the way in which they gave their evidence. But it is not one city alone, but every city, that now being crushed by similar distresses pursues you with deputations and public evidence.

XXXII. Let us now, in regular order, proceed to see in what way the city of Herbita, an honourable and formerly a wealthy city, was harassed and plundered by him. A city of what sort of men? Of excellent agriculturists, men most remote from courts of law, from tribunals, and from disputes; whom you, O most profligate of men, ought to have spared, whose interests you ought to have consulted, the whole race of whom you ought most carefully to have preserved. In the first year of your prætorship the tenths of that district were sold for eighteen thousand<sup>1</sup> medimni of wheat. When Atidius,

<sup>1</sup> Orellius considers that all the figures and measures in this and the next chapter are in a state of hopeless corruption and confusion; and they are certainly not very easily reconciled with each other. The effect

who was also his servant in the matter of tenths, had purchased them, and when he had come to Herbita with the title of præfect, attended by the slaves of Verres, and when a place where he might lodge had been assigned him by the public act of the city, the people of Herbita are compelled to give him as a profit thirty-seven thousand modii of wheat, when the tenths of the wheat had been sold at eighteen thousand. And they are compelled to give this vast quantity of wheat in the name of their city, since the private cultivators of the soil had already fled from their lands, having been plundered and driven away by the injuries of the collectors. In the second year, when Apronius had bought the tenths of wheat for twenty-five thousand modii, and when he himself had come to Herbita with his whole force and his whole band of robbers, the people was compelled to give him in the name of the city a present of twenty-six thousand modii of wheat, and a further gift of two thousand sesterces. I am not quite sure about this further gift, whether it was not given to Apronius himself as wages for his trouble, and a reward for his impudence. But concerning such an immense quantity of wheat, who can doubt that it came to that robber of corn, Verres, just as the corn of Agyrium did? But in the third year he adopted in this district the custom of sovereigns.

XXXIII. They say that the barbarian kings of the Persians and Syrians are accustomed to have several wives, and to give to these wives cities in this fashion :—that this city is to dress the woman's waist, that one to dress her neck, that to dress her hair; and so they have whole nations not only privy to their lusts, but also assistants in it. Learn that the licentiousness and lust of that man who thought himself king of the Sicilians, was much the same. The name of the wife of Æschrio, a Syracusan, is Pippa, whose name has been made notorious over all Sicily by that man's profligacy, and many verses were inscribed on the prætor's tribunal, and over the prætor's head, about that woman. This Æschrio, the imaginary husband of Pippa, is appointed as a new farmer of the tenths of Herbita. When the men of Herbita saw that if the business got into Æschrio's hands they should be plun-

of the oration in general is not weakened, but we must not suppose that we have the exact statements which were addressed by Cicero to the judges.

dered at the will of a most dissolute woman, they bid against him as far as they thought that they could go. Æschrio bid on, for he was not afraid that, while Verres was prætor, the woman, who would be really the farmer, would ever be allowed to lose by it. The tenths are knocked down to him at thirty-five thousand medimni, nearly half as much again as they had fetched the preceding year. The cultivators were utterly destroyed, and so much the more because in the preceding year they had been drained dry, and almost ruined. He was aware that they had been sold at so high a price, that more could not be squeezed out of the people; so he deducts from the sum total three thousand six hundred medimni, and enters on the registers thirty-one thousand four hundred.

XXXIV. Docimus had bought the tenths of barley belonging to the same district. This Docimus is the man who had brought to Verres Tertia, the daughter of Isidorus the actor, having taken her from a Rhodian flute-player. The influence of this woman Tertia was greater with him than that of Pippa, or of all the other women, and I had almost said, was as great in his Sicilian prætorship as that of Chelidon had been in his city prætorship. There come to Herbita the two rivals of the prætor, not likely to be troublesome to him, infamous agents of most abandoned women. They begin to demand, to beg, to threaten; but though they wished it, they were not able to imitate Apronius. The Sicilians were not so much afraid of Sicilians; still, as they put forth false accusations in every possible way, the Herbitenses undertake to appear in court at Syracuse. When they had arrived there, they are compelled to give to Æschrio—that is, to Pippa—as much as had been deducted from the original purchase-money, three thousand six hundred modii of wheat. He was not willing to give to the woman who was really the farmer too much profits out of the tenths, lest in that case she should transfer her attention from her nocturnal gains to the farming of the tributes. The people of Herbita thought the matter was settled, when that man added,—“And what are you going to give out of the barley to my little friend Docimus? What are your intentions?” He transacted all this business, O judges, in his chamber, and in his bed. They said that they had no commission to give anything.

"I do not hear you; pay him fifteen thousand sesterces." What were the wretched men to do? or how could they refuse? especially when they saw the traces of the woman who was the collector fresh in the bed, by which they understood that he had been inflamed to persevere in his demand. And so one city of our allies and friends was made tributary of two most debauched women while Verres was prætor. And I now assert that that quantity of corn and those sums of money were given by the people of Herbita to the collectors in the name of the city. And yet by all that corn and all that money they could not deliver their fellow-citizens from the injuries of the collectors. For after the property of the cultivators was destroyed and carried off, bribes were still to be given to the collectors to induce them to depart at length from their lands and from their cities. And so when Philinus of Herbita, a man eloquent and prudent, and noble in his own city, spoke in public of the distress of the cultivators, and of their flight, and of the scanty numbers that were left behind, you remarked, O judges, the groans of the Roman people, a great crowd of whom has always been present at this cause. And concerning the scanty number of the cultivators I will speak at another time.

XXXV. But at this moment a topic, which I had almost passed over, must not be altogether forgotten. For, in the name of the immortal gods! how will you, I will not say tolerate, but how will you bear even to hear of the sums which Verres subtracted from the sum total? Up to this time there has been one man only since the first foundation of Rome, (and may the immortal gods grant that there may never be another,) to whom the republic wholly committed herself, being compelled by the necessities of the times and domestic misfortunes. He had such power, that without his consent no one could preserve either his property, or his liberty, or his life. He had such courage in his audacity, that he was not afraid to say in the public assembly, when he was selling the property of Roman citizens, that he was selling his own booty. All his actions we not only still maintain, but out of fear of greater inconveniences and calamities, we defend them by the public authority. One decree alone of his has been remodelled by a resolution of the senate, and a decree has been passed, that these men, from the sum total

of whose debts he had made a deduction, should pay the money into the treasury. The senate laid down this principle,—that even he to whom they had intrusted everything had not power to diminish the total amount of revenue acquired and procured by the valour of the Roman people. The conscript fathers decided that he had no power to remit even to the bravest men any portion of their debts to the state. And shall the senators decide that you have lawfully remitted any to a most profligate woman? The man, concerning whom the Roman people had established a law that his absolute will should be the law to the Roman people, still is found fault with in this one particular, out of reverence for their ancient laws. Did you, who were liable to almost every law, think that your lust and caprice was to be a law to you? He is blamed for remitting a part of that money which he himself had acquired. Shall you be pardoned who have remitted part of the revenue due to the Roman people?

XXXVI. And in this description of boldness he proceeded even much more shamelessly with respect to the tenths of the district of Segesta; for when he had knocked them down to this same Docimus, for five thousand modii of wheat, and had added as an extra present fifteen thousand sesterces, he compelled the people of Segesta to take them of Docimus at the same price in the name of their city; and you shall have this proved by the public testimony of the Segestans. Read the public testimony.

[*The public testimony is read.*]

You have heard at what price the city took the tenths from Docimus,—at five thousand modii of wheat, and an extra gift. Learn now at what price he entered them in his accounts as having been sold.

[*The law respecting the sale of tithes, Caius Verres being the prætor, is read.*]

You see that in this item three thousand bushels of wheat are deducted from the sum total, and when he had taken all this from the food of the Roman people, from the sinews of the revenue, from the blood of the treasury, he gave it to Tertia the actress. Shall I call it rather an impudent action, to extort from allies of the state, or an infamous one to give it to a prostitute? or a wicked one to take it away from the Roman people, or an audacious one to make false entries a

the public accounts? Can any influence or any bribery deliver you from the severity of these judges? And if it should deliver you, do you not still see that the things which I am mentioning belong to another count of the prosecution, and to the action for peculation? Therefore I will reserve the whole of that class of offences, and return to the charge respecting the corn and the tenths which I had begun to speak of.

While this man was laying waste the largest and most fertile districts by his own agency, that is to say by Apronius, that second Verres, he had others whom he could send, like hounds, among the lesser cities, worthless and infamous men, to whom he compelled the citizens to give either corn or money in the name of their city.

XXXVII. There is a man called Aulus Valentius in Sicily, an interpreter, whom Verres used to employ not only as an interpreter of the Greek language, but also in his robberies and other crimes. This interpreter, an insignificant and needy man, becomes on a sudden a farmer of tenths. He purchases the tenths of the territory of Lipara, a poor and barren district, for six hundred medimni of wheat. The people of Lipara are convoked: they are compelled to take the tenths, and to pay Valentius thirty thousand sesterces as profit. O ye immortal gods! which argument will you take for your defence; that you sold the tenths for so much less than you might have done,—that the city immediately, of its own accord, added to the six hundred medimni thirty thousand sesterces as a compliment, that is to say, two thousand medimni of wheat? or that, after you had sold the tenths at a high price, you still extorted this money from the people of Lipara against their will? But why do I ask of you what defence you are going to employ, instead of rather asking the city itself what you have done. Read the public testimony of the Liparans, and after that read how the money was given to Valentius.

[*The public testimony is read.*]

[*The statement how the money was paid, extracted out of the public accounts, is read.*]

Was even this little state, so far removed out of your reach and out of your sight, separated from Sicily, placed on a barren and uncultivated island, turned as a sort of crown to all your



other iniquities, into a source of plunder and profit to you in this matter of corn? You had given the whole island to one of your companions as a trifling present, and still were these profits from corn exacted from it as from the inland states? And therefore the men who for so many years, before you came as prætor, were in the habit of ransoming their lands from the pirates, now had a price set on themselves, and were compelled to ransom themselves from you.

XXXVIII. What more need I say? Was not more extorted, under the name of a compliment, from the people of Tissa, a very small and poor city, but inhabited by very hard-working agriculturists and most frugal men, than the whole crop of corn which they had extracted from their land? Among them you sent as farmer Diognotus, a slave of Venus, a new class of collector altogether. Why, with such a precedent as this, are not the public slaves at Rome also entrusted with the revenues? In the second year of your prætorship the Tissans are compelled against their will to give twenty-one thousand sesterces as a compliment. In the third year they were compelled to give thirty thousand medimni of wheat to Diognotus, a slave of Venus, as a compliment! This Diognotus, who is making such vast profits out of the public revenues, has no deputy, no peculium at all. Doubt now, if you can, whether this Venereal officer of Verres received such an immense quantity of corn for himself, or exacted it for his master. And learn this also from the public testimony of the Tissans.

*[The public testimony of the Tissans is read.]*

Is it only obscurely, O judges, that the prætor himself is the farmer, when his officers exact corn from the cities, levy money on them, take something more as a compliment for themselves than they are to pay over to the Roman people under the name of tenths? This was your idea of equity in your command—this was your idea of the dignity of the prætor, to make the slaves of Venus the lords of the Sicilian people. This was the line drawn, these were the distinctions of rank, while you were the prætor, that the cultivators of the soil were to be considered in the class of slaves, the slaves in the light of farmers of the revenue.

XXXIX. What more shall I say? Were not the wretched people of Amestratus, after such vast tenths had been imposed

upon them, that they had nothing left for themselves, still, compelled to pay money besides? The tenths are knocked down to Marcus Cæsius in the presence of deputies from Amestratus, and Heraclius, one of their deputies, is compelled at once to pay twenty-two thousand sesterces. What is the meaning of this? What is the meaning of this booty? of this violence? of this plundering of the allies? If Heraclius had been commissioned by his senate to purchase the tenths, he would have purchased them; if he was not, how could he pay money of his own accord? He reports to his fellow-citizens that he has paid Cæsius this money. Learn his report from his letters. Read extracts from the public letters.

*[The public letters are read.]*

By what decree of the senate was this permission given to the deputy? By none. Why did he do so? He was compelled. Who says this? The whole city. Read the public testimony.

*[The public testimony is read.]*

By the same evidence you see that there was extorted from the same city in the second year a sum of money in a similar manner, and given to Sextus Vennonius. But you compel the Amestratines, needy men, after you have sold their tenths for eight hundred medimni to Banobalis, a slave of Venus, (just notice the names of the farmers,) to add more still as a compliment, than they had been sold for, though they had been sold at a high price. They gave Banobalis eight hundred medimni of wheat, and fifteen hundred sesterces. Surely that man would never have been so senseless, as to allow more corn to be given out of the domain of the Roman people to a slave of Venus than to the Roman people itself, unless all that plunder had, under the name of the slave, come in reality to himself. The people of Petra, though their tenths had been sold at a high price, were, very much against their will, compelled to give thirty-seven thousand sesterces to Publius Nævius Turpio, a most infamous man, who was convicted of assault while Sacerdos was prætor. Did you sell the tenths so carelessly, that, when a medimnus cost fifteen sesterces, and when the tenths were sold for three thousand medimni, that is, for forty-five thousand sesterces, still three thousand sesterces could be given to the farmer as a compliment? "Oh, but I sold the tenths of that district at a high price" he boasts

orsooth, not that a compliment was given to Turpio, but that money was taken from the Petrans.

XL. What shall I say next? The Halicyans, the settlers among whom pay tenths, themselves have their lands free from taxes. Were not they also compelled to give to the same Turpio fifteen thousand sesterces, when their tenths had been sold for a hundred medimni? If, as you are especially anxious to do, you could prove that these compliments all went to the farmers, and that none of them reached you, still these sums, taken and extorted as they were by your violence and injustice, ought to ensure your conviction; but, as you cannot persuade any one that you were so foolish as to wish Apronius and Turpio, two slaves, to become rich at your own risk and that of your children, do you think that any one will doubt that through the instrumentality of those emissaries all this money was really procured for you? Again, Symmachus, a slave of Venus, is sent as farmer to Segesta, a city exempt from such taxes; he brings letters from Verres, to order the cultivators to appear in a court of some other city than their own, contrary to every resolution of the senate, to all their rights and privileges, and to the Rupilian law. Hear the letters which he sent to the Segestans.

[*The letters of Caius Verres are read.*]

Now learn by one bargain made with an honourable and respected man, how this slave of Venus insulted the cultivators of the soil; for there are other instances of this sort. There is a man of the name of Diocles, a citizen of Panormus, surnamed Phimes, an illustrious man, and of high reputation as an agriculturist; he rented a farm in the Segestan district, (for there are no traders in that place,) for six thousand sesterces; after having been assaulted by this slave of Venus, he settled with him to give him sixteen thousand, six hundred, and sixty-four sesterces. You may learn this from Verres's own accounts.

[*The items entered under the name of Diocles of Panormus are read.*]

Anneius Brocchus also, a senator, a man of a reputation, and of a virtue with which you are all acquainted, was compelled to give money also besides corn to this same Symmachus. Was such a man, a senator of the Roman people, a subject of profit to a slave of Venus, while you were prætor?

XLI. Even if you were not aware that this body excelled all others in dignity, were you not at least aware of this, that it furnished the judges? Previously, when the equestrian order furnished the judges, infamous and rapacious magistrates in the provinces were subservient to the farmers; they honoured all who were in their employ; every Roman knight whom they saw in the province they pursued with attentions and courtesies; and that conduct was not so advantageous to the guilty, as it was a hindrance to many if they had acted in any respect contrary to the advantage or inclination of that body. This sort of principle was somehow or other diligently preserved among them as if by common consent, that whoever had thought any Roman knight deserving of any affront, was to be considered by their whole order as deserving of every possible misfortune. Did you so despise the order of senators, did you so reduce everything to the standard of your own insults and caprices, had you so deliberated and fixed it in your own mind as an invariable rule, to reject as judges every one who dwelt in Sicily, or who had been in Sicily while you were prætor, that it never occurred to you that still you must come before judges of the same order? in whose minds, even if there were no indignation from any personal injury done to themselves, still there would be this thought, that they were affronted in the affront offered to another, and that the dignity of their order was contemptuously treated and trampled on, which, O judges, appears to me not to be endured with patience, for insult has in it a sting which modest and virtuous men can with difficulty put up with. You have plundered the Sicilians, for indeed the provincials are accustomed to obtain no revenge amid their wrongs. You have harassed the brokers, for they seldom come to Rome, and never of their own accord. You gave up a Roman knight to the ill-treatment of Apronius. To be sure; for what harm can they do you now, when they cannot be judges? What will you say when you treat senators also with the greatest violence? what else can you say but this, "Give me up that senator also, in order that the most honourable name of senator may appear to exist not only to excite the envy of the ignorant, but also to attract the insults of the worthless." Nor did he do this in the case of Anneius alone, but in the instance of every senator, so that the name

of that order had not so much influence in procuring honour as insult for its members. In the case of Caius Cassius, a most illustrious and most gallant man, though he was consul at that very time, in the first year of his prætorship, he behaved with such injustice, that, as his wife, a woman of the highest respectability, had lands in Leontini, inherited from her father, he ordered all her crops to be taken away for tenths. You shall have him as a witness in this cause, O Verres, since you have taken care not to have him as a judge; but you, O judges, ought to think that there is some community of interests, some close connexion existing between the members of our body; many offices are imposed on this our order, many toils, many dangers, not only from the laws and courts of justice, but also from vague reports, and from the critical character of the times; so that this order is, as it were, exposed to view, and set on an eminence, in order, as it seems, to be the more easily caught by every blast of envy. In so miserable and unfair a condition of life, shall we not retain even the honour of not appearing vile and contemptible in the eyes of our own magistrates, when we appear before them to obtain our rights?

XLII. The men of Thermæ sent agents to purchase the tenths of their district. They thought it was much better for them, that they should be purchased by their own state at ever so high a price, than that they should get into the hands of some emissary of his. A man of the name of Venuleius had been put up to buy them. He did not cease from bidding. They went on competing with him, as long as the price appeared such as could by any possibility be borne. At last they gave up bidding. They are knocked down to Venuleius at eight thousand modii of wheat. Possidorus, the deputy of Thermæ, sends notice home. Although it appeared to every one a most intolerable hardship, still there were given to Venuleius eight thousand modii of wheat, and two thousand sesterces besides, not to come near them. From which it is very evident which part was the wages of the farmer, and which the booty of the prætor. Give me the letters and testimony of the people of Thermæ.

[*The accounts of the people of Thermæ, and their evidence, are read.*]

You compelled the Imacharans after you had taken away all

their corn, after they had been impoverished by your incessant injuries, miserable and ruined as they were, to pay tribute so as to give Apronius twenty thousand sesterces. Read the decree about the tributes, and the public testimony.

[*The Resolution of the Senate about the tribute to be paid, is read.*

[*The testimony of the Imacharans is read.*]

The people of Enna, though the tenths of the territory of Enna had been sold for three thousand two hundred medimni, were compelled to give Apronius eighteen thousand modii of wheat, and three thousand sesterces. I entreat you to remark what an enormous quantity of corn is extorted from every district liable to the payment of tenths; for my speech extends over every city which is so liable. And I am at present engaged about this class of injuries, O judges, in which it is not a case of single cultivators being stripped of all their property, but of compliments being exacted from the public treasury of each city, for the farmers, in order that at last they may depart from the lands and cities glutted and satiated with this immense heap of gain.

XLIII. Why in the third year of your prætorship did you order the Calactans to carry the tenths of their land, which they had been accustomed to pay at Calacta, to Marcus Cæsius the farmer of Amestratus, a thing which they had never done before you were prætor, and which you yourself had never ordered in the two years preceding? Why was Theomnastus the Syracusan sent by you into the district of Mutyca, where he so harassed the cultivators, that for their second tenths they were unavoidably forced to buy wheat, because they had actually none of their own, (a thing which I shall prove happened also in the case of other cities.) But now, from the agreements made with the people of Hybla, which were made with the farmer Cnæus Sergius, you will perceive that six times as much corn as was sown was exacted of the cultivators. Read the accounts of the sowings and the agreements, extracted from the public registers. Read.

[*The agreements of the people of Hybla with Cnæus Sergius, extracted out of the public registers, are read.*]

Listen also to the returns of the sowings, and the agreements of the men of Mena with that slave of Venus. Read them out of the public registers.

[*The returns of the Sowings, and the agreements of the Menans with the servant of Verus, extracted from the public registers, are read.*]

Will you, O judges, endure that a great deal more than has been produced should be exacted from our allies, from the cultivators of the domain of the Roman people, from those who are labouring for you, are in your service, who are so eager that the Roman people should be fed by them, that they only retain for themselves and their children enough for their actual subsistence, and should be exacted too with the greatest violence, and the most bitter insults? I feel, O judges, that I must now set some bounds to the length of my speech, and that I must avoid wearying you. I will no longer dwell on one kind of injury alone, and I will leave the other instances out of my speech, though they will still make a part of my accusation. You shall hear the complaints of the Agrigentines, most gallant, and most industrious men; you shall become acquainted, O judges, with the sufferings and the injuries of the Entellans, a people of the greatest perseverance and the greatest industry; the wrongs of the men of Heraclea, and Gela, and Solentum shall be mentioned: you shall be told of the fields of the Catanians, a most wealthy people and most friendly to us, ravaged by Apronius: you shall be made aware that the cities of Tyndaris, that most noble city, of Cephalædis, of Halentia, of Apollonia, of Enguina, of Capitia, have been ruined by the iniquity of these farmers; that actually nothing is left to the citizens of Ina, of Murgentia, of Assoria, of Elorum, of Enna, and of Ietum; that the people of Cetaria and Acheria, small cities, are wholly crushed and destroyed; in short, that all the lands liable to the payment of tenths have been for three years tributary to the Roman people, to the extent of one tenth of their produce, and to Caius Verres to the extent of all the rest; that to most of the cultivators nothing at all is left, that if anything was either remitted to or left to any one, it was only just so much as remained of that property by which the avarice of that man had been satiated.

XLIV. I have reserved the territories of two cities, O judges, to speak of last, the best and noblest of all, the territory of Ætna and that of Leontini: I will say nothing of the gains made out of these districts in his three years; I

will select one year in order that I more easily may be able to explain what I have settled to mention. I will take the third year, because it is both the most recent, and because it has been managed by him in such a way that, since he knew that he was certainly going to depart, he evidently did not care if he left behind him not one cultivator of the soil in all Sicily. We will speak of the tenths of the territory of Ætna and Leontini. Give heed, O judges, carefully. The lands are fertile ; it is the third year ; Apronius is the farmer. I will speak a little of the people of Ætna ; for they themselves at the former pleading spoke in the name of their city. You recollect that Artemidorus of Ætna, the chief of that deputation, said, in the name of his city, that Apronius had come to Ætna with the slaves of Venus ; that he had summoned the magistrates before him ; that he had ordered a couch to be spread for him in the middle of the forum ; that he was accustomed every day to feast not only in public, but at the public expense ; that, when at those feasts the concert began to sound, and slaves began to serve him with wine in larger goblets, then he used to detain the cultivators of the soil, and not only with injustice, but even with insolence, to extort from them whatever quantity of corn he had ordered them to supply. You heard all these things, O judges, all which I now pass by and leave unnoticed. I say nothing of the luxury of Apronius, nothing of his insolence, nothing of his unexampled profligacy and wickedness ; I will only speak of the gain and profit made out of one district in one year, so that you may the more easily be able to form your conjectures of the whole three years and of the whole of Sicily ; but I do not mean to say much about the people of Ætna, for they have come hither themselves, they have brought with them their public documents ; they have proved to you what gains were made by that honest man, the intimate friend of the prætor, Apronius. I pray of you learn this from their own testimony. Read the testimony of the people of Ætna.

[*The testimony of the people of Ætna is read.*]

XLV. What are you saying ? Speak, speak, I pray you, louder, that the Roman people may hear about its revenues, its cultivators of the soil, its allies, and its friends. "Three hundred thousand medimni ; and fifty thousand sesterces." Oh, the immortal gods ! Does one district in one year give



three hundred thousand modii of wheat, and fifty thousand sesterces besides, as a compliment to Apronius? Did the tenths sell for so much less than they were really worth? or, though they had been sold at a sufficiently high price, was such a quantity of corn and money nevertheless exacted by main force from the cultivators? For whichever of these you say was the truth, blame and criminality will attach to it. For you certainly will not say (what I wish you would say) that this quantity never came to Apronius. So I will hold you here, not only by the public covenants and letters, but also from the private ones of the cultivators, so as to let you understand that you were not more diligent in executing robberies, than I have been in detecting them. Will you be able to bear this? Will any one defend you? Will these men be able to endure this, if they are inclined to pronounce a sentence favourable to you,—that Quintus Apronius, at one visit, out of one district, (besides all the money which was paid him, and which I have mentioned,) should have taken three hundred thousand modii of wheat, under the name of a compliment? What! are they the men of Ætna alone who say this? Ay, the Centuripans also, who are in occupation of far the largest part of the Ætnæan district, to whose ambassadors, most noble men, Andron and Artemon, their senate gave commissions which had reference to their city in his public capacity, concerning those injuries which the citizens of Centuripa sustained not in their own territories, but in those of others. The senate and people of Centuripa did not choose to send ambassadors; but the Centuripan cultivators of the soil, which is the greatest body of such men in Sicily, a body of most honourable and most wealthy men, themselves selected three ambassadors, fellow-citizens of their own, in order that by their evidence you might be made aware of the calamities, not of one district only, but of almost all Sicily. For the Centuripans are engaged as cultivators of the soil in almost every part of Sicily. And they are the more important and the more trustworthy witnesses against you, because the other cities are influenced by their own distresses alone, the Centuripans, as they occupy land in almost every district, have felt the injuries and wrongs of the other cities also.

XLVI. But as I have said, the case of the men of Ætna is

clear enough, and established both by public and by private documents. The task allotted to my diligence is to be required of me rather in the district of Leontini, for this reason, because the Leontini themselves have not assisted me much by their public authority. Nor, in truth, while that fellow was prætor, did these injuries of the farmers very greatly affect them, or rather, I might say, they did them good. This may, perhaps, appear a marvellous or even an incredible thing to you, that in such general distress of the cultivators of the soil, the Leontini, who were the heads of the corn interest, should have been free from injury and calamity. This is the reason, O judges, that in the territory of Leontini, no one of the Leontini, with the exception of the single family of Mnasistratus, occupies any land. And so, O judges, you shall hear the evidence of Mnasistratus, a most honest and virtuous man. Do not expect to hear any others of the Leontini, whom not only Apronius, but whom even a tempest in their fields could not injure. They in truth not only suffered no inconvenience, but even in the rapine of Apronius they found gain and advantage. Wherefore, since the city and embassy of the Leontini has failed me on account of the cause which I have mentioned, I must devise a plan and contrive a way for myself by which I may get at the gain of Apronius, or even at his enormous and wicked booty. The tenths of the Leontini territory were sold in the third year of Verres's prætorship for thirty-six thousand medimni of wheat; that is, for two hundred and twenty-six thousand modii of wheat. A great price, O judges, a great price; and I cannot deny it. Therefore it is certain that there must have been a loss, or at all events not a great gain to the farmers. For this very often happens to men who have taken a contract at a high rate. What will you think if I prove to you that, by this one purchase, there were made a hundred thousand modii of profit? what if it was two hundred thousand? what if three? what if four hundred thousand was the sum? Will you still doubt for whom that immense booty was acquired? Will any one say that I am unfair if from the mere magnitude of the gain made I form a conjecture as to the direction of the stolen goods and plunder? What if I prove to you, O judges, that those men who are making four hundred thousand modii of profit, would have suffered a loss if your iniquity, O Verres, if judges of your retinue had not

stepped in? Can any one doubt, in a case of so much gain and so much iniquity, that you made such immense profit by dishonest means? that for such immense gains you were willing to be dishonest?

XLVII. How then, O judges, am I to arrive at this knowledge of how much profit was made? Not from the accounts of Apronius, for when I sought for them, I could not find them, and when I brought him into court, I made him deny that he kept any accounts at all. If he was telling lies, why did he remove them out of the way, if they were likely to do you no harm? If he really had kept any accounts at all, does not that alone prove plainly enough, that it was not his own business that he was conducting? For it is a quality of tenths, that they cannot be managed without many papers; for it is necessary to keep an account of, and to set down in books the names of all the cultivators, and with each name the amount of their tenth. All the cultivators made returns of their acres according to your command and regulation; I do not believe that any one made a return of a smaller quantity than he had in cultivation, when there were so many crosses, so many penalties, so many judges of that retinue before his eyes. On an acre of Leontini ground about a medimnus of wheat is usually sown, according to the regular and constant allowance of seed. The land returns about eightfold on a fair average, but in an extraordinarily favourable season, about tenfold. And whenever that is the case, it then happens that the tenth is just the same quantity as was sown; that is to say, as many acres as are sown, so many medimni are due. As this was the case, I say first of all, that the tenths of the territory of Leontini were sold for many more thousand medimni than there were thousands of acres sown in the district of Leontini. But if it was impossible for them to produce more than ten medimni on an acre, and if it was fair that a medimnus should be paid out of each acre liable to the payment of tenths, when the land produced a tenfold crop, which however very seldom happened, what was the calculation of the farmer if indeed it was the tenths of the cultivator that were being sold, and not his whole property, when he bought the tenths for many more medimni than there had been acres sown? In the Lecntini district the list and return made of acres is not more than thirty thousand.

XLVIII. The tenths were sold for thirty-six thousand medimni. Did Apronius make a blunder, or rather was he mad? Ay, he would indeed have been mad if it had been lawful for the cultivators to give only what was due from them, and had not rather been compulsory on them to give whatever Apronius commanded. If I prove that no man gave less for his tenths than three medimni to the acre, you will admit, I suppose, that, even supposing the produce amounted to a tenfold crop, no one paid less than three tenths. And indeed this was begged as a favour from Apronius, that they might be allowed to compound at three medimni an acre. For, as four and even five were exacted from many people, and as many had not only not a grain of corn, but not even a wisp of straw left out of all their crop and after all their year's labour; then the cultivators of Centuripa, which are the main body of agriculturists in the Leontini district, assembled in one place. They sent as a delegate to Apronius, Andron of Centuripa, a man among the first of his state for honour and nobility, (the same man whom now the city of Centuripa has sent to this trial as a deputy and as a witness,) in order that he might plead with him the cause of the cultivators of the soil, and beg of him not to exact of the Centuripan cultivators more than three medimni for each acre. This request was with difficulty obtained from Apronius, as a most excessive kindness to those men who were even then safe. And when this was obtained, this is what was obtained, forsooth, that they might be allowed to pay three tenths instead of one. But if your own interest had not been at stake in the matter, O Verres, they would rather have entreated you not to be made to pay more than one tenth, than have begged of a promise not to be made to pay more than three. Now, that at the present time I may pass over those rules which Apronius, in a kingly, or rather in a tyrannical spirit, made with respect to the cultivators, and that I may not at present call those men from whom he took all their corn, and to whom he left nothing not only of their corn, but nothing even of their property; just see how much gain is made of these three medimni, which he considered as a great favour and indulgence.

XLIX. The return of acres in the district of Leontini is thirty thousand. This amounts to ninety thousand medimni

of wheat, that is to say, to five hundred and forty thousand modii of wheat. Deduct two hundred and sixteen thousand modii of wheat, being what the tenths were sold for, and there remain three hundred and twenty-four thousand modii of wheat; add to the sum total of five hundred and forty thousand modii three fiftieths, that is to say, thirty-two thousand four hundred modii of wheat, (for three fiftieths besides were exacted from every one;) this now amounts to three hundred and fifty-six thousand four hundred modii of wheat. But I said that four hundred thousand sesterces of profit had been made. For I do not include in this calculation those who were not allowed to compound at three medimni an acre. But that by this present calculation I may make out the sum which I promised to do, many were compelled besides to pay two sesterces, and many even five, with each medimnus, and those who had to pay least paid a sesterce with every medimnus. To take the least of these sums, as we calculated there were ninety thousand medimni, we must add to that, according to this new and infamous example here given, ninety thousand sesterces. Will he now dare to tell me, that he sold the tenths at a high price, when he took for himself more than twice as much as he sent to the Roman people out of the same district? You sold the tenths of the Leontine district for two hundred and sixteen thousand modii of wheat? If you did so according to law, it was a fine price; if your caprice was the law, it was a low price; if you sold them so that those were called tenths which were in reality a half, you sold them at a very low price. For the yearly produce of all Sicily might be sold for much more, if that was what the senate or people of Rome had desired you to do. Indeed, the tenths were often sold for as much, when they were sold according to the law of Hiero, as they have been sold for now under the law of Verres. Let me have the accounts of the sale of tenths under Caius Norbanus.

*[The account of the sale of the tenths in the Leontine district under Caius Norbanus is read.]*

And yet, then, there were no trials about the return of acres; nor was Artemidorus Cornelius a judge, nor did a Sicilian magistrate exact from a cultivator whatever the farmer demanded; nor was it entreated as a favour from the farmer to be allowed to compound at three medimni an acre;

nor was a cultivator obliged to give an additional present of money, nor to add three-fiftieths of corn. And yet a great quantity of corn was sent to the Roman people.

L. But what is the meaning of these fiftieths? what is the meaning of these additional presents of money? By what right, and, what is more, in what manner did you do this? The cultivator gave the money. How or whence did he get it? If he had wished to be very liberal, he would have used a more heaped up measure, as men formerly used to do in the matter of the tenths, when they were sold by fair laws, and on fair terms. He gave the money. Where did he get it? from his corn? As if, while you were prætor, he had anything to sell. Something, then, must be taken from his principal, in order to add this pecuniary gratuity for Apronius to all the profit which he derived from the lands. The next thing is, Did they give it willingly or unwillingly? Willingly? They were very fond, I suppose, of Apronius. Unwillingly? How, then, were they compelled to do so, except by violence and ill-treatment? Again; that man, that most senseless man, in the selling of the tenths, caused additional sums to be added to every tenth. It was not much; he added two or three thousand sesterces. In the three years he made about five hundred thousand sesterces. He did this neither according to any precedent, nor by any right; nor did he make any return of that money; nor can any man ever imagine how he is going to defend himself against this petty charge.

And, as this is the case, do you dare to say that you sold the tenths at a high price, when it is evident that you sold the property and fortunes of the cultivators, not for the sake of the Roman people, but with a view to your own gain. As if any steward, from a farm which had been used to produce ten thousand sesterces, having cut down and sold the trees, having taken away the buildings and the stock, and having driven off all the cattle, sent his master twenty thousand sesterces instead of ten, and made a hundred thousand more for himself. At first the master, not knowing the injury that had been done to him, would be glad, and be delighted with his steward, because he had got so much more profit out of the farm; but afterwards, when he heard that all those things on which the profit and cultivation of his farm depends have been removed and sold, he would punish

his steward with the greatest severity, and think himself very ill used. So also, the Roman people, when it hears that Caius Verres has sold the tenths for more than that most innocent man, Caius Sacerdos, whom he succeeded, thinks that it has got a good steward and guardian over its lands and crops; but when it finds out that he has sold all the stock of the cultivators, all the resources of the revenue, and has destroyed all the hopes of their posterity by his avarice,—that he has devastated and drained the allotments and the lands subject to tribute,—that he has made himself most enormous gain and booty,—it will perceive that it has been shamefully treated, and will think that man worthy of the severest punishment.

LI. By what, then, can this be made evident? Chiefly by this fact, that the land of the province of Sicily liable to the payment of tenths is deserted through the avarice of that man. Nor does it happen only that those who have remained on their lands are now cultivating a smaller number of acres, but also very many rich men, farmers on a large scale, and skilful men, have deserted large and productive farms, and abandoned their whole allotments. That may be very easily ascertained from the public documents of the states; because according to the law of Hiero the number of cultivators is every year entered in the books by public authority before the magistrates. Read now how many cultivators of the Leontine district there were when Verres took the government. Eighty-three. And how many made returns in his third year? Thirty-two. I see that there were fifty-one cultivators so entirely got rid of that they had no successors. How many cultivators were there of the district of Mutycæ, when you arrived? Let us see from the public documents. A hundred and eighty-eight. How many in your third year? ~~A hundred and one.~~ That one district has to regret ~~eighty-seven~~ cultivators, owing to that man's ill-treatment, and to that extent our republic has to regret the loss of so many heads of families, and demands them back at his hand, since they are the real revenues of the Roman people. The district of Herbita had in his first year two hundred and fifty-seven cultivators; in his third, a hundred and twenty. From this region a hundred and thirty-seven heads of families have fled like banished men. The district of Agyrium—what men lived in that land! how honourable, how wealthy they were!

—had two hundred and fifty cultivators in the first year of your prætorship. What had it in the third year? Eighty,—as you have heard the Agyrian deputies read from their public documents.

LII. O ye immortal gods! If you had driven away out of the whole of Sicily a hundred and seventy cultivators of the soil, could you, with impartial judges, escape condemnation? When the one district of Agyrium is less populous by a hundred and seventy cultivators, will not you, O judges, form your conjectures of the state of the whole province? And you will find nearly the same state of things in every district liable to the payment of tenths, and that those to whom anything has been left out of a large patrimony, have remained behind with a much smaller stock, and cultivating a much smaller number of acres, because they were afraid, if they departed, that they should lose all the rest of their fortunes; but as for those to whom he had left nothing remaining which they could lose, they have fled not only from their farms, but from their cities. The very men who have remained—scarcely a tenth part of the old cultivators of the soil—were about to leave all their lands too, if Metellus had not sent letters to them from Rome, saying that he would sell the tenths according to the law of Hiero; and if he had not entreated them to sow as much land as they could, which they had always done for their own sakes, when no one entreated them, as long as they understood that they were sowing, and labouring, and going to expense for themselves and for the Roman people,—not for Verres and Apronius. But now, O judges, if you neglect the fortunes of the Sicilians,—if you show no anxiety about the treatment the allies of the Roman people receive from our magistrates, at all events undertake and defend the common cause of the Roman people. I say that the cultivators have been driven out,—that the lands subject to tribute have been devastated and drained by Verres—that the whole province has been depopulated and tyrannized over. All these things I prove by the public documents of the cities, and by the private evidence of most unimpeachable men.

LIII. What would you have more? Do you wait till Lucius Metellus, who by his commands and by his power has deterred many witnesses from appearing against Verres



shall himself, though absent, bear testimony to his wickedness, and dishonesty, and audacity? I think not. But he, who was his successor, has had the best opportunity of knowing the truth. That is true, but he is hindered by his friendship for him. Still, he ought to inform us accurately in what state the province is. He ought, still he is not forced to do so. Does any one require the evidence of Lucius Metellus against Verres? No one. Does any one demand it? I think not. What, however, if I prove by the evidence and letters of Lucius Metellus that all these things are true? What will you say then? That Metellus writes falsely? or that he is desirous of injuring his friend? or that he, though he is prætor, does not know in what state the province is? Read the letters of Lucius Metellus, which he sent to Cnæus Pompey and Marcus Crassus, the consuls, those which he sent to Marcus Mummius, the prætor, those which he sent to the quæstors of the city.

[*The letter of Lucius Metellus is read.*]

"I sold the tenths according to the law of Hiero." When he writes that he had sold them according to the law of Hiero, what is he writing? Why, that he had sold them as all others had done, except Verres. When he writes that he had sold them according to the law of Hiero, what is he writing? Why, that he had restored the privileges granted to the Sicilians by the kindness of our ancestors and taken away by Verres, and their rights, and the terms on which they became our allies and friends. He mentions at what price he sold the tenths of each district. After that what does he write? Read the rest of the letter.—"The greatest pains has been taken by me to sell the tenths for as good a price as possible." Why then, O Metellus, did you not sell them for as much as Verres? "Because I found the allotments deserted, the fields empty, the province in a wretched and ruined condition." What? And as for the land that was sown, how was any one found to sow it? Read the letters.

[*The letters are read.*]

He says that he had sent letters, and that, when he arrived, he had given a positive promise; he had interposed his authority to prevail on them, and had all but given hostages to the cultivators that he would be in no respect like Verres. But what is this about which he says that he took so much

pains? Read—"To prevail on the cultivators of the soil, who were left, to sow as largely as they could." Who were left? What does this mean?—left? After what war? after what devastation? What mighty slaughter was there in Sicily, or what was there of such duration and such disaster while you were prætor, that your successor had to collect and recover the cultivators who were left?

LIV. When Sicily was harassed in the Carthaginian wars, and afterwards, in our fathers' and our own recollection, when great bands of fugitive slaves twice occupied the province, still there was no destruction of the cultivators of the soil; then, if the sowing was hindered, or the crop lost, the yearly revenue was lost too, but the number of owners and cultivators of the land remained undiminished. Then those officers who succeeded the prætors Marcus Lævinus, or Publius Rupilius, or Marcus Aquillius in that province, had not to collect the cultivators who were left. Did Verres and Apronius bring so much more distress on the province of Sicily than either Hasdrubal with his army of Carthaginians, or Athenio with his numerous bands of runaway slaves, that in those times, as soon as the enemy was subdued, all the land was ploughed, and the prætor had not to send letters to beg the cultivator to come to him, and entreat him to sow as much land as he could; but now, even after the departure of this most ill-omened pestilence, no one could be found who would till his land of his own free-will; and very few were left to return to their farms and their own familiar household gods, even when urged by the authority of Lucius Metellus? Do not you feel, O most audacious and most senseless of men, that you are destroyed by these letters? Do you not see that, when your successor addresses those agriculturists who are left, he writes this in express words, that they are left, not after war or after any calamity of that sort, but after your wickedness, and tyranny, and avarice, and cruelty? Read the rest—"But still in such quantities as the difficulty of the times and the poverty of the cultivators permitted." The poverty of the cultivators, he says. If I, as the accuser, were to dwell so repeatedly on the same subject, I should be afraid of wearying your attention, O judges; but Metellus cries out, "If I had not written letters." That is not enough—"If I had not, when on the spot, assured

them." Even that is not enough—"The cultivators who were left," he says. Left? In that mournful word he intimates the condition of nearly the whole province of Sicily. He adds, "the poverty of the cultivators."

LV. Wait a little, O judges, wait a little, if you can, for confirmation of my speech. I say that the cultivators have been driven away by that man's avarice: Metellus writes word that those who were left have been reassured by him. I say that the fields have been abandoned, and the allotments deserted: Metellus writes word that there is great penury among the cultivators. When he writes this, he shows that the allies and friends of the Roman people have been cast down, and driven off, and stripped of all their fortunes; and yet if any calamity had happened to these men by his means, even without any injury to our revenues, you ought to punish him, especially while judging according to that law which was established for the sake of the allies. But when our allies are oppressed and ruined, and the revenues of the Roman people diminished at the same time,—when our supplies of corn and provisions, our wealth, and the safety of the city and of our armies for the future is destroyed by his avarice, at least have a regard to the advantage of the Roman people, if you have no anxiety to show your regard for our most faithful allies. And that you may be aware that man had no consideration for either the revenue or for our posterity, in comparison with present gain and booty, see what Metellus writes at the end:—"I have taken care of the revenues for the future." He says that he has taken care of the revenues for the future. He would not write that he had taken care of the revenues, if he had not meant to show this, that you had ruined the revenues. For what reason was there for Metellus taking care for the future of the revenues in respect of the tenths, and of the whole corn interest, if that man had not diverted the revenues of the Roman people to his own profit? And Metellus himself, who is taking care of the revenues for the future, who is reassembling the cultivators of the soil who are left, what does he effect but this, to make those men plough, if they can, to whom Verres's satellite Apronius has hardly left one plough remaining, but who yet remained on their land in the hope and expectation of Metellus? What more? What became of the rest of the Sicilians? What be-

came of that numerous body of cultivators who were not only driven away from their farms, but who even fled from their cities, from the province, having had all their property and all their fortunes taken from them? By what means can they be recalled? How many prætors of incorruptible wisdom will be required to re-establish, in process of time, that multitude of cultivators in their farms and their habitations?

LVI. And that you may not marvel that so great a multitude has fled, as you find, from the public documents and from the returns of the cultivators, has fled, know that his cruelty and wickedness towards the cultivators was so excessive, (it is an incredible statement to make, O judges, but it is both a fact, and one that is notorious over all Sicily,) that men, on account of the insults and licentiousness of the collectors, actually killed themselves. It is proved that Diocles of Centuripa, a wealthy man, hung himself the very day that it was announced that Apronius had purchased the tenths. A man of high birth, Archonidas of Elorum, said that Dyrrachinus, the first man of his city, slew himself in the same way, when he heard that the collector had made a return, that, according to Verres's edict, he owed him a sum that he could not make good at the expense of all his property.

Now you, though you always were the most dissolute and cruel of all mortals, still you never would have allowed, (because the groanings and lamentations of the province brought danger on your own head,)—you would never, I say, have allowed men to seek refuge from your injustice in hanging and death, if the matter had not tended to your profit and to your own acquisition of booty. What! would you have suffered it? Listen, O judges; for I must strive with all my sinews, and labour earnestly to make all men perceive how infamous, how evident, how undeniable a crime they are seeking to efface by means of money. This is a grave charge, a serious charge,—it is the most serious one which has been made in the memory of man, ever since trials for peculation and extortion were first instituted,—that a prætor of the Roman people has had collectors of the tenths for his partners.

LVII. It is not the case that a private individual is now for the first time having this charge brought against him by an enemy, or a defendant by his accuser. Long ago, while

sitting on his seat of justice as prætor, while he had the province of Sicily, when he was not only feared (as is common) on account of his absolute power, but also on account of his cruelty, (which is his especial characteristic,) he heard this charge urged against him a thousand times, when it was not carelessness which delayed him from avenging it, but the consciousness of his wickedness and avarice that kept him in check. For the collectors used to say openly, and, above all the rest, that one who had the greatest influence with him, and who was laying waste the most extensive districts, Apronius, that very little of these immense gains came to them, that the prætor was their partner. When the collectors were in the habit of saying this all over the province, and mixing up your name with so base and infamous a business, did it never come into your mind to take care of your own character? Did it never occur to you to look to your liberty and fortunes? When the terror of your name was constantly present to the ears and minds of the cultivators,—when the collectors made use, not of their own power, but of your wickedness and your name to compel the cultivators to come to terms with them,—did you think that there would be any tribunal at Rome so profligate, so abandoned, so mercenary, that any protection from its judgment would be found for you?—when it was notorious that, when the tenths had been sold contrary to the regulations, the laws, and the customs of all men, the collectors, while employed in seizing the property and fortunes of the cultivators, were used to say that the shares were yours, the affair yours, the plunder yours; and that you said nothing, and though you could not conceal that you were aware of it, were still able to bear and endure it, because the magnitude of the gain obscured the magnitude of the danger, and because the desire of money had a good deal more influence over you than the fear of judgment? Be it so; you cannot deny the rest. You have not even left yourself this resource, to be able to say that you heard nothing of this,—that no mention of your infamy ever came to your ears; for the cultivators were complaining with groans and tears. Did you not know it? The whole province was loud in its indignation. Did no one tell you of it? Complaints were being made of your injuries, and meetings held on the subject at Rome,—were you ignorant of this? Were you ignorant of

all these facts? What? when Publius Rubrius summoned Quintus Apronius openly at Syracuse in your hearing, at a great assembly of the people, to be bound over to stand a trial, offering to prove, "that Apronius had frequently said that you were his partner in the affair of the tenths." Did not these words strike you? did they not agitate you? did they not arouse you to take care of your own liberty and fortunes? You were silent; you even pacified their quarrel; you took pains to prevent the trial from coming on.

LVIII. O ye immortal gods! could either an innocent man have endured this? or would not even a man ever so guilty, if it were only because he thought that there might be a trial at Rome hereafter, have endeavoured by some dissimulation to study his character in the eyes of men? What is the case? A wager is offered about a matter affecting your position as a free citizen, and your fortunes. Do you sit still and say nothing? do not you follow up the matter? do not you persevere? do not you ask to whom Apronius said it? who heard him? whence it arose? how it was stated to have happened? If any one had whispered in your ear, and told you that Apronius was in the habit of saying that you were his partner, you ought to have been roused, to have summoned Apronius, and not to have been satisfied yourself with him, till you had satisfied the opinion of others with respect to yourself. But when in the crowded forum, in a great concourse of people, this charge was urged, in word and pretence indeed, against Apronius, but in reality against you, could you ever have received such a blow in silence, unless you had decided that, say what you would in so evident a case, you would only make the matter worse? Many men have dismissed quæstors, lieutenants, prefects, and tribunes, and ordered them to leave the province, because they thought that their own reputation was being injured through their misconduct, or because they considered that they were behaving ill in some particular. Would you never have addressed Apronius, a man scarcely a free man, profligate, abandoned, infamous, who could not preserve, I will not say an honest mind, but not even a pure soul, with even one harsh word, and that too when smarting under disgrace and insult yourself? And moreover, the respect due to a partnership would not have been so sacred in your eyes as to make you indifferent to the danger you were in, if you

had not seen the matter was so well known and so notorious to every one. Publius Scandilius, a Roman knight, whom you are all acquainted with, did afterwards adopt the same legal proceedings against this same Apronius respecting that partnership, which Rubrius had wished to adopt. He urged them on ; he pressed it, he gave him no respite ; security was given to the amount of five thousand sesterces ; Scandilius began to demand recuperators or a judge.

LIX. Does not this wicked prætor seem to be hemmed in now within sufficiently narrow bounds in his own province ay, and even on his own throne and tribunal ; so that he must either while present and sitting on the bench allow a trial to proceed affecting his own liberty, or else confess that he must be convicted by every tribunal in the world ? The trial is on this formula, "that Apronius says that you are his partner in the matter of the tenths." The province is yours ; you are present, judgment is demanded from you yourself. What do you do ? What do you decree ? You say that you will assign judges. You do well ; though where will there be found judges of such courage as to dare, in his province, when the prætor himself is present, to decide in a manner not only contrary to his will, but adverse even to his fortunes ? However, be it so ; the case is evident ; there was no one who did not say that he had heard this distinctly ; all the most respectable men were most undoubted witnesses of it ; there was no one in all Sicily who did not know that the tenths belonged to the prætor, no one who had not heard Apronius frequently say so ; moreover, there was a fine body of settlers at Syracuse, many Roman knights, men of the highest consideration, out of which number the judges must be selected, who could not possibly decide in any other manner. Scandilius does not cease to demand judges ; then that innocent man, who was so eager to efface that suspicion, and to remove it from himself, says that he will assign judges from his own retinue.

LX. In the name of the good faith of gods and men, who is it that I am accusing ? in whose case am I now desirous that my industry and diligence should be proved ? What is it that I sought to effect and obtain by speaking and meditating on this matter ? I have hold, I have hold. I say, in the middle of the revenues of the Roman people, in the very crops of the province of Sicily, of a thief, manifestly

embezzling the whole revenue derived from the corn, an immense sum: I have hold of him; so I say that he cannot deny it. For what will he say? Security has been entered into for a prosecution against your agent Apronius, in a matter in which all your fortunes are at stake—on the charge of having been in the habit of saying that you were his partner in the tenths. All men are waiting to see how anxious you will be about this, how you will endeavour to give men a favourable opinion of you and of your innocence. Will you here appoint as judges your physician, and your soothsayer, and your crier, or even that man whom you had in your train, in case there was any affair of importance, a judge like Cassius, Papirius Potamo, a severe man of the old equestrian school? Scandilius began to demand judges from the body of settlers; then Verres says that he will not entrust a trial in which his own character is at stake, to any one except his own people. The brokers think it a scandalous thing for a man to protest against, as unjust to himself, that form in which they transact their business. The prætor protests against the whole province as unjust to him. Oh, unexampled impudence! Does he demand to be acquitted at Rome, who has decided in his own province that it is impossible that he should be acquitted? who thinks that money will have a greater influence over senators most carefully chosen, than fear will over three judges? But Scandilius says that he will not say a word before a judge like Artemidorus, and still he presses the matter on, and loads you with favourable conditions, if you choose to avail yourself of them. If you decide that, in the whole province of Sicily, no capable judge or recuperator can be found, he requires of you to refer the matter to Rome; and on this you exclaim that the man is a dishonest man, for demanding a trial in which your character is at stake to take place in a place where he knows that you are unpopular. You say you will not send the case to Rome. You say that you will not appoint judges out of the body of settlers; you put forward your own retinue. Scandilius says that he shall abandon the whole affair for the present, and return at his own time. What do you say to that? what do you do? you compel Scandilius to do what? to prosecute the matter regularly? In a shameless manner you put an end to the long-expected trial of your



character ; you do not do that—what do you do, then ? Do you permit Apronius to select what judges he chooses out of your retinue ? It is a scandalous thing that you should give one of the parties a power of selecting judges from that worthless crew, rather than give both a power of rejecting judges from a respectable class. You do neither of those things—what then ? Is there anything more abominable that can be done ? Yes ; for he compels Scandilius to give and pay over that five thousand sesterces to Apronius. What neater thing could be done by a prætor desirous of a fair reputation,—one who was anxious to repel from himself all suspicion, and to deliver himself from infamy ?

LXI. He had been a common topic of conversation, of reproach, of abuse. A worthless and debauched man had been in the habit of saying that the prætor was his partner. The matter had come before the courts, had come to trial ; he, upright and innocent man that he was, had an opportunity, by punishing Apronius, of relieving himself from the most serious disgrace. What punishment does he devise ? what penalty for Apronius ? He compels Scandilius to pay to Apronius five thousand sesterces, as reward and wages for his unprecedented rascality, his audacity, and his proclamation of this wicked partnership. What difference did it make, O most audacious man, whether you made this decree, or whether you yourself made that profession and declaration concerning yourself which Apronius was in the habit of making ? The man whom, if there had been shame, ay, if there had even been any fear in you, you ought not to have let go without punishment, you could not allow to come off without a reward. You might see the truth in every case, O judges, from this single affair of Scandilius. First of all, that this charge about the partnership in the tenths was not cooked up at Rome, was not invented by the accuser ; it was not (as we are accustomed sometimes to say in making a defence for a man) a domestic or back-stairs accusation ; it was not originated in a time of your danger, but it was an old charge, bruited about long ago, when you were prætor, not made up at Rome by your enemies, but brought to Rome from the province. At the same time his great favour to Apronius may be clearly seen ; also the, I will not say confession, but the boast of Apronius, about him. Besides all

this, you can take as clearly proved this first, that, in his own province, he would not entrust a trial in which his reputation was at stake, to any one out of his own retinue.

LXII Is there any judge who has not been convinced, from the very beginning of my accusation respecting the collection of tenths, that he had made an attack on the property and fortunes of the cultivators of the soil? Who is there who did not at once decide, from what I then proved, that he had sold the tenths under a law quite novel, and, therefore, no law at all, contrary to the usage and established regulations of all his predecessors? But even if I had not such judges as I have, such impartial, such careful, such conscientious judges, is there any one whatever who has not long ago formed his opinion and his judgment from the magnitude of the injuries done, the dishonesty of the decrees, the iniquity of the tribunals? Even although a man may be somewhat careless in judging,—somewhat indifferent to the laws, to his duty to the republic, to our allies and friends, what then? Can even such a man doubt of the dishonesty of that man, when he is aware that such vast gains were made,—such iniquitous compromises extorted by violence and terror?—when he knows that cities were compelled, by violence and imperious commands, by the fear of scourges and death, to give such great rewards, not only to Apronius and to men like him, but even to the slaves of Venus? But if any one is but little influenced by the injuries done to our allies,—if there be any one who is not moved by the flight, the calamities, the banishment, and the suicides of the cultivators of the soil; still I cannot doubt that the man who knows, both from the documents of the cities and the letter of Lucius Metellus, that Sicily has been laid waste and the farms deserted, must decide that it is quite impossible that any other than the severest judgment should be passed on that man. Will there be any one who can conceal from himself, or be indifferent to these facts? I have brought before you trials commenced respecting the partnership in the tenths, but prevented by that man from being brought to a decision. What is there that any one can possibly desire plainer than this? I have no doubt that I have satisfied you, O judges. But I will go further; not, indeed, in order that this may be proved more completely to your satisfaction than I feel sure

that it already is, but that he may at last give over his impudence,—may cease at last to believe that he can purchase these things which he himself was always ready to sell, his good faith, his oath, truth, duty, and religion ;—that his friends may cease to keep continually saying things which may be injury, a stain, and odium, and infamy to all of us. But what friends are they? Alas, the order of senators! wretched, and unpopular, and detested through the fault and unworthiness of a few! That Alba Æmilius, sitting at the entrance of the market, should say openly that Verres had gained his cause,—that he had bought the judges, one for four hundred thousand sesterces, another for five, the one who went cheapest, for three! And when he was answered that that was impossible; that many witnesses would give evidence, and besides, that I should not desert the cause,—“Though,” said he, “every one were to make every possible statement against him, still, unless the matter be brought home to him so evidently that no answer can be given, we have gained the cause.” You say well, Alba. I will agree to your conditions. You think that conjecture avails nothing at a trial,—that suspicion avails nothing,—that the character of one’s previous life avails nothing,—nor the evidence of virtuous men,—nor the authority or letters of cities. You demand evident proof. I do not ask for judges like Cassius. I do not ask for the ancient impartiality of courts of justice. I do not, O judges, implore your good faith, your self-respect, your conscientiousness in giving judgment. I will take Alba for my judge; that man who is himself desirous of being considered an unprincipled buffoon: who by the buffoons has always been considered as a gladiator, rather than as a buffoon. I will bring forward such a case about the tenths, that Alba shall confess that Verres, in the case of the corn, and in that of the property of the cultivators of the soil, has been an open and undisguised robber.

LXIII. He says that he sold the tenths of the Leontine district at a high price. I showed at the beginning, that he ought not to be considered to have sold them at a high price, who in name indeed sold the tenths, but who in reality and by the terms of the sale, and through his law, and through his edict, and through the licentiousness of the collectors, left no tenths at all to the cultivators of the soil. I proved that

also, that others had sold the tenths of the Leontine district, and of other districts also, for a high price; and that they had sold them according to the law of Hiero; and that they sold them for even more than you had, and that then no cultivator had complained. Nor indeed was there anything of which any one could complain, when they were sold according to a law most equitably framed; nor did it ever make any difference to the cultivator at what price the tenths were sold. For it is not the case that, if they be sold at a high price, the cultivator owes more, if at a low price, less. As the crops are produced, so are the tenths sold. But it is for the interest of the cultivator, that his crops should be such that the tenths may be able to be sold at as high a price as possible. As long as the cultivator does not give more than a tenth, it is for his interest that the tenth should be as large as possible. But, I imagine, you mean this to be the chief article of your defence, that you sold all the tenths at a high price, but the tenths of the Leontine district, which produces the most, for two hundred and sixteen thousand modii of wheat. If I prove that you could have sold them for a good deal more, but that you would not knock them down to those who were bidding against Apronius, and that you adjudged them to Apronius for much less than you might have adjudged them to others;—if I prove this, will even Alba, not only your oldest friend, but even your lover, be able to acquit you?

LXIV. I assert that a Roman knight, a man of the highest honour, Quintus Minucius, with others like himself, was willing to add to the tenths of the Leontine district not one thousand, not two thousand, not three thousand modii of wheat, but thirty thousand modii of wheat to the tenths of one single district, and that he was not allowed to become the purchaser, that the matter might not escape the grasp of Apronius. You cannot by any means deny this, unless you are determined to deny everything. The business was transacted openly, in a full assembly, at Syracuse. The whole province is the witness, because men are accustomed to flock together thither from all parts at the sale of the tenths. And whether you confess this, or whether it be proved against you, do you not see in what important and what evident acts you are detected. First of all, it is proved that that business and that booty was yours. For unless it was, why did you prefer that Apronius

(who every one was saying was only managing your affairs in the matter of the tenths as your agent) should get the tenths of the Leontine district rather than Quintus Minucius? Secondly, that an enormous and immense profit was made by you. For if you would not have been influenced by thirty thousand modii of wheat, at all events Minucius would willingly have given thus much as a compliment to Apronius, if he had been willing to accept it. How great then must we suppose the expectation of booty which he entertained to have been, when he despised and scorned such vast present profit, acquired without the slightest trouble. Thirdly, Minucius himself would never have wished to have them at such a price, if you had been selling the tenths according to the law of Hiero; but because he saw that by your new edicts and most iniquitous resolutions he should get a good deal more than tenths, on that account he advanced higher. But Apronius had always even a good deal more permitted to him than you had announced in your edict. How much gain then can we suppose was made by him to whom everything was permitted; when that man was so willing to add so large a compliment, who would not have had the same licence if he had bought the tenths? Lastly, unquestionably that defence, under which you have constantly thought that all your thefts and iniquities could be concealed, is cut from under your feet; that you sold the tenths at a high price—that you consulted the interest of the Roman people—that you provided for plenty of provisions. He cannot say this, who cannot deny that he sold the tenths of one district for thirty thousand modii less than he might have done; even if I were to grant you this, that you did not grant them to Minucius because you had already adjudged them to Apronius; for they say that that is what you are in the habit of saying, and I am expecting to hear it, and I wish you would make that defence. But, even if it were so, still you cannot boast of this as a great thing, that you sold the tenths at a high price, when you admit that there were people who were willing to buy them at a much higher price.

LXV. The avarice, then, and covetousness of this man, his wickedness, and dishonesty, and audacity, are proved, O judges, are proved most incontestably. What more shall I say! What if his own friends and defenders have formed the same

opinion that I have? What can you have more? On the arrival of Lucius Metellus the prætor, when Verres had made all his retinue friends of his also by that sovereign medicine of his, money, men applied to Metellus; Apronius was brought before him; his accuser was a man of the highest consideration, Caius Gallius, a senator. He demanded of Metellus to give him a right of action according to the terms of his edict against Apronius, "for having taken away property by force or by fear," which formula of Octavius, Metellus had both adopted at Rome, and now imported into the province. He does not succeed; as Metellus said that he did not wish by means of such a trial to prejudge the case of Verres himself in a matter affecting his condition as a free citizen. The whole retinue of Metellus, grateful men, stood by Apronius. Caius Gallius, a man of our order, cannot obtain from Lucius Metellus, his most intimate friend, a trial in accordance with his own edict. I do not blame Metellus; he spared a friend of his—a connexion, indeed, as I have heard him say himself. I do not, I say, blame Metellus; but I do marvel how he not only prejudged the case of a man concerning whom he was unwilling that any previous decision should take place by means of judges, but even judged most severely and harshly respecting him. For, in the first place, if he thought that Apronius would be acquitted, there was no reason for his fearing any previous decision. In the second place, if Apronius were condemned, all men were likely to think that the cause of Verres was involved in his; this at all events Metellus did now decide, and he determined that their affairs and their causes were identical, since he determined that, if Apronius were condemned, it would be a prejudging of the case on Verres. And one fact is at the same time a proof of two things; both that the cultivators gave much more than they owed to Apronius because they were constrained by violence and fear; and also, that Apronius was transacting Verres's business in his own name, since Lucius Metellus determined that Apronius could not be condemned without giving a decision at the same time respecting the wickedness and dishonesty of Verres.

LXVI. I come now to the letter of Timarchides, his freedman and attendant; and when I have spoken of that, I shall have finished the whole of my charge respecting the tenth.

This is the letter, O judges, which we found at Syracuse, in the house of Apronius, where we were looking for letters. It was sent, as it proves itself, on the journey, when Verres had already departed from the province; written by the hand of Timarchides. Read the letter of Timarchides. "Timarchides, the officer of Verres, wishes health to Apronius." Now I do not blame this which he has written, "The officer."<sup>1</sup> For why should clerks alone assume to themselves this privilege? "Lucius Papirius the clerk," I should like this signature to be common to all attendants, lictors, and messengers.<sup>2</sup> "Be sure and be very diligent in everything which concerns the prætor's character." He recommends Verres to Apronius, and exhorts him to resist his enemies. Your reputation is protected by a very efficient guard, if indeed it depends on the diligence and authority of Apronius. "You have virtue and eloquence." How abundantly Apronius is praised by Timarchides! How splendidly! Whom ought I to expect to be otherwise than pleased with that man who is so highly approved by Timarchides? "You have ample funds." It is quite inevitable that what there was superfluous of the gain you both made by the corn, must have gone chiefly to the man by whose intervention you transacted that business. "Get hold of the new clerks and officers."<sup>3</sup>—Use every means that offer, in concert with Lucius Vulteius, who has the greatest influence." See now; what an opinion Timarchides

<sup>1</sup> The Latin is *accensus*. "The *accensus* was a public officer who attended on several of the Roman magistrates. He anciently preceded the consul, who had not the fasces. . . . It was his duty to summon the people to the assemblies, and those who had law-suits to court; and also, by command of the consul and prætor, to proclaim the time, when it was the third hour, the sixth, &c. *Accensi* also attended on the governors of provinces, and were commonly freedmen of the magistrate on whom they attended."—Smith, Dict. Ant. in voce.

<sup>2</sup> The Latin is *viator*. "Viator was a servant who attended upon and executed the commands of certain Roman magistrates, to whom he bore the same relation that the *lictor* did to other magistrates. The name viator was derived from the circumstance of their being chiefly employed in messages, either to call upon senators to attend the meeting of the senate, or to summon people to the comitia."—Smith, Dict. Ant. in voce.

<sup>3</sup> The Latin is *apparitor*, which was "the general name for the public servants of the magistrates at Rome,—*accensi*, *carnifex*, *lictores*, *scribæ*, &c. &c. They were called *apparitores* because they were at hand to execute the commands of the magistrates. Their service or attendance was called *apparitio*."—Smith, Dict. Ant. in voce.

has of his own dishonest cunning, when he gives precepts of dishonesty to Apronius! Now these words, "Use every means in your power"<sup>1</sup>—Does not he seem to be drawing words out of his master's house, suited to every sort of iniquity? "I beg, my brother, that you will trust your own little brother," your comrade, indeed, in gain and robbery, your twin-brother and image in worthlessness, dishonesty, and audacity.

LXVII. "You will be considered dear to the retinue." What does this mean, "to the retinue?" What has that to do with it? Are you teaching Apronius? What? had he come into this retinue at your prompting, or of his own accord? "Whatever is needful for each man, that employ." How great, do you suppose, must have been the impudence of that man when in power, who even after his departure is so shameless? He says that everything can be done by money: you must give, waste, and spend, if you wish to gain your cause. Even this, that Timarchides should give this advice to Apronius, is not so offensive to me, as the fact of his also giving it to his patron, "When you press a request, all men gain their objects." Yes, while Verres was prætor, not while Sacerdos was, or Peducæus, or this very Lucius Metellus. "You know that Metellus is a wise man." But this is really intolerable, that the abilities of that most excellent man, Lucius Metellus, should be laughed at, and despised and scorned by that runaway slave Timarchides. "If you have Vulteius with you, everything will be mere child's play to you." Here Timarchides is greatly mistaken, in thinking either that Vulteius can be corrupted by money, or that Metellus is going to discharge the duties of his prætorship according to the will of any one man; but he is mistaken by forming his conjectures from his own experience. Because he saw that, through his own intervention and that of others, many men had been able to do whatever they pleased with Verres, without meeting with any difficulty, he thought that there were the same means of access to every one. You did very easily whatever you wanted with Verres, and found it as easy as child's play to do so, because you knew many of the kinds of play in which he indulged.

<sup>1</sup> The Latin is *cæde, concide*. "N.B. *cæde, concide*, Cic. pro verbally; i.e. use every means in your power"—Riddle's Lat. Dict. in *Concido*.



“ Metellus and Vulteius have been impressed with the idea that you have ruined the cultivators of the soil.” Who attributed the action to Apronius, when he had ruined any cultivator? or to Timarchides when he had taken money for assigning a trial, or making a decree, or giving any order, or remitting any thing? or to Sextus the licitor, when he, as executioner, had put an innocent man to death? No one. Every body at the time attributed these things to Verres; whom they desire now to see condemned. “ People have dinned into their ears, that you were a partner of the prætor’s.” Do you not see how clear the matter both is and was when even Timarchides is afraid of this? Will you not admit that we are not inventing this charge against you, but that your freedman has been this long time seeking some defence against this charge? Your freedman and officer, one most intimate, and indeed connected with you and your children in everything, writes to Apronius, that it is universally pointed out to Metellus that Apronius had been your partner in the tenths. “ Make him see the dishonesty of the cultivators: they shall suffer for it, if the gods will.” What, in the name of the immortal gods, is the meaning of that? or on what account can we say that such great and bitter hatred is excited against the cultivators? What injury have the cultivators of the soil done to Verres, that even his freedman and officer should attack them with so inimical a disposition in these letters?

LXVIII. And I would not, O judges, have read to you the letter of this runaway slave, if I had not wished you to see from it the precepts, and customs, and system of the whole household. Do you see how he advises Apronius? by what means and by what presents he may insinuate himself into the intimacy of Metellus? how he may corrupt Vulteius? how he may win over with bribes the clerks and the chief officer? He teaches him what he has himself seen done. He teaches a stranger the lessons which he has learnt at home himself. But in this one thing he makes a mistake, that he thinks there is the same road to every one’s intimacy. Although I am deservedly angry with Metellus, still I will say this which is true. Apronius could not corrupt Metellus with bribes, as he had corrupted Verres, nor with banquets, nor with women, nor with debauched and profligate con-

versation, by which means he had, I will not say crept into that man's friendship slowly and gradually, but had in a very short time got possession of the whole man and his whole retinue. But as for the retinue of Metellus, which he speaks of, what was the use of his corrupting that, when no judges were appointed out of it to judge the causes of the cultivators? For as for what he writes, that the son of Metellus was a mere boy, he is greatly mistaken. For there is not the same access to the son of every prætor. O Timarchides, the son of Metellus is in the province, not a boy, but a virtuous and modest youth, worthy of his rank and name. How that boy of yours had behaved in the province, I would not say if I thought it the fault of the boy, and not the fault of his father. Did not you, though you knew yourself and your own habits of life, O Verres, take with you your son, still clad in the robes of a boy, into Sicily, so that even if nature had separated the boy from his father's vices and from every resemblance to his family, still habit and training might prevent his degenerating from them? Suppose there had been in him the disposition of Caius Lælius, of Marcus Cato, still what good could be expected or extracted out of one who has lived in the licentious school of his father in such a way that he has never seen one modest or sober banquet? who since he has grown up has lived in daily revels for three years among immodest women and intemperate men? who has never heard a word from his father by which he might become more modest or more virtuous? who has never seen his father do anything, which, if he had imitated, would not have laid him under the most disgraceful imputation of all, that of being considered like his father?

LXIX. By which conduct you have done an injury, not only to your son, but also to the republic. For you had begotten children, not for yourself alone, but also for your country; who might not only be a pleasure to you, but who might some day or other be able to be of use to the republic. You ought to have trained and educated them according to the customs of your ancestors, and the established system of the state; not in your crimes, in your infamy. Were he the able, and modest, and upright son of a lazy, and debauched, and worthless father, then the republic would have had a valuable present from you. Now you have given to the state

another Verres instead of yourself, if, indeed, he is not worse (if that be possible) in this respect,—that you have turned out such as you are without being bred up in the school of a dissolute man, but only under a thief, and a go-between.<sup>1</sup> What can we expect likely to turn out more complete than a person who is by nature your son, by education your pupil, by inclination your copyist? Whom, however, I, O judges, would gladly see turn out a virtuous and gallant man. For I am not influenced by his enmity, if, indeed, there is to be enmity between him and me; for if I am innocent and like myself in everything, how will his enmity hurt me? And if, in any respect, I am like Verres, an enemy will no more be wanting to me than he has been wanting to him. In truth, O judges, the republic ought to be such, and shall be such, being established by the impartiality of the tribunals, that an enemy shall never be wanting to the guilty, and shall never be able to injure the innocent. There is, therefore, no cause why I should not be glad for that son of his to emerge out of his father's vices and infamy. And although it may be difficult, yet I do not know whether it be impossible; especially if (as is at present the case) the guardians placed over him by his friends continue to watch him, since his father is so indifferent to him, and so dissolute. But my speech has now digressed more than I had intended from the letter of Timarchides: and I said, that when that had been read, I would end all I had to say on the charge connected with the tenths; from which you have clearly seen that an incalculable amount of corn has been for these three years diverted from the republic, and taken illegally from the cultivators.

LXX. The next thing is, O judges, for me to explain to you the charge about the purchase of corn, a theft very large in amount, and exceedingly shameless. And I entreat you to listen while I briefly lay before you my statements, being both certain, few in number, and important. It was Verres's duty, according to a decree of the senate, and according to the law of Terentius and to the law of Cassius about corn, to purchase

<sup>1</sup> The Latin is *divisor*, on which Riddle says, "a decider, a distributor. There were also *divisores* at the comitia, through whom the candidates caused money to be distributed among the tribes; this was a name given by way of reproach, and not that of an office."

corn in Sicily. There were two descriptions of purchase,—the one the purchase of the second tenths, the other the purchase of what was furnished in fair proportions by the different cities. Of corn derived from the second tenths the quantity would be as much as had been derived from the first tenths; of corn levied on the cities in this way there would be eight hundred thousand modii. The price fixed for the corn collected as the second tenths was three sesterces a modius; for that furnished in compliance with the levy, four sesterces. Accordingly, for the corn furnished in compliance with the levy, there was paid to Verres each year three million two hundred thousand sesterces, which he was to pay to the cultivators of the soil; and for the second tenths, about nine millions of sesterces. And so, during the three years, there was nearly thirty-six million six hundred thousand sesterces paid to him for this purchase of corn in Sicily. This enormous sum of money, given to you out of a poor and exhausted treasury; given to you for corn,—that is to say, for what was necessary for the safety and life of the citizens; given to you to be paid to the Sicilian cultivators of the soil, on whom the republic was imposing such great burdens;—this great sum, I say, was so handled by you, that I can prove, if I choose, that you appropriated the whole of this money, and that it all went to your own house. In fact, you managed the whole affair in such a way that this which I say can be proved to the most impartial judge. But I will have a regard for my own authority, I will recollect with what feelings, with what intentions I have undertaken the advocacy of this public cause. I will not deal with you in the spirit of an accuser; I will invent nothing; I do not wish any one to take for proved, while I am speaking, anything of which I myself do not already feel thoroughly convinced. In the case of this public money, O judges, there are three kinds of thefts. In the first place, he put it out among the companies from which it had been drawn at twenty-four per cent. interest;<sup>1</sup> in the second

<sup>1</sup> Towards the close of the republic the interest of money became due on the first of every month; therefore *centesimæ usuræ*, which seems to have been reckoned the ordinary rate of interest at Rome, was a payment of the hundredth part of the debt every month, or twelve hundredths, or, as we say, twelve per cent. every year; *binæ centesimæ* were twice as much. Niebuhr is of opinion that the monthly rate of the *centesimæ* was of foreign origin, and first adopted at Rome in the time of Sylla

place, he paid actually nothing at all for corn to very many of the cities; lastly, if he did pay any city, he deducted as large a sum as ever he chose. He paid no one whatever as much as was due to him.

LXXI. And first I ask you this—you, to whom the farmers of the revenue, according to the letters of Carpinatius, gave thanks. Was the public money, drawn from the treasury, given out of the revenues of the Roman people + purchase corn, was it a source of profit to you? Did it bring you in twenty-four per cent. interest? I dare say you will deny it. For it is a disgraceful and dangerous confession to make. And it is a thing very difficult for me to prove; for by what witnesses am I to prove it? By the farmers of the revenue? They have been treated by him with great honour; they will keep silence. By their letters? They have been put out of the way by a resolution of the collectors. Which way then shall I turn? Shall I leave unmentioned so infamous a business, a crime of such audacity and such shamelessness, on account of a dearth of witnesses or of documentary proofs? I will not do so, O judges. I will call a witness. Whom? Lucius Vettius Chilo, a most honourable and accomplished man of the equestrian order, who is such a friend of and so closely connected with Verres, that, even if he were not an excellent man, still whatever he said against him would seem to have great weight; but who is so good a man that, even if he were ever so great an enemy to him, yet his testimony ought to be believed. He is annoyed and waiting to see what Vettius will say. He will say nothing because of this present occasion; nothing of his free will, nothing of which we can think that he might have spoken either way. He sent letters into Sicily to Carpinatius, when he was superintendent of the tax derived from the pasture lands, and manager of that company of farmers, which letters I found at Syracuse, in Carpinatius's house, among the portfolios of letters which had been brought to him; and at Rome in the house of Lucius Tullius, an intimate friend of yours, and another manager of the company, in portfolios of letters which had been received by him. And from these letters observe, I pray you, the impudence of this man's usury.

The old yearly rate established by the Twelve Tables was *unciarium fœnus*, a little over eight per cent. a-year. See Smith, *Dict. Ant.* p. 525, v. *Interest*.

[*The letters of Lucius Vettius to Publius Servilius, and to Caius Antistius, managers of the company, are read.*]

Vettius says that he will be with you, and will take notice how you make up your accounts for the treasury ; so that, if you do not restore to the people this money which has been put out at interest, you shall restore it to the company. Can we not establish what we assert by this witness, can we not establish it by the letters of Publius Servilius and Caius Antistius, managers of the company, men of the highest reputation and of the highest honour, and by the authority of the company whose letters we are using ? or must we seek for something on which we can rely more, for something more important ?

LXXII. Vettius, your most intimate friend,—Vettius, your connexion, to whose sister you are married,—Vettius, the brother of your wife, the brother of your quæstor, bears witness to your most infamous theft, to your most evident embezzlement ; for by what other name is a lending of the public money at usury to be called ? Read what follows. He says that your clerk, O Verres, was the drawer up of the bond for this usury : the managers threaten him also in their letters ; in fact, it happened by chance that two managers were with Vettius. They think it intolerable that twenty-four per cent. should be taken from them, and they are right to think so. For whoever did such a thing before ? who ever attempted to do such a thing,—who ever thought that such a thing could be done, as for a magistrate to venture to take money as interest from the farmers, though the senate had often assisted the farmers by remitting the interests due from them ? Certainly that man could have no hope of safety, if the farmers—that is, the Roman knights, were the judges. He ought to have less hope now, O judges, now that you have to decide ; and so much the less, in proportion as it is more honourable to be roused by the injuries of others than by one's own. What reply do you think of making to all this ? Will you deny that you did it ? Will you defend yourself on the ground that it was lawful for you to do it ? How can you deny it ? Can you deny it, to be convicted by the authority of such important letters, by so many farmers appearing as witnesses ? But how can you say it was lawful ? In truth, if I were to prove that you, in your own province, had lent

on usury your own money, and not the money of the Roman people, still you could not escape; but when I prove that you lent the public money, the money decreed to you to buy corn with, and that you received interest from the farmers, will you make any one believe that this was lawful? a deed than which not only others have never, but you yourself have never done a more audacious or more infamous one. I cannot, in truth, O judges, say that even that which appears to me to be perfectly unprecedented, and about which I am going to speak next—I mean, the fact of his having actually paid very many cities nothing at all for their corn—was either more audacious or more impudent; the booty derived from this act was perhaps greater, but the impudence of the other was certainly not less. And since I have said enough about this lending at interest, now, I pray you, give your attention to the question of the embezzlement of the whole sum in many instances.

LXXIII. There are many cities in Sicily, O judges, of great splendour and of high reputation, and among the very first of these is the city of Halesa. You will find no city more faithful to its duties, more rich in wealth, more influential in its authority. After that man had ordered it to furnish every year sixty thousand modii of wheat, he took money for the wheat, at the price which wheat bore in Sicily at the time; all the money which he thus received from the public treasury, he kept for himself. I was amazed, O judges, when a man of the greatest ability, of the highest wisdom, and of the greatest influence, Æneas of Halesa, first stated this to me at Halesa in the senate of Halesa; a man to whom the senate by public resolution had given a charge to return me and my brother thanks, and at the same time to explain to us the matters which concerned this trial. He proves to me that this was his constant custom and system; that, when the entire quantity of corn had been brought to him under the name of tenths, then he was accustomed to exact money from the cities, to object to the corn delivered, and as for all the corn which he was forced to send to Rome, he sent that quantity from his own profits, and from his own store of corn. I demand the accounts, I inspect the documents, I see that the people of Halesa, from whom sixty thousand modii had been levied, had given none, that they had paid money

to Volcatus, and to Timarchides the clerk. I find a case of plunder of this kind. O judges, that the prætor, whose duty it was to buy corn, did not buy it, but sell it; and that he embezzles and appropriates the money which he ought to have divided among the cities. It did not appear to me any longer to be a theft, but a monster and a prodigy; to reject the corn of the cities, and to approve of his own; when he had approved of his own, then to put a price on that corn, to take from the cities what he had fixed, and to retain what he had received from the Roman people.

LXXIV. How many degrees of offence in one single act of fraud do you think will be enough, if I insist on them severally, to bring the matter to a point where he can go no further? You reject the Sicilian corn; why? because you are sending some yourself. Have you any Sicily of your own, which can supply you corn of another sort? When the senate decrees that corn be bought in Sicily, or when the people order this, this, as I imagine, is what they mean, that Sicilian corn is to be brought from Sicily. When you reject all the corn of Sicily, do you send corn to Rome from Egypt or from Syria? You reject the corn of Halesa, of Cephælædis, of Thermæ, of Amestras, of Tyndaris, of Herbita, and of many other cities. What has happened then to cause the lands of these people to bear corn of such a sort while you were prætor, as they never bore before, so that it can neither be approved of by you, nor by the Roman people; especially when the managers of the different companies had taken corn, being the tenths, from the same land, and of the same year, to Rome? What has happened that the corn which made part of the tenths was approved, and that that which was bought, though out of the same barn, was not approved of? Is there any doubt that all that rejection of corn was contrived with the object of raising money? Be it so. You reject the corn of Halesa, you have corn from another tribe which you approve of. Buy that which pleases you; dismiss those whose corn you have rejected. But from those whom you reject you exact such a sum of money as may be equivalent to the quantity of corn which you require of their city. Is there any doubt what your object has been? I see from the public documents that the people of Halesa gave you fifteen sesterces for every *medimnus*—I will prove from the accounts of the wealthiest of



the cultivators, that at the same time no one in Sicily sold corn at a higher price.

LXXV. What, then, is the reason for your rejecting, or rather what madness is it to reject corn which comes from that place from which the senate and the people of Rome ordered it to be brought? which comes from that very heap a part of which, under the name of tenths, you had actually approved of? and besides, to exact money from the cities for the purchase of corn, when you had already received it from the treasury? Did the Terentian law enjoin you to buy corn from the Sicilians with the money of the Sicilians, or to buy corn from the Sicilians with the money of the Roman people? But now you see that all that money out of the treasury, which ought to have been given to these cities for corn, has been made profit of by that man. For you take fifteen sesterces for a medimnus of wheat; for that is the value of a medimnus at that time. You keep eighteen sesterces; for that is the price of Sicilian corn, estimated according to law. What difference does it make whether you did this, or whether you did not reject the corn, but, after the corn was approved and accepted, detained all the public money, and paid none to any city whatever? when the valuation of the law is such that while it is tolerable to the Sicilians at other times, it ought also to be pleasant to them during your prætorship. For a modius is valued by law at three sesterces. But, while you were prætor, it was, as you boast in many letters to your friends, valued at two sesterces. But suppose it was three sesterces, since you exacted that price from the cities for every modius. When, if you had paid the Sicilians as much as the Roman people had ordered you to pay, it might have been most pleasing to the cultivators, you not only did not choose them to receive what they ought, but you even compelled them to pay what was not due from them. And that these things were done in this manner, you may know, O judges, both from the public documents of the cities, and from their public testimonies; in all which you will find nothing false, nothing invented as suited to the times. Everything which we speak of is entered in the returns and made up in a regular manner, without any interpolations or irregularities being foisted into the people's accounts, but while they are all made up with deliberation and accuracy. Read the

accounts of the people of Halesa. To whom does he say that money was paid? Speak, speak, I say, a little louder. "To Volcatius, to Timarchides, to Mævius."

LXXVI. What is all this, O Verres? have you not left yourself even this argument in your defence, that they are the managers of the companies who have been concerned in those matters? that they are the managers who have rejected the corn? that they are the managers who have settled the affair with the cities for money? and that it is they also who have taken money from you in the name of those cities? and, moreover, that they have bought corn for themselves; and that all these things do not at all concern you? It would, in truth, be an insufficient and a wretched defence for a prætor to say this, "I never touched the corn, I never saw it, I gave the managers of the companies the power of approving or rejecting it; the managers extorted money from the cities, but I paid to the managers the money which I ought to have paid to the people." This is, as I have said, an insufficient, or rather, a profligate defence against an accusation. But still, even this one, if you were to wish to use it, you cannot use. Volcatius, the delight of yourself and your friends, forbids you to make mention of the manager; and Timarchides, the prop of your household, stops the mouth of your defence; who, as well as Volcatius, had money paid to him from the cities. But now your clerk, with that golden ring of his, which he procured out of these matters, will not allow you to avail yourself of that argument. What then remains for you, except to confess that you sent to Rome corn which had been bought with the money of the Sicilians? that you appropriated the public money to your own purposes? O you habit of sinning, what delight you afford to the wicked and the audacious, when chastisement is afar off, and when impunity attends you! This is not the first time that that man has been guilty of that sort of peculation, but now for the first time is he convicted. We have seen money paid to him from the treasury, while he was quæstor, for the expense of a consular army; we saw, a few months afterwards, both army and consul stripped of everything. All that money lay hid in that obscurity and darkness which at that time had seized upon the whole republic. After that, he discharged the duties of the quæstorship to which he succeeded under Dola-

bella. He embezzled a vast sum of money ; but he mixed up his accounts of that money with the confusion consequent on the conviction of Dolabella. Immense sums of money were entrusted to him when prætor. You will not find him a man to lick up these most infamous profits nervously and gently ; he did not hesitate to swallow up at a gulp the whole of the public money. That wicked covetousness, when it is implanted in a man's nature, creeps on in such a way, when the habit of sinning has emancipated itself from restraint, that it is not able to put any limits to its audacity. At length it is detected, and it is detected in affairs of great importance, and of undoubted certainty. And it seems to me that, by the interposition of the gods, this man too has become involved in such dishonesty, as not only to suffer punishment for the crimes which he has lately committed, but also to be overwhelmed with the vengeance due to the sins which he committed against Carbo and against Dolabella.

LXXVII. There is in truth also another new feature in this crime, O judges, which will remove all doubts as to his criminality on the former charge respecting the tenths. For, to say nothing of this fact, that very many of the cultivators of the soil had not corn enough for the second tenths, and for those eight thousand modii which they were bound to sell to the Roman people, but that they bought them of your agent, that is, of Apronius ; which is a clear proof that you had left the cultivators actually nothing : to pass over this, which has been clearly set forth in many men's evidence, can anything be more certain than this,—that all the corn of Sicily, and all the crops of the land liable to the payment of tenths, were for three years in your power and in your barns ? for when you were demanding of the cities money for corn, whence was the corn to be procured for you to send to Rome, if you had it not all collected and locked up ? Therefore, in the affair of that corn, the first profit of all was that of the corn itself, which had been taken by violence from the cultivators ; the next profit was because that very corn which had been procured by you during your three years, you sold not once, but twice ; not for one payment, but for two, though it was one and the same lot of corn ; once to the cities, for fifteen sesterces a medimnus, a second time to the Roman people, from whom you got eighteen sesterces a

medimnus for the very same corn. But perhaps you approved besides of the corn of the Centuripans, of the Agrigentines, and of some others, and paid money to these nations. There may be some cities in that number whose corn you were unwilling to object to. What then? Was all the money that was owed for corn paid to these cities? Find me one—not one people, but one cultivator. See, seek, look around, if perchance there is any single man in that province in which you were governor for three years, who does not wish you to be ruined. Produce me one, I say, out of all those cultivators who contributed money even to raise a statue to you, who will say that everything that was due for corn was paid. I pledge myself, O judges, that none will say so.

LXXVIII. Out of all the money which it was your duty to pay to the cultivators, you were in the habit of making deductions on certain pretexts; first of all for the examination, and for the difference in the exchanges; secondly, for some sealing money or other. All these names, O judges, do not belong to any legal demand, but to the most infamous robberies. For what difference of exchange can there be when all use one kind of money? And what is sealing money? How has this name got introduced into the accounts of a magistrate? how came it to be connected with the public money? For the third description of deduction was such as if it were not only lawful, but even proper; and not only proper, but absolutely necessary. Two fiftieths were deducted from the entire sum in the name of the clerk. Who gave you leave to do this?—what law? what authority of the senate? Moreover where was the justice of your clerk taking such a sum, whether it was taken from the property of the cultivators, or from the revenues of the Roman people? For if that sum can be deducted without injury to the cultivators of the soil, let the Roman people have it, especially in the existing difficulties of the treasury; but if the Roman people intended it to be paid to the cultivators, and if it is just that it should be, then shall your officer, hired at small wages paid by the people, plunder the property of the cultivators? And shall Hortensius excite against me in this cause the whole body of clerks? and shall he say that their interests are undermined by me, and their rights opposed? as if this were allowed to the clerks by any precedent or by any right. Why should I go back to old

times? or why should I make mention of those clerks, who, it is evident, were most upright and conscientious men? It does not escape my observation, O judges, that old examples are now listened to and considered as imaginary fables. I will go only to the present wretched and profligate time. You, O Hortensius, have lately been quæstor. You can say what your clerks did; I say this of mine; when, in that same Sicily, I was paying the cities money for their corn, and had with me two most economical men as clerks, Lucius Mamilius and Lucius Sergius, then I say that not only these two fiftieths were not deducted, but that not one single coin was deducted from any one.

LXXIX. I would say that all the credit of this was to be attributed to me, O judges, if they had ever asked this of me, if they had ever thought of it. For why should a clerk make this deduction, and not rather the muleteer who brought the corn down? or the courier, by whose arrival they heard of its coming and made the demand? or the crier, who ordered them to appear? or the lictor and the slave of Venus, who carried the money? What part of the business or what reasonable assistance can a scrivener pretend to, that, I will not say such high wages should be given him, but, that a division of such a large sum should take place with him? Oh they are a very honourable body of men;—who denies it? or what has that to do with this business? But they are an honourable body, because to their integrity are entrusted the public accounts and the safety of the magistrates. Ask, therefore, of those scribes who are worthy of their body, masters of households, virtuous and honourable men, what is the meaning of those fiftieths? In a moment you will all clearly see that the whole affair is unprecedented and scandalous. Bring me back to those scribes, if you please; do not get together those men who when with a little money scraped together from the presents of spendthrifts and the gratuities to actors, they have bought themselves a place in some decury,<sup>1</sup> think that they have mounted from the first class of hissed buffoons into the second class of the citizens. Those scribes I will have as arbitrators in this business between you and me, men who are

<sup>1</sup> These decuries were colleges, or guilds, in which the different bodies of inferior officers, librarians, clerks, lictors, accensi, nomenclators, &c were enrolled. See Professor Long's note on this passage.

indignant that those other fellows should be scriveners at all. Although, when we see that there are many unfit men in that order, an order which is held out as a reward for industry and good conduct, are we to wonder that there are some base men in that order also, a place in which any one can purchase for money?

LXXX. When you confess that your clerk, with your leave, took thirteen hundred thousand sesterces of the public money, do you think that you have any defence left? that any one can endure this? Do you think that even any one of those who are at this moment your own advocates can listen to this with equanimity? Do you think that, in the same city in which an action was brought against Caius Cato,<sup>1</sup> a most illustrious man, a man of consular rank, to recover a sum of eighteen thousand sesterces; in that same city it could be permitted to your clerk to carry off at one swoop thirteen hundred thousand sesterces? Here is where that golden ring came from, with which you presented him in the public assembly; a gift which was an act of such extraordinary impudence that it seemed novel to all the Sicilians, and to me incredible. For our generals, after a defeat of the enemy, after some splendid success, have often presented their secretaries with golden rings in a public assembly; but you, for what exploit, for the defeat of what enemy did you dare to summon an assembly for the purpose of making this present? Nor did you only present your clerk with a ring, but you also presented a man of great bravery, a man very unlike yourself, Quintus Rubrius, a man of eminent virtue, and dignity, and riches, with a crown, with horse trappings, and a chain; and also Marcus Cossutius, a most conscientious and honourable man, and Marcus Castritius, a man of the greatest wealth, and ability, and influence. What was the meaning of these presents made to these three Roman citizens? Besides that, you gave presents also to some of the most powerful and noble of the Sicilians, who have not, as you hoped, been the more slow to come forward, but have only come with more dignity to give their evidence in this trial of yours. Where did all these presents come from? from the spoils of what

<sup>1</sup> Caius Cato was the grandson of Marcus Cato the censor, and nephew of the younger Scipio Africanus; he had been prætor of Sicily, but was convicted of having received eighteen thousand sesterces illegally.

enemy? gained in what victory? Of what booty or trophies do they make a part? Is it because while you were prætor, a most beautiful fleet, the bulwark of Sicily, the defence of the province, was burnt<sup>1</sup> by the hands of pirates arriving in a few light galleys? or because the territory of Syracuse was laid waste by the conflagrations of the banditti while you were prætor? or because the forum of the Syracusans overflowed with the blood of the captains? or because a piratical galley sailed about in the harbour of Syracuse? I can find no reason which I can imagine for your having fallen into such madness, unless indeed your object was to prevent men from ever forgetting the disasters of your administration. A clerk was presented with a golden ring, and an assembly was convoked to witness that presentation. What must have been your face when you saw in the assembly those men out of whose property that golden ring was provided for the present; who themselves had laid aside their golden rings, and had taken them off from their children, in order that your clerk might have the means to support your liberality and kindness? Moreover, what was the preface to this present? Was it the old one used by the generals?—"Since in battle, in war, in military affairs, you . . . ." There never was even any mention of such matters while you were prætor. Was it this, "Since you have never failed me in any act of covetousness, or in any baseness, and since you have been concerned with me in all my wicked actions, both during my lieutenancy, and my prætorship, and here in Sicily; on account of all these things, since I have already made you rich, I now present you with this golden ring?" This would have been the truth. For that golden ring given by you does not prove he was a brave man, but only a rich one. As we should judge that same

<sup>1</sup> This has been mentioned before; owing to the way in which Verres had disabled the fleet for his private gain, excusing towns from providing ships who were inclined to pay for the relaxation, and discharging too all the sailors who chose to buy their discharges, it was so powerless that a small squadron of pirates sailed into the harbour of Syracuse and burnt it. Afterwards, a single pirate ship was taken, the officers of which purchased their pardon of Verres, who, not daring to avow it, as the people clamoured for their execution, brought on the scaffold the captains of those Roman ships which had been burnt, and others who he feared might hereafter bear witness against him, with their heads muffled up so that they could not be recognised, and had them executed as the pirates.

ring, if given by some one else, to have evidence of virtue ; when given by you, we consider it only an accompaniment to money.

LXXXI. I have spoken, O judges, of the corn collected as tenths ; I have spoken of that which was purchased ; the last, the only remaining topic, is the valuation of the corn, which ought to have weight with every one, both from the vastness of the sum involved, and from the description of the injustice done ; and more than either, because against this charge he is provided, not with some ingenious defence, but with a most scandalous confession of it. For though it was lawful for him, both by a decree of the senate, and also by the laws, to take corn and lay it up in the granaries, and though the senate had valued that corn at four sesterces for a modius of wheat, two for one of barley, Verres, having first added to the quantity of wheat, valued each modius of wheat with the cultivators at three denarii.<sup>1</sup> My charge is not this, O Hortensius ; do not you think about this ; I know that many virtuous, and brave, and incorruptible men, have often valued, both with the cultivators of the soil and with cities, the corn which ought to have been taken and laid up in the granary, and have taken money instead of corn ; I know what is accustomed to be done ; I know what is lawful to be done ; nothing which has been previously the custom of virtuous men is found fault with in the conduct of Verres. This is what I find fault with, that, when a modius of wheat in Sicily cost two sesterces, as his letter which was sent to you declares, or at most, three, as has also already been made clear from all the evidence and all the accounts of the cultivators, he exacted from the cultivators three denarii for every modius of wheat.

LXXXII. This is the charge ; I wish you to understand, that my accusation turns not on the fact of his having valued the corn, nor even of his having valued it at three denarii, but on that of his having increased the quantity of corn, and consequently the amount of the valuation. In truth this valuation originated, O judges, at first not in the convenience of the prætors or consuls, but in the advantage to the cultivators and the cities. For originally, no one was so impudent

<sup>1</sup> A denarius was about eightpence half-penny ; a sestertius only a fraction over two-pence.



as to demand money when it was corn that was due ; certainly this proceeded in the first instance from the cultivator or from the city which was required to furnish corn ; when they had either sold the corn, or wished to keep it, or were not willing to carry it to that place where it was required to be delivered, they begged as a kindness and a favour, that they might be allowed, instead of the corn, to give the value of the corn. From such a commencement as this, and from the liberality and accommodating spirit of the magistrates the custom of valuations was introduced. More covetous magistrates succeeded ; who, in their avarice, devised not only a plan for their own gain, but also a way of escape, and a plea for their defence. They adopted a custom of always requiring corn to be delivered at the most remote and inconvenient places, in order that, through the difficulty of carriage, the cultivators might be more easily brought to the valuation which they wished. In a case of this kind it is easier to form one's opinion, than to make out a case for blame ; because we can think the man who does this avaricious, but we cannot easily make out a charge against him ; because it appears that we must grant this to our magistrates, that they may have power to receive the corn in any place they choose ; therefore this is what many perhaps have done, not, however, so many but that those whom we recollect, or whom we have heard of as the most upright magistrates, have declined to do it.

LXXXIII. I ask of you now, O Hortensius, with which of these classes you are going to compare the conduct of Verres ? With those, I suppose, who, influenced by their own kindness, have granted, as a favour and as a convenience to the cities, permission to give money instead of corn. And so I suppose the cultivators begged of him, that, as they could not sell a modius of wheat for three sesterces, they may be allowed to pay three denarii instead of each modius. Or, since you do not dare to say this, will you take refuge in that assertion, that, being influenced by the difficulty of carriage, they preferred to give three denarii ? Of what carriage ? Wishing not to have to carry it from what place to what place ? from Philomelium to Ephesus ? I see what is the difference between the price of corn at different places ; I see too how many days' journey it is ; I see that it is for the advantage of the Philomelians rather to pay in Phrygia the price which

corn bears in Ephesus, than to carry it to Ephesus, or to send both money and agents to Ephesus to buy corn. But what can there be like that in Sicily? Enna is a completely inland town. Compel (that is the utmost stretch of your authority) the people of Enna to deliver their corn at the water-side; they will take it to Phintia, or to Halesa, or to Catina, places all very distant from one another, the same day that you issue the order; though there is not even need of any carriage at all; for all this profit of the valuation, O judges, arises from the variety in the price of corn. For a magistrate in a province can manage this,—namely, to receive it where it is dearest. And therefore that is the way valuations are managed in Asia and in Spain, and in those provinces in which corn is not everywhere the same price. But in Sicily what difference did it make to any one in what place he delivered it? for he had not to carry it; and wherever he was ordered to carry it, there he might buy the same quantity of corn which he sold at home. Wherefore, if, O Hortensius, you wish to show that anything, in the matter of the valuation, was done by him like what has been done by others, you must show that at any place in Sicily, while Verres was prætor, a modius of wheat ever cost three denarii.

LXXXIV. See what a defence I have opened to you; how unjust to our allies, how far removed from the good of the republic, how utterly foreign to the intention and meaning of the law. Do you, when I am prepared to deliver you corn on my own farm, in my own city,—in the very place, in short, in which you are, in which you live, in which you manage all your business and conduct the affairs of the province,—do you, I say, select for me some remote and desert corner of the island? Do you bid me deliver it there, whither it is very inconvenient to carry it? where I cannot purchase it? It is a shameful action, O judges, intolerable, permitted to no one by law, but perhaps not yet punished in any instance. Still this very thing, which I say ought not to be endured, I grant to you, O Verres; I make you a present of it. If in any place of that province corn was at the price at which he valued it, then I think that this charge ought not to have any weight against him. But when it was fetching two sesterces, or even three at the outside, in any district of the province which you choose to name, you exacted twelve. If

there cannot be any dispute between you and me either about the price of corn, or about your valuation, why are you sitting there? What are you waiting for? What will you say in your defence? Does money appear to have been appropriated by you contrary to the laws, contrary to the interests of the republic, to the great injury of our allies? Or will you say in your defence, that all this has been done lawfully, regularly, in a manner advantageous to the republic, without injury to any one? When the senate had given you money out of the treasury, and had paid you money which you were to pay the cultivators, a denarius for every modius, what was it your duty to do? If you had wished to do what Lucius Piso, surnamed Thrifty, who first made the law about extortion, would have done, when you had bought the corn at the regular price, you would have returned whatever money there was over. If you wished to act as men desirous of gaining popularity, or as kind-hearted men would, as the senate had valued the corn at more than the regular price, you would have paid for it according to the valuation of the senate, and not according to the market price. Or if, as many do, a conduct which produces some profit indeed, but still an honest and allowable one, you would not have bought corn, since it was cheaper than they expected, but you would have retained the money which the senate had granted you for furnishing the granary.

LXXXV. But what is it that you have done? What pretence has it, I will not say of justice, but even of any ordinary roguery or impudence? For, indeed, there is not usually anything which men, however dishonest, dare to do openly in their magistracy, for which they cannot give, if not a good excuse, still some excuse or other. But what sort of conduct is this? The prætor came. Says he, I must buy some corn of you. Very well. At a denarius for a modius. I am much obliged to you; you are very liberal, for I cannot get three sesterces for it. But I don't want the corn, I will take the money. I had hoped, says the cultivator, that I should have touched the denarii; but if you must have money, consider what is the price of corn now. I see it costs two sesterces. What money, then, can be required of me for you, when the senate has allowed you four sesterces? Listen, now, to what he demands. And I entreat you, O judges,

remark at the same time the equity of the prætor: "The four sesterces which the senate has voted me, and has paid me out of the treasury, those I shall keep, and shall transfer out of the public chest into my strong box." What comes next? What? "For each modius which I require of you, do you give me eight sesterces." On what account? "What do you ask me on what account for? It is not so much on what account that we need think, as of how advantageous it will be,—how great a booty I shall get." Speak, speak, says the cultivator, a little plainer. The senate desires that you should pay me money,—that I should deliver corn to you. Will you retain that money which the senate intended should be paid to me, and take two sesterces a-modius from me, to whom you ought to pay a denarius for each modius? And then will you call this plunder and robbery granary-money? This one injury,—this single distress, was wanting to the cultivators under your prætorship, to complete the ruin of the remainder of their fortunes. For what remaining injury could be done to the man who, owing to this injury, was forced not only to lose all his corn, but even to sell all his tools and stock? He had no way to turn. From what produce could he find the money to pay you? Under the name of tenths, as much had been taken from him as the caprice of Apronius chose; for the second tenths and for the corn that had been purchased either nothing had been paid, or only so much as the clerk had left behind, or perhaps it was even taken for nothing, as you have had proved to you.

LXXXVI. Is money also to be extorted from the cultivators? How? By what right? by what precedent? For when the crops of the cultivator were carried off and plundered with every kind of injustice, the cultivator appeared to lose what he had himself raised with his plough, for which he had toiled, what his land and his cornfields had produced. But amid this terrible ill-treatment, there was still this wretched consolation,—that he seemed only to be losing what, under another prætor, he could get again out of the same land. But now it is necessary for the cultivator—to give money, which he does not get out of the land—to sell his oxen, and his plough itself, and all his tools. For you are not to think this, "The man has also possessions in ready

money ; he has also possessions inland, near the city." For when a burden is imposed on a cultivator of the soil, it is not the means and ability of the man that is to be considered, whether he has any property besides ; but the quality and description of his land, what that can endure, what that can suffer, what that can and ought to produce. Although those men have been drained and ruined by Verres in every possible manner, still you ought to decide what contribution you consider the cultivator ought to render to the republic on account of his land, and what charges he can support. You impose the payment of tenths on them. They endure that. A second tenth. You think they must be subservient to your necessities,—that they must, besides that, supply you with more if you choose to purchase it. They will so supply you if you choose. How severe all this is, and how little, after all these deductions are made, can be left of clear profit for the owners, I think you, from your own farming experience, can guess. Add, now, to all this, the edicts, the regulations, the injuries of Verres,—add the reign and the rapine of Apronius, and the slaves of Apronius, in the land subject to the payment of tenths. Although I pass over all this ; I am speaking of the granary. Is it your intention that the Sicilians should give corn to our magistrates for their granaries for nothing ? What can be more scandalous, what can be more iniquitous than that ? And yet, know you that this would have seemed to the cultivators a thing to be wished for, to be begged for, while that man was prætor.

LXXXVII. Sositenus is a citizen of Entella ; a man of the greatest prudence, and of the noblest birth in his city. You have heard what he said when he was sent by the public authority to this trial as a deputy, together with Artemon and Meniscus, men of the highest character. He, when in the senate at Entella he was discussing with me the injustice of Verres, said this: that, if the question of the granaries and of the valuation were conceded, the Sicilians were willing to promise the senate corn for the granary without payment, so that we need not for the future vote such large sums to our magistrates. I am sure that you clearly perceive how advantageous this would be for the Sicilians,—not because of the justice of such a condition, but in the way of choosing the least of two evils ; for the man who had given Verres a thou-

sand modii for the granary as his share of the contribution required, would have given two, or, at most, three thousand sesterces, but the same man has now been compelled for the same quantity of corn to give eight thousand sesterces. A cultivator could not stand this for three years, at least not out of his own produce. He must inevitably have sold his stock. But if the land can endure this contribution and this tribute,—that is to say, if Sicily can bear and support it, let it pay it to the Roman people rather than to our magistrates. It is a great sum, a great and splendid revenue. If you can obtain it without damage to the province, without injury to our allies, I do not object at all. Let as much be given to the magistrates for their granary as has always been given. What Verres demands besides, that, if they cannot provide it, let them refuse. If they can provide it, let it be the revenue of the Roman people rather than the plunder of the prætor. In the next place, why is that valuation established for only one description of corn? If it is just and enduring, then Sicily owes the Roman people tenths; let it give three denarii for each single modius of wheat; let it keep the corn itself. Money has been paid to you, O Verres,—one sum with which you were to buy corn for the granary, the other with which you were to buy corn from the cities to send to Rome. You keep at your own house the money which has been given to you; and besides that, you receive a vast sum in your own name. Do the same with respect to that corn which belongs to the Roman people; exact money from the cities according to the same valuation, and give back what you have received,—then the treasury of the Roman people will be better filled than it ever has been. ‘But Sicily could not endure that in the case of the public corn; she did indeed bear it in the case of my own.’ Just as if that valuation was more just when your advantage was concerned, than when that of the Roman people was; or, as if the conduct which I speak of, and that which you adopted, differed only in the description of the injury, and not in the magnitude of the sum involved. But that granary they can by no means bear, not even if everything else be remitted; not even if they were for ever hereafter delivered from all the injuries and distresses which they have suffered while you were prætor, still they say that they could not by any possibility support that granary and that valuation.

LXXXVIII. Sophocles of Agrigentum, a most eloquent man, adorned with every sort of learning and with every virtue, is said to have spoken lately before Cæreus Pompeius, when he was consul, on behalf of all Sicily, concerning the miseries of the cultivators, with great earnestness and great variety of arguments, and to have lamented their condition to him. And of all the things which he mentioned, this appeared the most scandalous to those who were present, (for the matter was discussed in the presence of a numerous assembly,) that, in the very matter in which the senate had dealt most honestly and most kindly with the cultivators, in that the prætor should plunder, and the cultivators be ruined; and that should not only be done, but done in such a manner as if it were lawful and permitted.

What says Hortensius to this? that the charge is false? He will never say this.—That no great sum was gained by this method? He will not even say that.—That no injury was done to Sicilians and the cultivators? How can he say that?—What then, will he say,—That it was done by other men. What is the meaning of this? Is it a defence against the charge, or company in banishment that he is seeking for? Will you in this republic, in this time of unchecked caprice, and (as up to this time the course of judicial proceedings has proved) licentiousness on the part of men, will you defend that which is found fault with, and affirm that it has been done properly; not by reference to right, nor to equity, nor to law, nor because it was expedient, nor because it was allowed, but because it was some one else who did it? Other men, too, have done other things, and plenty of them; why in this charge alone do you use this sort of defence? There are some things in you so extraordinary, that they cannot be said of, or meet in the character of, any other man; there are some things which you have in common with many men. Therefore, to say nothing of your acts of peculation, or of your taking money for the appointment of judges, and other things of that sort which, perhaps, other men also may have committed; will you defend yourself, also, from the charge which I bring against you as the most serious one of all—the charge, namely, of having taken money to influence your legal decisions, by the same argument, that others have done so too? Even if I were to admit the assertion, still I should not admit it as any defence. For it would

be better that by your condemnation there should be more limited room for defending dishonesty left to others, than that, owing to your acquittal, others should be thought to have legitimately done what they have done with the greatest audacity.

LXXXIX. All the provinces are mourning ; all the nations that are free are complaining ; every kingdom is expostulating with us about our covetousness and our injustice ; there is now no place on this side of the ocean, none so distant, none so out of the way, that, in these latter times, the lust and iniquity of our citizens has not reached it. The Roman people is now no longer able to bear (I have not to say the violence, the arms, and the war, but) the mourning, the tears, and the complaints, of all foreign nations. In a case of this sort, in speaking of customs of this sort, if he who is brought before the tribunal, when he is detected in evident crimes, says that others have also done the same, he will not want examples ; but the republic will want safety, if, by the precedents of wicked men, wicked men are to be delivered from trial and from danger. Do you approve of the manners of men at present ? Do you approve of men's behaving themselves in magistracies as they do ? Do you approve, finally, of our allies being treated as you see that they have been treated all this time ? Why am I forced to take all this trouble ? Why are you all sitting here ? Why do you not rise up and depart before I have got halfway through my speech ? Do you wish to lay open at all the audacity and licentiousness of these men ? Give up doubting whether it is more useful, because there are so many wicked men, to spare one, or by the punishment of one wicked man, to check the wickedness of many. Although, what are those numerous instances of wicked men ? For when in a cause of such importance, when in the case of a charge of such gravity, the defendant has begun to say that anything has frequently been done, those who hear him are expecting precedents drawn from ancient tradition, from old records and old documents, full of dignity, full of antiquity.

XC. For such instances usually have both a great deal of authority in proving any point, and are very pleasant to hear cited. Will you speak to me of the Africani, and the Catos, and the Lælii, and will you say that they have done the same thing ? Then, even though the act might not please me, still



I should not be able to fight against the authority of those men. But, since you will not be able to produce them, will you bring forward these moderns, Quintus Catulus the father, Caius Marcius, Quintus Scævola, Marcus Scaurus, Quintus Metellus? who have all governed provinces, and who have all levied corn on the ground of filling the granary. The authority of the men is great, so great as to be able to remove all suspicion of wrong-doing. But you have not, even out of these men who have lived more recently, one precedent of that authority. Whither, then, or to what examples will you bring me back? Will you lead me away from those men who have spent their lives in the service of the republic at a time when manners were very strict, and when the opinion of men was considered of great weight, and when the courts of justice were severe, to the existing caprice and licentiousness of men of the present age? And do you seek precedents for your defence among those men, as a warning to whom the Roman people have decided that they are in need of some severe examples? I do not, indeed, altogether condemn the manners of the present time, as long as we follow those examples which the Roman people approves of; not those which it condemns. I will not look around me, I will not go out of doors to seek for any one, while we have as judges those chiefs of the city, Publius Servilius and Quintus Catulus, who are men of such authority, and distinguished for such exploits, that they may be classed in that number of ancient and most illustrious men of whom I have previously spoken. We are seeking examples, and those not ancient ones. Very lately each of them had an army. Ask, O Hortensius, since you are fond of modern instances, what they did. Will you not? Quintus Catulus used corn, but he exacted no money. Publius Servilius, though he commanded an army for five years, and by that means might have made an incalculable sum of money, thought that nothing was lawful for himself which he had not seen his father and his grandfather, Quintus Metellus, do. Shall Caius Verres be found, who will say that everything is lawful for him which is profitable? Will he allege in his defence that he has done in accordance with the example set by others, what none, except wicked men, ever have done? Oh, but it has been often done in Sicily.

XCI. What is that condition in which Sicily is? Why is

the law of injustice especially defined by a reference to the usages prevalent in that land which, on account of its antiquity as our ally, its fidelity, and its nearness to us, ought to enjoy the best laws of all? However, in Sicily itself, (I will not go abroad to look for examples,) I will take examples out of the very bench of judges before me. Caius Marcellus, I call you as a witness. You governed the province of Sicily when you were proconsul. Under your command were any sums of money extorted, under the name of money for the granary? I do not give you any credit for this. There are other exploits, other designs of yours worthy of the highest praise, measures by which you recovered and set up again an afflicted and ruined province. For even Lepidus whom you succeeded had not committed this fraud about the granary. What precedents then have you in Sicily affecting this charge about the granary, if you cannot defend yourself from the accusation by quoting any action even of Lepidus, much less any action of Marcellus? Are you going to bring me back to the valuation of the corn, and the exaction of money by Marcus Antonius? Just so, says he; to the valuation of Marcus Antonius. For this is what he seemed to mean by his signs and nods. Out of all the prætors of the Roman people then, and consuls, and generals, have you selected Marcus Antonius, and even the most infamous action done by him, for your imitation? And here is it difficult for me to say, or for the judges to think, that in that unlimited authority Marcus Antonius behaved himself in such a manner, that it is by far more injurious to Verres to say that as he, in a most infamous transaction, wished to imitate Antonius, than if he were able to allege in his defence, that he had never in his whole life done anything like Marcus Antonius? Men in trials are accustomed to allege, in making a defence against an accusation, not what any one did, but what he did that was good. In the middle of his course of injustice and covetousness death overtook Antony, while he was still both doing and planning many things contrary to the safety of the allies, many things contrary to the advantage of our provinces. Will you defend the audacity of Verres by the example of Antonius, as if the senate and people of Rome approved of all his actions and designs?

**XCII.** But *Sacerdos* did the same? You name an upright

man, and one endued with the greatest wisdom; but he can only be thought to have done the same thing, if he did it with the same intention. For the mere fact of the valuation has never been found fault with by me; but the equity of it depends on the advantage to, and willingness of the cultivator. No valuation can be found fault with, which is not only not disadvantageous, but which is even pleasing to the cultivator. Sacerdos, when he came into the province, commanded corn to be provided for the granary. As before the new harvest came in a modius of wheat was five denarii, the cities begged of him to have a valuation. The valuation was somewhat lower than the actual market price, for he valued it at three denarii. You see that the same fact of a valuation, through the dissimilarity of the occasion, was a cause of praise in his instance, of accusation in yours. In his instance it was a kindness, in yours an injury. The same year Antonius valued corn at three denarii, after the harvest, in a season of exceeding cheapness, when the cultivators would rather give the corn for nothing, and he said that he had valued it at the same price as Sacerdos; and he spoke truly, but yet, by the same valuation the one had relieved the cultivators, the other had ruined them. And if it were not the case that the whole value of corn must be estimated by the season, and the market price, not by the abundance, nor by the total amount, these modii and a half of yours, O Hortensius, would never have been so agreeable; in distributing which to the Roman people, for every head, small as the quantity was, you did an action which was most agreeable to all men; for the dearness of corn caused that, which seemed a small thing in reality, to appear at that time a great one. If you had given such a largess to the Roman people in a time of cheapness, your kindness would have been derided and despised.

XCIH. Do not, therefore, say that Verres did the same as Sacerdos had done, since he did not do it on the same occasion, nor when wheat was at a similar price; say rather, since you have a competent authority to quote, that he did for three years what Antonius did on his arrival, and with reference to scarcely a month's provisions, and defend his innocence by the act and authority of Marcus Antonius. For what will you say of Sextus Peducaeus, a most brave and honest man? What cultivator ever complained of him? or who

did not think that his prætorship was the most impartial and the most active one that has ever been known up to this time? He governed the province for two years, when one year was a year of cheapness, the other a year of the greatest dearth. Did any cultivator either give him money in the cheap season, or in the dear season complain of the valuation of his corn? Oh, but provisions were very abundant that dear season. I believe they were; that is not a new thing nor a blameable one. We very lately saw Caius Sentius, a man of old-fashioned and extraordinary incorruptibility, on account of the dearth of food which existed in Macedonia, make a great deal of money by furnishing provisions. So that I do not grudge you your profits, if any have come to you legally; I complain of your injustice; I impeach your dishonesty; I call your avarice into court, and arraign it before this tribunal.

But if you wish to excite a suspicion that this charge belongs to more men and more provinces than one, I will not be afraid of that defence of yours, but I will profess myself the defender of all the provinces. In truth I say this, and I say it with a loud voice, "Wherever this has been done, it has been done wickedly; whoever has done it is deserving of punishment."

XCIV. For, in the name of the immortal gods, see, O judges, look forward with your mind's eye at what will be the result. Many men have exacted large sums from unwilling cities, and from unwilling cultivators, in this way, under pretence of filling the granary. (I have no idea of any one person having done so except him, but I grant you this, and I admit that many have.) In the case of this man you see the matter brought before a court of justice; what can you do? can you, when you are judges in a case of embezzlement which is brought before you, overlook the misappropriation of so large a sum? or can you, though the law was made for the sake of the allies, turn a deaf ear to the complaints of the allies? However, I give up this point too to you. Disregard what is past, if you please; but do not destroy their hopes for the future, and ruin all the provinces; guard against this,—against opening, by your authority, a visible and broad way for avarice, which up to this time has been in the habit of advancing by secret and narrow paths; for if you approve of this, and if you decide that it is lawful for money to be

taken on that pretext, at all events there is no one except the most foolish of men who will not for the future do what as yet no one except the most dishonest of men ever has done ; they are dishonest men who exact money contrary to the laws, they are fools who omit to do what it has been decided that they may do. In the next place, see, O judges, what a boundless licence for plundering people of money you will be giving to men. If the man who exacts three denarii is acquitted, some one else will exact four, five, presently ten, or even twenty. What reproof will he meet with ? At what degree of injury will the severity of the judge first begin to make a stand ? How many denarii will it be that will be quite intolerable ? and at what point will the iniquity and dishonesty of the valuation be first arraigned ? For it is not the amount, but the description of valuation that will be approved of by you. Nor can you decide in this manner, that it is lawful for a valuation to be made when the price fixed is three denarii, but not lawful when the price fixed is ten ; for when a departure is once made from the standard of the market price, and when the affair is once so changed that it is not the advantage of the cultivators which is the rule, but the will of the prætor, then the manner of valuing no longer depends on law and duty, but on the caprice and avarice of men.

XCV. Wherefore, if in giving your decisions you once pass over the boundary of equity and law, know that you impose on those who come after no limit to dishonesty and avarice in valuing. See, therefore, how many things are required of you at once. Acquit the man who confesses that he has taken immense sums, doing at the same time the greatest injury to our allies. That is not enough. There are also many others who have done the same thing. Acquit them also, if there are any ; so as to release as many rogues as possible by one decision. Even that is not enough. Cause that it may be lawful to those who come after them to do the same thing. It shall be lawful. Even this is too little. Allow it to be lawful for every one to value corn at whatever price he pleases. He may so value it. You see now, in truth, O judges, that if this valuation be approved of by you, there will be no limit hereafter to any man's avarice, nor any punishment for dishonesty. What, therefore, O Hortensius, are you about !

You are the consul elect, you have had a province allotted to you. When you speak on the subject of the valuation of corn, we shall listen to you as if you were avowing that you will do what you defend as having been legitimately done by Verres ; and as if you were very eager that that should be lawful for you which you say was lawful for him. But if that is to be lawful, there is nothing which you can imagine any one likely to do hereafter, in consequence of which he can possibly be condemned for extortion. For whatever sum of money any one covets, that amount it will be lawful for him to acquire, under the plea of the granary, and by means of the highness of the valuation.

XCVI. But there is a thing, which, even if Hortensius does not say it openly in defending Verres, he still does say in such a manner that you may suspect and think that this matter concerns the advantage of the senators ; that it concerns the advantage of those who are judges, and who think that they will some day or other be in the provinces themselves as governors or as lieutenants. But you must think that we have splendid judges, if you think them likely to show indulgence to the faults of others, in order the more easily to be allowed to commit faults themselves. Do we then wish the Roman people, do we wish the provinces, and our allies, and foreign nations to think that, if senators are the judges, this particular manner of extorting immense sums of money with the greatest injustice will never be in any way chastised ? But if that be the case, what can we say against that prætor who every day occupies the senate, who insists upon it that the republic can not prosper, if the office of judge is not restored to the equestrian order ? But if he begins to agitate this one point, that there is one description of extortion, common to all the senators, and now almost legalized in the case of that order, by which immense sums are taken from the allies with the greatest injustice ; and that this cannot possibly be repressed by tribunals of senators, but that, while the equestrian order furnished the senators, it never was committed ; who, then, can resist him ? Who will be so desirous of gratifying you, who will be such a partisan of your order, as to be able to oppose the transference of the appointment of judges to that body ?

XCVII. And I wish he were able to make a defence to this charge by any argument, however false, as long as it is natural

and customary. You could then decide with less danger to yourselves, with less danger to all the provinces. Did he deny that he had adopted this valuation? You would appear to have believed the man in that statement, not to have approved of his action. He cannot possibly deny it. It is proved by all Sicily. Out of all that numerous band of cultivators, there is not one from whom money has not been exacted on the plea of the granary. I wish he were able to say even this, that that affair does not concern him; that the whole business relating to corn was managed by the quæstors. Even that he cannot say, because his own letters are read which were sent to the cities, written on the subject of the three denarii. What then is his defence? "I have done what you accuse me of; I have extorted immense sums on the plea of the granary; but it was lawful for me to do so, and it will be lawful for you if you take care." A dangerous thing for the provinces for any classes of injury to be established by judicial decision! a dangerous thing for our order, for the Roman people to think that these men, who themselves are subject to the laws, cannot defend the laws with strictness when they are judges. And while that man was prætor, O judges, there was not only no limit to his valuing corn, but there was none either to his demands of corn. Nor did he command that only to be supplied that was due, but as much as was advantageous for himself. I will put before you the sum total of all the corn commanded to be furnished for the granary, as collected out of the public documents, and the testimonies of the cities. You will find, O judges, that man commanded the cities to supply five times as much as it was lawful for him to take for the granary. What can be added to this impudence, if he both valued it at such a price that men could not endure it, and also commanded so much more to be supplied than was permitted to him by the laws to require?

Wherefore, now that you have heard the whole business of the corn, O judges, you can easily see that Sicily, that most productive and most desirable province, has been lost to the Roman people, unless you recover it by your condemnation of that man. For what is Sicily, if you take away the cultivation of its land, and if you extinguish the multitude and the very name of the cultivators of the soil? For what can there be left of disaster which has not come to those unhappy

cultivators, with every circumstance of injury and insult ! They were liable, indeed, to pay tenths, but they have scarcely had a tenth left for themselves. When money has been due to them, it has not been paid ; though the senate intended them to supply corn for the granary according to a very equitable valuation, they have been compelled to sell even the tools with which they cultivate their lands.

XCVIII. I have already said, O judges, that even if you remove all these injuries, still that the occupation of cultivating land is maintained owing to the hopes and a certain sort of pleasure which it gives, rather than because of the profit and emolument arising from it. In truth every year constant labour and constant expense is incurred in the hope of a result which is casual and uncertain. Moreover, the crop does not command a high price, except in a disastrous harvest. But if there has been a great abundance of crops gathered, then there is cheapness in selling them. So that you may see that the corn must be badly sold if it is got in well, or else that the crop must be bad if you get a good price for it. And the whole business of agriculture is such, that it is regulated not by reason or by industry, but by those most uncertain things,—the weather and the winds. When from agriculture one tenth is extracted by law and on fair terms,—when a second is levied by a new regulation, on account of the necessity of procuring a sufficient supply for ourselves,—when, besides, corn is purchased every year by public authority,—and when, after all that, more still is ordered by magistrates and lieutenants to be supplied for the granary,—what, or how much is there after all this of his own crop which the cultivator or owner can have at his own disposal, for his own profit ? And if all this is endured,—if by their care, and expense, and labour, they consult your advantage and that of the Roman people rather than themselves and their own profit,—still, ought they also to bear these new edicts and commands of the prætors, and the imperiousness of Apronius, and the robberies and rapine of the slaves of Venus ? Ought they also to supply corn which ought to be purchased of them, without getting any payment for it ? Ought they also, though they are willing to supply corn for the granary without payment, to be forced to pay large sums too ? Ought they also to endure all these injuries and all these losses.



accompanied with the greatest insult and contumely? Therefore, O judges, those things which they have not at all been able to bear, they have not borne. You know that over the whole of Sicily the allotments of land are deserted and abandoned by their owners. Nor is there anything else to be gained by this trial, except that our most ancient and faithful allies, the Sicilians, Roman settlers, and the cultivators of the soil, owing to your strictness and your care, may return to their farms and to their homes under my guidance and through my instrumentality.

---

## THE FOURTH BOOK OF THE SECOND PLEADING IN THE PROSECUTION OF VERRES.

### ABOUT THE STATUES.

---

#### THE ARGUMENT.

The subject of this oration is the manner in which Verres had plundered not only private individuals, but even some temples, of valuable statues, and other works of art. Among the instances given some of the most prominent are the plunder of Heius, a Messanian; of Philarchus, of Centuripa; of several other private citizens; of Antiochus, the king; and of the temples of Diana, Mercury, and Ceres. A French translator in commenting on this oration says, with reference to the slighting way in which Cicero speaks of the works of art thus stolen,—"The Romans struggled for some time against the seductive power of the arts of Greece, to which for many ages they were strangers. At first they really did despise them; afterwards they affected to despise them; but at last they were forced to bow the head beneath the brilliant yoke of luxury; and Greece, industrious, learned, and polite, subdued by the admiration which it extorted, the ignorant, unlettered, and rude barbarians who had conquered her by force. Faithful to the ancient maxims of the republic, Cicero in this oration speaks only with a sort of disdain of the arts and works of the most famous artists. He even pretends sometimes not to be too well acquainted with the names of the most celebrated statuaries; he often repeats, and with a kind of affectation, that he knows very little of painting or sculpture; and rather prides himself, as one may say, on his ignorance. He seems to regard a taste for art as unworthy of the Romans, and the finest *chefs d'œuvre* as children's toys, fit to amuse the trifling and frivolous minds of the Greeks, whose name he usually

expresses by a contemptuous diminutive, (*Græculi*), but little calculated to fix the attention, or attract the esteem or wishes of a Roman mind.

\* \* \* \* \*

In general there runs through these orations a tone more calculated to render Verres ridiculous, than to make one feel how much there was in all his attempts which was odious and horrible. The orator even permitted himself some pleasantries, for which his taste has been, perhaps too severely, called in question. Cicero had no dislike to puns, and has played a good deal on the name of Verres, which means a boar. He was too eager to acquire the reputation of a wit. It is true that the person of Verres was sufficiently inviting as a subject for ridicule. He was one of those gross men overloaded with fat, in whom the bulk of body appears to stifle all delicacy of moral feeling. As he had tried to carry off a statue of Hercules which his people could with difficulty move upon its pedestal, Cicero calls this the thirteenth of the labours of Hercules. And playing continually on the name of Verres, he compares him to the boar of Erymanthus. At another time he calls him the dragnet of Sicily, because the name Verres has some resemblance to the word *everriculum*, which signifies a dragnet."

Hortensius endeavoured to defend Verres from the charge of having stolen these statues, &c. of which he admits that he had become the possessor, by contending that he had bought them. But it was contrary to the laws for a magistrate to purchase any such articles in his province; and Cicero shows also that the prices alleged to have been given are so wholly disproportionate to their value, that it is ridiculous to assert that the things had been purchased and not taken by force.

I. I COME now to what Verres himself calls his passion; what his friends call his disease, his madness; what the Sicilians call his rapine; what I am to call it, I know not. I will state the whole affair to you, and do you consider it according to its own importance and not by the importance of its name. First of all, O judges, suffer me to make you acquainted with the description of this conduct of his; and then, perhaps, you will not be very much puzzled to know by what name to call it. I say that in all Sicily, in all that wealthy and ancient province, that in that number of towns and families of such exceeding riches, there was no silver vessel, no Corinthian or Delian plate, no jewel or pearl, nothing made of gold or ivory, no statue of marble or brass or ivory, no picture whether painted or embroidered, that he did not seek out, that he did not inspect, that, if he liked it, he did not take away. I seem to be making a very extensive charge; listen now to the manner in which I make it. For I am not embracing everything in one charge for the sake of making

an impression, or of exaggerating his guilt. When I say that he left nothing whatever of the sort in the whole province, know that I am speaking according to the strict meaning of the words, and not in the spirit of an accuser. I will speak even more plainly; I will say that he has left nothing in any one's house, nothing even in the towns, nothing in public places, not even in the temples, nothing in the possession of any Sicilian, nothing in the possession of any Roman citizen; that he has left nothing, in short, which either came before his eyes or was suggested to his mind, whether private property or public, or profane or sacred, in all Sicily.

Where then shall I begin rather than with that city which was above all others in your affection, and which was your chosen place of enjoyment? or with what class of men rather than with your flatterers? For by that means it will be the more easily seen how you behaved among those men who hate you, who accuse you, who will not let you rest, when you are proved to have plundered among the Mamertines, who are your friends, in the most infamous manner.

II. Caius Heius is a Mamertine—all men will easily grant me this who have ever been to Messana; the most accomplished man in every point of view in all that city. His house is the very best in all Messana,—most thoroughly known, most constantly open, most especially hospitable to all our fellow-citizens. That house before the arrival of Verres was so splendidly adorned, as to be an ornament even to the city. For Messana itself, which is admirable on account of its situation, its fortifications, and its harbour, is very empty and bare of those things in which Verres delights. There was in the house of Heius a private chapel of great sacredness, handed down to him from his ancestors, very ancient; in which he had four very beautiful statues, made with the greatest skill, and of very high character; calculated not only to delight Verres, that clever and accomplished man, but even any one of us whom he calls the mob:—one, a statue of Cupid, in marble, a work of Praxiteles; for in truth, while I have been inquiring into that man's conduct, I have learnt the names of the workmen; it was the same workman, as I imagine, who made that celebrated Cupid of the same figure as this which is at Thespiæ, on account of which people go to see Thespiæ, for there is no other reason for going to see it;

and therefore that great man Lucius Mummius, when he carried away from that town the statues of the Muses which are now before the temple of Good Fortune, and the other statues which were not consecrated, did not touch this marble Cupid, because it had been consecrated.

III. But to return to that private chapel; there was this statue, which I am speaking of, of Cupid, made of marble. On the other side there was a Hercules, beautifully made of brass; that was said to be the work of Myron, as I believe, and it undoubtedly was so. Also before those gods there were little altars, which might indicate to any one the holiness of the chapel. There were besides two brazen statues, of no very great size, but of marvellous beauty, in the dress and robes of virgins, which with uplifted hands were supporting some sacred vessels which were placed on their heads, after the fashion of the Athenian virgins. They were called the Canephoræ, but their maker was . . . (who? who was he? thank you, you are quite right,) they called him Polycletus. Whenever any one of our citizens went to Messana, he used to go and see these statues. They were open every day for people to go to see them. The house was not more an ornament to its master, than it was to the city.

Caius Claudius, whose ædileship we know to have been a most splendid affair, used this statue of Cupid, as long as he kept the forum decorated in honour of the immortal gods and the Roman people. And as he was connected by ties of hospitality with the Heii, and was the patron of the Mamertine people,—as he availed himself of their kindness to lend him this, so he was careful to restore it. There have lately been noble men of the same kind, O judges;—why do I say lately? Ay, we have seen some very lately, a very little while ago indeed, who have adorned the forum and the public buildings, not with the spoils of the provinces, but with ornaments belonging to their friends,—with splendid things lent by their own connexions, not with the produce of the thefts of guilty men,—and who afterwards have restored the statues and decorations, each to its proper owner; men who have not taken things away out of the cities of our allies for the sake of a four-day festival, under pretence of the shows to be exhibited in their ædileship, and after that carried them off to their own homes, and their own villas. All these statues

which I have mentioned, O judges, Verres took away from Heius, out of his private chapel. He left, I say, not one of those things, nor anything else, except one old wooden figure. —Good Fortune, as I believe; that, forsooth, he did not choose to have in his house!

IV. Oh! for the good faith of gods and men! What is the meaning of all this? What a cause is this! What impudence is this! The statues which I am speaking of, before they were taken away by you, no commander ever came to Messana without seeing. So many prætors, so many consuls as there have been in Sicily, in time of peace, and in time of war; so many men of every sort as there have been—I do not speak of upright, innocent, conscientious men, but so many covetous, so many audacious, so many infamous men as there have been, not one of them all was violent enough, or seemed to himself powerful enough or noble enough, to venture to ask for, or to take away, or even to touch anything in that chapel. Shall Verres take away everything which is most beautiful everywhere? Shall it not be allowed to any one besides to have anything? Shall that one house of his contain so many wealthy houses? Was it for this reason that none of his predecessors ever touched these things, that he might be able to carry them off? Was this the reason why Caius Claudius Pulcher restored them, that Caius Verres might be able to steal them? But that Cupid had no wish for the house of a pimp and the establishment of a harlot; he was quite content to stay in that chapel where he was hereditary; he knew that he had been left to Heius by his ancestors, with the rest of the sacred things which he inherited; he did not require the heir of a prostitute. But why am I borne on so impetuously? I shall in a moment be refuted by one word. "I bought it," says he. O ye immortal gods, what a splendid defence! we sent a broker into the province with military command and with the forces, to buy up all the statues, all the paintings, all the silver plate and gold plate, and ivory, and jewels, and to leave nothing to any body. For this defence seems to me to be got ready for everything; that he bought them. In the first place, if I should grant to you that which you wish, namely, that you bought them, since against all this class of accusations you are going to use this defence alone, I ask what sort of tribunals you thought that there would be

at Rome, if you thought that any one would grant you this, that you in your prætorship and in your command<sup>1</sup> bought up so many and such valuable things,—everything, in short, which was of any value in the whole province.

V. Remark the care of our ancestors, who as yet suspected no such conduct as this, but yet provided against the things which might happen in affairs of small importance. They thought that no one who had gone as governor<sup>2</sup> or as lieutenant into a province would be so insane as to buy silver, for that was given him out of the public funds; or raiment, for that was afforded him by the laws; they thought he might buy a slave, a thing which we all use, and which is not provided by the laws. They made a law, therefore, “that no one should buy a slave except in the room of a slave who was dead.” If any slave had died at Rome? No, if any one had died in the place where his master was. For they did not mean you to furnish your house in the province, but to be of use to the province in its necessities. What was the reason why they so carefully kept us from making purchases in the provinces? This was it, O judges, because they thought it a robbery, not a purchase, when the seller was not allowed to sell on his own terms. And they were aware that, in the provinces, if he who was there with the command and power<sup>2</sup>

<sup>1</sup> The Latin word is *imperium*. “*Imperium* (as opposed to *Potestas*) is the power which was conferred by the state upon an individual who was appointed to command an army. . . . The *imperium* was as necessary for the governor of a province, as for a general who merely commanded the armies of the republic; as without it he could not exercise military authority. . . . It was conferred by a special law, and was limited, if not by the terms in which it was conferred, at least by usage. It could not be held or exercised within the city.”—Smith, Dict. Ant. p. 508, v. *Imperium*.

<sup>2</sup> The Latin word in each case is *potestas*. “According to Paulus, *potestas*, as applied to a magistrate, is equivalent to *imperium*. . . . But *potestas* is applied to magistrates who had not the *imperium*, as, for instance, to *quæstors* and *tribunes* of the people; and *potestas* and *imperium* are often opposed in Cicero. Thus it seems that *potestas*, like many other Roman terms, had both a wider signification and a narrower one; in its wider signification it might mean all the power that was delegated to any person by the state, whatever might be the extent of that power; in its narrower signification, it was on the one hand equivalent to *imperium*, and on the other, it expressed the power of those functionaries who had not the *imperium*” Smith, Dict. Ant. p. 722, v. *Potestas*.

of a governor wished to purchase what was in any one's possession, and was allowed to do so, it would come to pass that he would get whatever he chose, whether it was to be sold or not, at whatever price he pleased. Some one will say, "Do not deal with Verres in that manner; do not try and examine his actions by the standard of old-fashioned conscientiousness; allow him to have bought them without being punished for it, provided he bought them in a fair way, not through any arbitrary exercise of power, nor from any one against his will, or by violence." I will so deal with him. If Heius had anything for sale, if he sold it for the price at which he valued it, I give up inquiring why you bought it.

VI. What then are we to do? Are we to use arguments in a case of this sort? We must ask, I suppose, whether Heius was in debt, whether he had an auction,—if he had, whether he was in such difficulties about money matters, whether he was oppressed by such want, by such necessity, as to strip his private chapel, to sell his paternal gods. But I see that the man had no auction; that he never sold anything except the produce of his land; that he not only had no debts, but that he had always abundance of ready money. Even if all these things were contrary to what I say they were, still I say that he would not have sold things which had been so many years in the household and chapel of his ancestors. "What will you say if he was persuaded by the greatness of the sum given him for them?" It is not probable that a man, rich as he was, honourable as he was, should have preferred money to his own religious feelings and to the memorials of his ancestors. "That may be, yet men are sometimes led away from their habits and principles by large sums of money." Let us see, then, how great a sum this was which could turn Heius, a man of exceeding riches, by no means covetous, away from decency, from affection, and from religion. You ordered him, I suppose, to enter in his account books, "All these statues of Praxiteles, of Myron, of Polyclétus, were sold to Verres for six thousand five hundred sesterces." Read the extracts from his accounts—

*[The accounts of Heius are read.]*

I am delighted that the illustrious names of these workmen, whom those men extol to the skies, have fallen so low in the

estimation of Verres—the Cupid of Praxiteles for sixteen hundred sesterces. From that forsooth has come the proverb “I had rather buy it than ask for it.”

VII. Some one will say, “What! do you value those things at a very high price?” But I am not valuing them according to any calculation of my own, or any need which I have for them; but I think that the matter ought to be looked at by you in this light,—what is the value of these things in the opinion of those men who are judges of these things; at what price they are accustomed to be sold; at what price these very things could be sold, if they were sold openly and freely; lastly, at what price Verres himself values them. For he would never have been so foolish, if he had thought that Cupid worth only four hundred denarii, as to allow himself to be made a subject for the common conversation and general reproach of men. Who then of you all is ignorant at how great a price these things are valued? Have we not seen at an auction a brazen statue of no great size sold for a hundred and twenty thousand sesterces? What if I were to choose to name men who have bought similar things for no less a price, or even for a higher one? Can I not do so? In truth, the only limit to the valuation of such things is the desire which any one has for them, for it is difficult to set bounds to the price unless you first set bounds to the wish. I see then that Heius was neither led by his inclination, nor by any temporary difficulties, nor by the greatness of the sum given, to sell these statues; and that you, under the pretence of purchase which you put forward, in reality seized and took away these things by force, through fear, by your power and authority, from that man, whom, along with the rest of our allies in that country, the Roman people had entrusted not only to your power, but also to your upright exercise of it. What can there be, judges, so desirable for me in making this charge, as that Heius should say this same thing? Nothing certainly; but let us not wish for what is difficult to be obtained. Heius is a Mamertine. The state of the Mamertines alone, by a common resolution, praises that man in the name of the city. To all the rest of the Sicilians he is an object of hatred; by the Mamertines alone is he liked. But of that deputation which has been sent to utter his praises, Heius is the chief man; in truth, he is the chief man of his city, and too much



occupied in discharging the public duties imposed upon him to speak of his private injuries. Though I was aware of and had given weight to these considerations, still, O judges, I trusted myself to Heius. I produced him at the first pleading; and indeed I did it without any danger, for what answer could Heius give even if he turned out a dishonest man, and unlike himself? Could he say that these statues were at his house, and not with Verres? How could he say anything of that sort? If he were the basest of men, and were inclined to lie most shamelessly, he would say this; that he had had them for sale, and that he had sold them at the price he wanted for them. The man the most noble in all his city, who was especially anxious that you should have a high opinion of his conscientiousness and of his worth, says first, that he spoke in Verres's praise by the public authority of his city, because that commission had been given to him; secondly, that he had not had these things for sale, and that, if he had been allowed to do what he wished, he could never have been induced by any terms to sell those things which were in his private chapel, having been left to him and handed down to him from his ancestors.

VIII. Why are you sitting there, O Verres? What are you waiting for? Why do you say that you are hemmed in and overwhelmed by the cities of Centuripa, of Catina, of Halesa, of Tyndaris, of Enna, of Agyrium, and by all the other cities of Sicily? Your second country, as you used to call it, Messana herself attacks you; your own Messana I say; the assistant in your crimes, the witness of your lusts, the receiver of your booty and your thefts. For the most honourable man of that city is present, a deputy sent from his home on account of this very trial, the chief actor in the panegyric on you; who praises you by the public order of his city, for so he has been charged and commanded to do. Although you recollect, O judges, what he answered when he was asked about the ship; that it had been built by public labour, at the public expense, and that a Mamertine senator had been appointed by the public authority to superintend its building. Heius in his private capacity flees to you for aid, O judges; he avails himself of this law, the common fortress of our allies, by which this tribunal is established. Although there is a law for recovering money which has been unjustly extorted, he

says that he does not seek to recover any money ; which, though it has been taken from him, he does not so much care about ; but he says he does demand back from you the sacred images belonging to his ancestors, he does demand back from you his hereditary household gods. Have you any shame, O Verres ? have you any religion ? have you any fear ? You have lived in Heius's house at Messana ; you saw him almost daily performing sacred rites in his private chapel before those gods. He is not influenced by money ; he does not even ask to have those things restored which were merely ornaments. Keep the Canephoræ ; restore the images of the gods. And because he said this, because after a given time he, an ally and friend of the Roman people, addressed his complaints to you in a moderate tone, because he was very attentive to religious obligation not only while demanding back his paternal gods, but also in giving his evidence on oath ; know that one of the deputies has been sent back to Messana, that very man who superintended the building of that ship at the public expense, to demand from the senate that Heius should be condemned to an ignominious punishment.

IX. O most insane of men, what did you think ? that you should obtain what you requested ? Did you not know how greatly he was esteemed by his fellow-citizens ; how great his influence was considered ? But suppose you had obtained your request ; suppose that the Mamertines had passed any severe vote against Heius, what do you think would have been the authority of their panegyric, if they had decreed punishment to the man who it was notorious had given true evidence ? Although, what sort of praise is that, when he who utters it, being questioned, is compelled to give answers injurious to him whom he is praising ? What ! are not those who are praising you, my witnesses ? Heius is an encomiast of yours ; he has done you the most serious injury. I will bring forward the rest ; they will gladly be silent about all that they are allowed to suppress ; they will say what they cannot help saying, unwillingly. Can they deny that a transport of the largest size was built for that man at Messana ? Let them deny it if they can. Can they deny that a Mamertine senator was appointed by the public authority to superintend the building of that ship ? I wish they would deny it. There are other points also which I prefer reserving unmen-

tioned at present, in order to give as little time as possible to them for planning and arranging their perjury. Let this praise, then, be placed to your account ; let these men come to your relief with their authority, who neither ought to help you if they were able, nor could do so if they wished ; on whom in their private capacity you have inflicted many injuries, and put many affronts, while in their city you have dishonoured many families for ever by your adulteries and crimes. "But you have been of public service to their city." Not without great injury to the republic and to the province of Sicily. They were bound to supply and they used to supply sixty thousand modii of wheat to the Roman people for payment ; that was remitted by you of your own sole authority. The republic was injured because by your means its right of dominion over one city was disparaged ; the Sicilians were injured, because this quantity was not deducted from the total amount of the corn to be provided by the island, but was only transferred to the cities of Centuripa and Halesa, whose inhabitants were exempt from that tax ; and on them a greater burden was imposed than they were able to bear. It was your duty to require them to furnish a ship, in compliance with the treaty. You remitted it for three years. During all those years you never demanded one soldier. You acted as pirates are accustomed to act, who, though they are the common enemies of all men, still select some friends, whom they not only spare, but even enrich with their booty ; and especially such as have a town in a convenient situation, where they often, and sometimes even necessarily, put in with their vessels.

X. The town of Phaselis, which Publius Servilius took, had not been in former times a city of Cilicians and pirates. The Lycians, a Greek tribe, inhabited it ; but because it was in such a situation as it was, and because it projected into the sea, so that pirates from Cilicia often necessarily touched at it when departing on an expedition, and were also often borne thither on their retreats, the pirates connected that city with themselves ; at first by commercial intercourse, and afterwards by a regular alliance. The city of the Mamertines was not formerly of bad character ; it was even a city hostile to dishonest men, and detained the luggage of Caius Cato, the one who was consul. But then what sort of a man

was he? a most eminent and most influential man; who, however, though he had been consul, was convicted. So Caius Cato, the grandson of two most illustrious men, Lucius Paullus and Marcus Cato, and the son of the sister of Publius Africanus, who, even when convicted, at a time when severe judgments were in the habit of being passed, found the damages to which he was liable only estimated at eighteen thousand sesterces; with this man, I say, the Mamertines were angry, who have often expended a greater sum than the damages in the action against Cato were laid at, in one banquet for Timarchides. But this city was the Phaselis for that robber and pirate of Sicily. Hither everything was brought from all quarters; with them it was left; whatever required to be concealed, they kept separate and stored away. By their agency he contrived everything which he wished put on board ship privily, and exported secretly; and in their harbour he contrived to have a vessel of the largest size built, for him to send to Italy loaded with plunder. In return for these services, he gave them immunity from all expense, all labour, all military service, in short, from everything. For three years they were the only people, not only in Sicily, but, according to my opinion, in the whole world at such a time, who enjoyed excuse, relief, freedom, and immunity from every sort of expense, and trouble, and office. Hence arose that Verrean festival; hence it was that he ventured to order Sextus Cominius to be dragged before him at a banquet, at whom he attempted to throw a goblet, whom he ordered to be seized by the throat, and to be hurried from the banquet and thrown into a dark prison; hence came that cross, on which, in the sight of many men, he suspended a Roman citizen; that cross which he never ventured to erect anywhere except among that people, whom he had made sharers in all his crimes and robberies.

XI. Do you, O Mamertines! dare to come to praise any one? By what authority? by that which you ought to have with the Senatorial order? by that which you ought to have with the Roman people? Is there any city, not only in our provinces, but in the most distant nations, either so powerful, or so free, or so savage and uncivilized? is there any king, who would not invite a Senator of the Roman people to his house and to his home? An honour which is paid not only

to the man, but in the first place to the Roman people, by whose indulgence we have risen to this order, and secondly to the authority of this order ; and unless that is respected among our allies, where will be the name and dignity of the empire among foreign nations ? The Mamertines did not give me any public invitation—when I say me, that is a trifle ; but when they did not invite a Senator of the Roman people, they withheld an honour due not to the man but to his order. For to Tullius himself, the most splendid and magnificent house of Cnæus Pompeius Basilicus was opened ; with whom he would have lodged even if he had been invited by you. There was also the most honourable house of the Percennii, who are now also called Pompeius ; where Lucius my brother lodged and was received by them with the greatest eagerness. A Senator of the Roman people, as far as depended on you as a body, lay in your town, and passed the night in the public streets. No other city ever did such a thing. “Yes,” say you, “for you were instituting a prosecution against our friend.” Will you put your own interpretation on what private business I have of my own, by diminishing the honour due to the Senate ? But I will make my complaint of this conduct, if ever the time comes that there is any discussion concerning you among that body, which, up to this time, has been affronted by no one but you. With what face have you presented yourself before the eyes of the Roman people ? when you have not yet pulled down that cross, which is even now stained with the blood of a Roman citizen, which is fixed up in your city by the harbour, and have not thrown it into the sea and purified all that place, before you came to Rome, and before this tribunal. On the territory of the Mamertines, connected with us by treaty, at peace with us, is that monument of your cruelty raised. Is not your city the only one where, when any one arrives at it from Italy, he sees the cross of a Roman citizen before he sees any friend of the Roman people ? which you are in the habit of displaying to the people of Rhegium, whose city you envy, and to your inhabitants, Roman citizens as they are, to make them think less of themselves, and be less inclined to despise you, when they see the privileges of our citizenship extinguished by such a punishment.

XII. But you say you bought these things ? What !

did you forget to purchase of the same Heius that Attalic<sup>1</sup> tapestry, celebrated over the whole of Sicily? You might have bought them in the same way as you did the statues. For what did you do? Did you wish to spare the account-books? This escaped the notice of that stupid man; he thought that what he stole from the wardrobe would be less notorious than what he had stolen from the private chapel. But how did he get it? I cannot relate it more plainly than Heius himself related it before you. When I asked, whether any other part of his property had come to Verres, he answered that he had sent him orders to send the tapestry to Agrigentum to him. I asked whether he had sent it. He replied as he must, that is, that he had been obedient to the prætor; that he had sent it.—I asked whether it had arrived at Agrigentum; he said it had arrived.—I asked in what condition it had returned; he said it had not returned yet.—There was a laugh and a murmur from all the people. Did it never occur to you in this instance to order him to make an entry in his books, that he had sold you this tapestry too, for six thousand five hundred sesterces? Did you fear that your debts would increase, if these things were to cost you six thousand five hundred sesterces, which you could easily sell for two hundred thousand? It was worth that, believe me. You would have been able to defend yourself if you had given that sum for it. No one would then have asked how much it was worth. If you could only prove that you had bought it, you could easily make your cause and your conduct appear reasonable to any one. But as it is, you have no way of getting out of your difficulty about the tapestry. What shall I say next? Did you take away by force some splendid harness, which is said to have belonged to King Hiero, from Philarchus of Centuripa, a wealthy and high-born man, or did you buy it of him? When I was in Sicily, this is what I heard from the Centuripans and from everybody else, for the case was very notorious; people said that you had taken away this harness from Philarchus of Centuripa, and other very beautiful harness from Aristus of Panormus, and a third set from Cratippus of Tyn-

<sup>1</sup> Attalus, king of Pergamus, had been the inventor of weaving gold thread into tapestry work, and therefore tapestry with gold threads interwoven in it was called by his name.

**darus.** Indeed, if Philarchuz had sold it to you, you would not, after the prosecution was instituted against you, have promised to restore it. But because you saw that many people knew of it, you thought that if you restored it to him, you would only have so much the less, but the original transaction would be proved against you nevertheless; and so you did not restore it. Philarchus said in his evidence, that when he became acquainted with this disease of yours, as your friends call it, he wished to conceal from you the knowledge of the existence of this harness; that when he was summoned by you, he said that he had not got any; and indeed, that he had removed them to another person's house, that they might not be found; but that your instinct was so great, that you saw them by the assistance of the very man in whose custody they were deposited; that then he could not deny that you had found him out, and so that the harness was taken from him against his will, and without any payment.

XIII. Now, O judges, it is worth your while to know how he was accustomed to find and trace out all these things. There are two brothers, citizens of Cibra, Tlepolemus and Hiero, one of whom, I believe, was accustomed to model in wax, the other was a painter. I fancy these men, as they had become suspected by their fellow-citizens of having plundered the temple of Apollo at Cibra, fearing a trial and the punishment of the law, had fled from their homes. As they had known that Verres was a great connoisseur of such works as theirs, at the time that he, as you learnt from the witnesses, came to Cibra with fictitious bills of exchange, they, when flying from their homes as exiles, came to him when he was in Asia. He has kept them with him ever since that time; and in the robberies he committed, and in the booty he acquired during his lieutenancy, he greatly availed himself of their assistance and their advice. These are the men who were meant when Quintus Tadius made an entry in his books that he had given things by Verres's order to some Greek painters. They were already well known to, and had been thoroughly tried by him, when he took them with him into Sicily. And when they arrived there, they scented out and tracked everything in so marvellous a manner, (you might have thought they were bloodhounds,) that, wherever

anything was they found it out by some means or other. Some things they found out by threatening, some by promising ; this by means of slaves, that through freemen ; one thing by a friend, another by an enemy. Whatever pleased them ~~was~~ sure to be lost. They whose plate was demanded had nothing else to hope, than that Tlepolemus and Hiero might not approve of it.

XIV. I will relate to you this fact, O judges, most truly. I recollect that Pamphilus of Lilycæum, a connexion of mine by ties of hospitality, and a personal friend of mine, a man of the highest birth, told me, that when that man had taken from him, by his absolute power, an ewer made by the hand of Boethus, of exquisite workmanship and great weight, he went home very sad in truth, and greatly agitated, because a vessel of that sort, which had been left to him by his father and his forefathers, and which he was accustomed to use on days of festival, and on the arrival of ancient friends, had been taken from him. While I was sitting at home, said he, in great indignation, up comes one of the slaves of Venus ; he orders me immediately to bring to the prætor some embossed goblets. I was greatly vexed, said he ; I had two ; I order them both to be taken out of the closet, lest any worse thing should happen, and to be brought after me to the prætor's house. When I got there the prætor was asleep ; the Cibyritic brothers were walking about, and when they saw me, they said, Pamphilus, where are the cups ? I show them with great grief ;—they praise them.—I begin to complain that I shall have nothing left of any value at all, if my cups too were taken away. Then they, when they see me vexed, say, What are you willing to give us to prevent these from being taken from you ? To make my story short, I said that I would give six hundred sesterces. Meantime the prætor summons us ; he asks for the cups. Then they began to say to the prætor, that they had thought from what they had heard, that Pamphilus's cups were of some value, but that they were miserable things, quite unworthy of Verres's having them among his plate. He said, he thought so too. So Pamphilus saved his exquisite goblets. And indeed, before I heard this, though I knew that it was a very trifling sort of accomplishment to understand things of that sort, yet I used to wonder that he had any knowledge



of them at all, as I knew that in nothing whatever had he any qualities like a man.

XV. But when I heard this, I then for the first time understood that that was the use of these two Cibyric brothers ; that in his robberies he used his own hands, but their eyes. But he was so covetous of that splendid reputation of being thought to be a judge of such matters, that lately, (just observe the man's madness,) after his case was adjourned, when he was already as good as condemned, and civilly dead, at the time of the games of the circus, when early in the morning the couches were spread in preparation for a banquet at the house of Lucius Sisenna, a man of the first consideration, and when the plate was all set out, and when, as was suited to the dignity of Lucius Sisenna, the house was full of honourable men, he came to the plate, and began in a leisurely way to examine and consider every separate piece. Some marvelled at the folly of the man, who, while his trial was actually going on, was increasing the suspicion of that covetousness of which he was accused ; others marvelled at his insensibility, that any such things could come into his head, when the time for judgment in his cause was so near at hand, and when so many witnesses had spoken against him. But Sisenna's servants, who, I suppose, had heard the evidence which had been given against him, never took their eyes off him, and never departed out of reach of the plate. It is the part of a sagacious judge, from small circumstances to form his opinion of every man's covetousness or incontinence. And will any one believe that this man when prætor, was able to keep either his covetousness or his hands from the plate of the Sicilians, when, though a defendant, and a defendant within two days of judgment, a man in reality, and in the opinion of all men as good as already condemned, he could not in a large assembly restrain himself from handling and examining the plate of Lucius Sisenna ?

XVI. But that my discourse may return to Lilybæum, from which I have made this digression, there is a man named Diocles, the son-in-law of Pamphilus, of that Pamphilus from whom the ewer was taken away, whose surname is Popillius. From this man he took away every article on his sideboard where his plate was set out. He may say, if he pleases, that

he had bought them. In fact, in this case, by reason of the magnitude of the robbery, an entry of it, I imagine, has been made in the account-books. He ordered Timarchides to value the plate. How did he do it? At as low a price as any one ever valued any thing presented to an actor. Although I have been for some time acting foolishly in saying so much about your purchases, and in asking whether you bought the things, and how, and at what price you bought them, when I can settle all that by one word. Produce me a written list of what plate you acquired in the province of Sicily, from whom, and at what price you bought each article. What will you do? Though I ought not to ask you for these accounts, for I ought to have your account-books and to produce them. But you say that you never kept any accounts of your expenses in these years. Make me out at least this one which I am asking for, the account of the plate, and I will not mind the rest at present. "I have no writings of the sort; I cannot produce any accounts." What then is to be done? What do you think that these judges can do? Your house was full of most beautiful statues already, before your prætorship; many were placed in your villas, many were deposited with your friends; many were given and presented to other people; yet you have no accounts speaking of any single one having been bought. All the plate in Sicily has been taken away. There is nothing left to any one that can be called his own. A scandalous defence is invented, that the prætor bought all that plate; and yet that cannot be proved by any accounts. If you do produce any accounts, still there is no entry in them how you have acquired what you have got. But of these years during which you say that you bought the greatest number of things, you produce no accounts at all. Must you not inevitably be condemned, both by the accounts which you do, and by those which you do not produce?

XVII. You also took away at Lilybæum whatever silver vessels you chose from Marcus Cælius, a Roman knight, a most excellent young man. You did not hesitate to take away the whole furniture of Caius Cæcilius, a most active and accomplished man, and of the greatest influence in his city. You took away, with the knowledge of every body, a very large and very beautiful table of citron-wood from

Quintus Lutatius Diodorus, who, owing to the kind exertion of his interest by Quintus Catulus, was made a Roman citizen by Lucius Sylla. I do not object to you that you stripped and plundered a most worthy imitator of yours in his whole character, Apollonius, the son of Nico, a citizen of Drepanum, who is now called Aulus Clodius, of all his exquisitely wrought silver plate ;—I say nothing of that. For he does not think that any injury has been done to him, because you came to his assistance when he was a ruined man, with the rope round his neck, and shared with him the property belonging to their father, of which he had plundered his wards at Drepanum. I am even very glad if you took anything from him, and I say that nothing was ever better done by you. But it certainly was not right that the statue of Apollo should have been taken away from Lyso of Lilybæum, a most eminent man, with whom you had been staying as a guest. But you will say that you bought it— I know that— for six hundred sesterces. So I suppose : I know it, I say ; I will produce the accounts ; and yet that ought not to have been done. Will you say that the drinking vessels with emblems of Lilybæum on them were bought from Heius, the minor to whom Marcellus is guardian, whom you had plundered of a large sum of money, or will you confess that they were taken by force ?

But why do I enumerate all his ordinary iniquities in affairs of this sort, which appear to consist only in robberies committed by him, and in losses borne by those whom he plundered ? Listen, if you please, O judges, to an action of such a sort as will prove to you clearly his extraordinary madness and frenzy, rather than any ordinary covetousness.

XVIII. There is a man of Melita, called Diodorus, who has already given evidence before you. He has been now living at Lilybæum many years ; a man of great nobility at home, and of great credit and popularity with the people among whom he has settled, on account of his virtue. It is reported to Verrès of this man that he has some exceedingly fine specimens of chased work ; and among them two goblets called *Thericlean*,<sup>1</sup> made by the hand of Mentor with the

<sup>1</sup> “Thericles was a potter in the time of Aristophanes, who made earthenware vessels of a peculiar black clay. In subsequent time, any goblets made in imitation of his, whether of wood, silver, or glass, were called *Thericlean*.”—Grævius.

most exquisite skill. And when Verres heard of this, he was inflamed with such a desire, not only of beholding, but also of appropriating them, that he summoned Diodorus, and demanded them. He replied, as was natural for a man who took great pride in them, that he had not got them at Lilybæum; that he had left them at Melita, in the house of a relation of his. On this he immediately sends men on whom he can rely to Melita; he writes to certain inhabitants of Melita to search out those vessels for him; he desires Diodorus to give them letters to that relation of his—the time appeared to him endless till he could see those pieces of plate. Diodorus, a prudent and careful man, who wished to keep his own property, writes to his relation to make answer to those men who came from Verres, that he had sent the cups to Lilybæum a few days before. In the meantime he himself leaves the place. He preferred leaving his home, to staying in it and losing that exquisitely wrought silver work. But when Verres heard of this, he was so agitated that he seemed to every one to be raving, and to be beyond all question mad. Because he could not steal the plate himself, he said that he had been robbed by Diodorus of some exquisitely wrought vessels; he poured out threats against the absent Diodorus; he used to roar out before people; sometimes he could not restrain his tears. We have heard in the mythology of Eriphyla being so covetous that when she had seen a necklace, made, I suppose, of gold and jewels, she was so excited by its beauty, that she betrayed her husband for the sake of it. His covetousness was similar; but in one respect more violent and more senseless, because she was desiring a thing which she had seen, while his wishes were excited not only by his eyes, but even by his ears.

XIX. He orders Diodorus to be sought for over the whole province. He had by this time struck his camp, packed up his baggage, and left Sicily. Verres, in order by some means or other to bring the man back to the province, devises this plan, if it is to be called a plan, and not rather a piece of madness. He sets up one of the men he calls his hounds, to say that he wishes to institute a prosecution against Diodorus of Melita for a capital offence. At first all men wondered at such a thing being imputed to Diodorus, a most quiet man, and as far removed as any man from all suspicions, not only

of crime, but of even the slightest irregularity. But it soon became evident, that all this was done for the sake of his silver. Verres does not hesitate to order the prosecution to be instituted ; and that, I imagine, was the first instance of his allowing an accusation to be made against an absent man. The matter was notorious over all Sicily, that men were prosecuted for capital offences because the prætor coveted their chased silver plate ; and that prosecutions were instituted against them not only when they were present, but even in their absence. Diodorus goes to Rome, and putting on mourning, calls on all his patrons and friends ; relates the affair to every one. Earnest letters are written to Verres by his father, and by his friends, warning him to take care what he did, and what steps he took respecting Diodorus ; that the matter was notorious and very unpopular ; that he must be out of his senses ; that this one charge would ruin him if he did not take care. At that time he considered his father, if not in the light of a parent, at least in that of a man. He had not yet sufficiently prepared himself for a trial ; it was his first year in the province ; he was not, as he was by the time of the affair of Sthenius, loaded with money. And so his frenzy was checked a little, not by shame, but by fear and alarm. He does not dare to condemn Diodorus ; he takes his name out of the list of defendants while he is absent. In the meantime Diodorus, for nearly three years, as long as that man was prætor, was banished from the province and from his home. Every one else, not only Sicilians, but Roman citizens too, settled this in their minds, that, since he had carried his covetousness to such an extent, there was nothing which any one could expect to preserve or retain in his own possession if it was admired ever so little by Verres.

XX. But after they understood that that brave man, Quintus Arrius, whom the province was eagerly looking for, was not his successor, they then settled that they could keep nothing so carefully shut up or hidden away, as not to be most open and visible to his covetousness. After that, he took away from an honourable and highly esteemed Roman knight, named Cnæus Calidius, whose son he knew to be a senator of the Roman people and a judge, some beautiful silver horses which had belonged to Quintus Maximus. I did not mean to say this, O judges, for he bought those, he did not steal

them ; I wish I had not mentioned them. Now he will boast, and have a fine ride on these horses. " I bought them, I have paid the money for them." I have no doubt account-books also will be produced. It is well worth while. Give me then the account-books. You are at liberty to get rid of this charge respecting Calidius, as long as I can get a sight of these accounts ; still, if you had bought them, what ground had Calidius for complaining at Rome, that, though he had been living so many years in Sicily as a trader, you were the only person who had so despised and so insulted him, as to plunder him in common with all the rest of the Sicilians ? what ground had he for declaring that he would demand his plate back again from you, if he had sold it to you of his own free will ? Moreover, how could you avoid restoring it to Cnæus Calidius ; especially when he was such an intimate friend of Lucius Sisenna, your defender, and as you had restored their property to the other friends of Sisenna ? Lastly, I do not suppose you will deny that by the intervention of Potamo, a friend of yours, you restored his plate to Lucius Cordius, an honourable man, but not more highly esteemed than Cnæus Calidius ; and it was he who made the cause of the rest more difficult to plead before you ; for though you had promised many men to restore them their property, yet, after Cordius had stated in his evidence that you had restored him his, you desisted from making any more restorations, because you saw that you lost your plunder, and yet could not escape the evidence against you. Under all other prætors Cnæus Calidius, a Roman knight, was allowed to have plate finely wrought ; he was permitted to be able from his own stores to adorn and furnish a banquet handsomely, when he had invited a magistrate or any superior officer. Many men in power and authority have been with Cnæus Calidius at his house ; no one was ever found so mad as to take from him that admirable and splendid plate ; no one was found bold enough to ask for it ; no one impudent enough to beg him to sell it. For it is an arrogant thing, an intolerable thing, O judges, for a prætor to say to an honourable, and rich, and well-appointed man in his province, " Sell me those chased goblets." For it is saying, " You do not deserve to have things which are so beautifully made ; they are better suited to a man of my stamp." Are you, O

Verres, more worthy than Calidius? whom (not to compare your way of life with his, for they are not to be compared, but) I will compare you with in respect of this very dignity owing to which you make yourself out his superior. You gave eighty thousand sesterces to canvassing agents to procure your election as prætor; you gave three hundred thousand to an accuser not to press hardly upon you: do you, on that account, look down upon and despise the equestrian order? Is it on that account that it seemed to you a scandalous thing that Calidius should have anything that you admired rather than that you should?

XXI. He has been long boasting of this transaction with Calidius, and telling every one that he bought the things. Did you also buy that censor of Lucius Papirius, a man of the highest reputation, wealth, and honour, and a Roman knight? who stated in his evidence that, when you had begged for it to look at, you returned it with the emblems torn off; so that you may understand that it is all taste in that man, not avarice; that it is the fine work that he covets, not the silver. Nor was this abstinence exercised only in the case of Papirius; he practised exactly the same conduct with respect to every censor in Sicily; and it is quite incredible how many beautifully wrought censers there were. I imagine that, when Sicily was at the height of its power and opulence, there were extensive workshops in that island; for before that man went thither as prætor there was no house tolerably rich, in which there were not these things, even if there was no other silver plate besides; namely, a large dish with figures and images of the gods embossed on it, a goblet which the women used for sacred purposes, and a censor. And all these were antique, and executed with the most admirable skill, so that one may suspect everything else in Sicily was on a similar scale of magnificence; but that though fortune had deprived them of much, those things were still preserved among them which were retained for purposes of religion. I said just now, O judges, that there were many censers, in almost every house in fact; I assert also, that now there is not even one left. What is the meaning of this? what monster, what prodigy did we send into the province? Does it not appear to you that he desired, when he returned to Rome, to satisfy not the covetousness of one man, not his

own eyes only, but the insane passion of every covetous man; for as soon as he ever came into any city, immediately those Cibyritic hounds of his were slipped, to search and find out everything. If they found any large vessel, any considerable work, they brought it to him with joy; if they could hunt out any smaller vessel of the same sort, they looked on those as a sort of lesser game, whether they were dishes, cups, censers, or anything else. What weepings of women, what lamentations do you suppose took place over these things? things which may perhaps seem insignificant to you, but which excite great and bitter indignation, especially among women, who grieve when those things are torn from their hands which they have been accustomed to use in religious ceremonies, which they have received from their ancestors, and which have always been in their family.

XXII. Do not now wait while I follow up this charge from door to door, and show you that he stole a goblet from Æschylus the Tyndaritan; a dish from another citizen of Tyndaris named Thraso; a censer from Nymphodorus of Agrigentum. When I produce my witnesses from Sicily he may select whom he pleases for me to examine about dishes, goblets, and censers. Not only no town, no single house that is tolerably well off will be found to have been free from the injurious treatment of this man; who, even if he had come to a banquet, if he saw any finely wrought plate, could not, O judges, keep his hands from it. There is a man named Cnæus Pompeius Philo, who was a native of Tyndaris; he gave Verres a supper at his villa in the country near Tyndaris; he did what Sicilians did not dare to do, but what, because he was a citizen of Rome, he thought he could do with impunity, he put before him a dish on which were some exceedingly beautiful figures. Verres, the moment he saw it, determined to rob his host's table of that memorial of the Penates and of the gods of hospitality. But yet, in accordance with what I have said before of his great moderation, he restored the rest of the silver after he had torn off the figures; so free was he from all avarice! What want you more? Did he not do the same thing to Eupolemus of Calacta, a noble man, connected with, and an intimate friend of the Luculli; a man who is now serving in the army under Lucius Lucullus? He was supping with him; the rest of the silver which he had



set before him had no ornament on it, lest he himself should also be left without any ornament ; but there were also two goblets, of no large size, but with figures on them. He, as if he had been a professional dinner-out, who was not to go away without a present, on the spot, in the sight of all the other guests, tore off the figures. I do not attempt to enumerate all his exploits of this sort ; it is neither necessary nor possible. I only produce to you tokens and samples of each description of his varied and universal rascality. Nor did he behave in these affairs as if he would some day or other be called to account for them, but altogether as if he was either never likely to be prosecuted, or else as if the more he stole, the less would be his danger when he was brought before the court ; inasmuch as he did these things which I am speaking of not secretly, not by the instrumentality of friends or agents, but openly, from his high position, by his own power and authority.

XXIII. When he had come to Catina, a wealthy, honourable, influential city, he ordered Dionysiarclus the proagorus, that is to say, the chief magistrate, to be summoned before him ; he openly orders him to take care that all the silver plate which was in anybody's house at Catina, was collected together and brought to him. Did you not hear Philarchus of Centuripa, a man of the highest position as to noble birth, and virtue, and riches, say the same thing on his oath ; namely, that Verres had charged and commanded him to collect together, and order to be conveyed to him, all the silver plate at Centuripa, by far the largest and wealthiest city in all Sicily ? In the same manner at Agyrium, all the Corinthian vessels there were there, in accordance with his command, were transported to Syracuse by the agency of Apollodorus, whom you have heard as a witness. But the most extraordinary conduct of all was this ; when that painstaking and industrious prætor had arrived at Haluntium, he would not himself go up into the town, because the ascent was steep and difficult ; but he ordered Archagathus of Haluntium, one of the noblest men, not merely in his own city, but in all Sicily, to be summoned before him, and gave him a charge to take care that all the chased silver that there was at Haluntium, and every specimen of Corinthian work too, should be at once taken down from the town to the sea-

side Archagathus went up into the town. That noble man, as one who wished to be loved and esteemed by his fellow-citizens, was very indignant at having such an office imposed upon him, and did not know what to do. He announces the commands he has received. He orders every one to produce what they had. There was great consternation, for the tyrant himself had not gone away to any distance; lying on a litter by the sea-side below the town, he was waiting for Archagathus and the silver plate. What a gathering of people do you suppose took place in the town? what an uproar? what weeping of women? they who saw it would have said that the Trojan horse had been introduced, and that the city was taken. Vessels were brought out without their cases; others were wrenched out of the hands of women; many people's doors were broken open, and their locks forced. For what else can you suppose? Even if ever, at a time of war and tumult, arms are demanded of private citizens, still men give them unwillingly, though they know that they are giving them for the common safety. Do not suppose then that any one produced his carved plate out of his house for another man to steal, without the greatest distress. Everything is brought down to the shore. The Cibyrtic brothers are summoned; they condemn some articles; whatever they approve of has its figures in relief or its embossed emblems torn off. And so the Haluntines, having had all their ornaments wrenched off, returned home with the plain silver.

XXIV. Was there ever, O judges, a drag-net of such a sort as this in that province? People have sometimes during their year of office diverted some part of the public property to their own use, in the most secret manner; sometimes they even secretly plundered some private citizen of something; and still they were condemned. And if you ask me, though I am detracting somewhat from my own credit by saying so, I think those were the real accusers, who traced the robberies of such men as this by scent, or by some lightly imprinted footsteps; for what is it that we are doing in respect of Verres, who has wallowed in the mud till we can find him out by the traces of his whole body? Is it a great undertaking to say anything against a man, who while he was passing by a place, having his litter put down to rest for a little time, plundered a whole city, house by house,

without condescending to any pretences, openly, by his own authority, and by an absolute command? But still, that he might be able to say that he had bought them, he orders Archagathus to give those men, to whom the plate had belonged, some little money, just for form's sake. Archagathus found a few who would accept the money, and those he paid. And still Verres never paid Archagathus that money. Archagathus intended to claim it at Rome; but Cnæus Lentulus Marcellinus dissuaded him, as you heard him state himself. Read the evidence of Archagathus, and of Lentulus,—and that you may not imagine that the man wished to heap up such a mass of figures without any reason, just see at what rate he valued you, and the opinion of the Roman people, and the laws, and the courts of justice, and the Sicilian witnesses and traders. After he had collected such a vast number of figures that he had not left one single figure to anybody, he established an immense shop in the palace at Syracuse; he openly orders all the manufacturers, and carvers, and goldsmiths to be summoned—and he himself had many in his own employ; he collects a great multitude of men; he kept them employed uninterruptedly for eight months, though all that time no vessels were made of anything but gold. In that time he had so skilfully wrought the figures which he had torn off the goblets and censers, into golden goblets, or had so ingeniously joined them into golden cups, that you would say that they had been made for that very purpose; and he, the prætor, who says that it was owing to his vigilance that peace was maintained in Sicily, was accustomed to sit in his tunic and dark cloak the greater part of the day in this workshop.

XXV. I would not venture, O judges, to mention these things, if I were not afraid that you might perhaps say that you had heard more about that man from others in common conversation, than you had heard from me in this trial; for who is there who has not heard of this workshop, of the golden vessels, of Verres's tunic and dark cloak? Name any respectable man you please out of the whole body of settlers at Syracuse, I will produce him; there will not be one person who will not say that he has either seen this or heard of it. Alas for the age! alas for the degeneracy of our manners! I will not mention anything of any great antiquity; there are

many of you. O judges, who knew Lucius Piso, the father of this Lucius Piso, who was prætor. When he was prætor in Spain, in which province he was slain, somehow or other, while he was practising his exercises in arms, the golden ring which he had was broken and crushed. As he wanted to get himself another ring, he ordered a goldsmith to be summoned into the forum before his throne of office, at Corduba, and openly weighed him out the gold. He ordered the man to set up his bench in the forum, and to make him a ring in the presence of every one. Perhaps in truth some may say that he was too exact, and to this extent any one who chooses may blame him, but no further. Still such conduct was allowable for him, for he was the son of Lucius Piso, of that man who first made the law about extortion and embezzlement. It is quite ridiculous for me to speak of Verres now, when I have just been speaking of Piso the Thrifty; still, see what a difference there is between the men: that man, while he was making some sideboards full of golden vessels, did not care what his reputation was, not only in Sicily, but also at Rome in the court of justice; the other wished all Spain to know to half an ounce how much gold it took to make a prætor's ring. Forsooth, as the one proved his right to his name, so did the other to his surname.

XXVI. It is utterly impossible for me either to retain in my memory, or to embrace in my speech, all his exploits. I wish just to touch briefly on the different kinds of deeds done by him, just as here the ring of Piso reminded me of what had otherwise entirely escaped my recollection. From how many honourable men do you imagine that that man tore the golden rings from off their fingers? He never hesitated to do so whenever he was pleased with either the jewels or the fashion of the ring belonging to any one. I am going to mention an incredible fact, but still one so notorious that I do not think that he himself will deny it. When a letter had been brought to Valentius his interpreter from Agrigentum, by chance Verres himself noticed the impression on the seal; he was pleased with it, he asked where the letter came from; he was told, from Agrigentum. He sent letters to the men with whom he was accustomed to communicate, ordering that ring to be brought to him as soon as possible. And accordingly, in compliance with his letter, it was torn off the

finger of a master of a family, a certain Lucius Titius, a Roman citizen. But that covetousness of his is quite beyond belief. For as he wished to provide three hundred couches beautifully covered, with all other decorations for a banquet, for the different rooms which he has, not only at Rome, but in his different villas, he collected such a number, that there was no wealthy house in all Sicily where he did not set up an embroiderer's shop.

There is a woman, a citizen of Segesta, very rich, and nobly born, by name Lamia. She, having her house full of spinning jennies, for three years was making him robes and coverlets, all dyed with purple; Attalus, a rich man at Netum; Lyso at Lilybæum; Critolaus at Enna; at Syracuse Æschrio, Cleomenes, and Theomnastus; at Elorum Archonides and Megistus. My voice will fail me before the names of the men whom he employed in this way will; he himself supplied the purple—his friends supplied only the work, I dare say; for I have no wish to accuse him in every particular, as if it were not enough for me, with a view to accuse him, that he should have had so much to give, that he should have wished to carry away so many things; and, besides all that, this thing which he admits, namely, that he should have employed the work of his friends in affairs of this sort. But now do you suppose that brazen couches and brazen candelabra were made at Syracuse for any one but for him the whole of that three years? He bought them, I suppose; but I am informing you so fully, O judges, of what that man did in his province as prætor, that he may not by chance appear to any one to have been careless, and not to have provided and adorned himself sufficiently when he had absolute power.

XXVII. I come now, not to a theft, not to avarice, not to covetousness, but to an action of that sort that every kind of wickedness seems to be contained in it, and to be in it; by which the immortal gods were insulted, the reputation and authority of the name of the Roman people was impaired, hospitality was betrayed and plundered, all the kings who were most friendly to us, and the nations which are under their rule and dominion, were alienated from us by his wickedness. For you know that the kings of Syria, the boyish sons of King Antiochus, have lately been at Rome. And they

came not on account of the kingdom of Syria ; for that they had obtained possession of without dispute, as they had received it from their father and their ancestors ; but they thought that the kingdom of Egypt belonged to them and to Selene their mother. When they, being hindered by the critical state of the republic at that time, were not able to obtain the discussion of the subject as they wished before the senate, they departed for Syria, their paternal kingdom. One of them—the one whose name is Antiochus—wished to make his journey through Sicily. And so, while Verres was prætor, he came to Syracuse. On this Verres thought that an inheritance had come to him, because a man whom he had heard, and on other accounts suspected had many splendid things with him, had come into his kingdom and into his power. He sends him presents—liberal enough—for all domestic uses ; as much wine and oil as he thought fit ; and as much wheat as he could want, out of his tenths. After that he invites the king himself to supper. He decorates a couch abundantly and magnificently. He sets out the numerous and beautiful silver vessels, in which he was so rich ; for he had not yet made all those golden ones. He takes care that the banquet shall be splendidly appointed and provided in every particular. Why need I make a long story of it ? The king departed thinking that Verres was superbly provided with everything, and that he himself had been magnificently treated. After that, he himself invites the prætor to supper. He displays all his treasures ; much silver, also not a few goblets of gold, which, as is the custom of kings, and especially in Syria, were studded all over with most splendid jewels. There was also a vessel for wine, a ladle hollowed out of one single large precious stone, with a golden handle, concerning which, I think, you heard Quintus Minutius speak, a sufficiently capable judge, and sufficiently credible witness. Verres took each separate piece of plate into his hands, praised it—admired it. The king was delighted that that banquet was tolerably pleasant and agreeable to a prætor of the Roman people. After the banquet was over, Verres thought of nothing else, as the facts themselves showed, than how he might plunder and strip the king of everything before he departed from the province. He sends to ask for the most exquisite of the vessels which he had seen at Antiochus's

lodgings. He said that he wished to show them to his engravers. The king, who did not know the man, most willingly sent them, without any suspicion of his intention. He sends also to borrow the jewelled ladle. He said that he wished to examine it more attentively; that also is sent to him.

XXVIII. Now, O judges, mark what followed; things which you have already heard, and which the Roman people will not hear now for the first time, and which have been reported abroad among foreign nations to the furthest corners of the earth. The kings, whom I have spoken of, had brought to Rome a candelabrum of the finest jewels, made with most extraordinary skill, in order to place it in the Capitol; but as they found that temple not yet finished, they could not place it there. Nor were they willing to display it and produce it in common, in order that it might seem more splendid when it was placed at its proper time in the shrine of the great and good Jupiter; and brighter, also, as its beauty would come fresh and untarnished before the eyes of men. They determined, therefore, to take it back with them into Syria, with the intention, when they should hear that the image of the great and good Jupiter was dedicated, of sending ambassadors who should bring that exquisite and most beautiful present, with other offerings, to the Capitol. The matter, I know not how, got to his ears. For the king had wished it kept entirely concealed; not because he feared or suspected anything, but because he did not wish many to feast their eyes on it before the Roman people. He begs the king, and entreats him most earnestly to send it to him; he says that he longs to look at it himself, and that he will not allow any one else to see it. Antiochus, being both of a child-like and royal disposition, suspected nothing of that man's dishonesty, and orders his servants to take it as secretly as possible, and well wrapped up, to the prætor's house. And when they brought it there, and placed it on a table, having taken off the coverings, Verres began to exclaim that it was a thing worthy of the kingdom of Syria, worthy of being a royal present, worthy of the Capitol. In truth, it was of such splendour as a thing must be which is made of the most brilliant and beautiful jewels; of such variety of pattern that the skill of the workmanship seemed to vie with the

richness of the materials ; and of such a size that it might easily be seen that it had been made not for the furniture of men, but for the decoration of a most noble temple. And when he appeared to have examined it sufficiently, the servants begin to take it up to carry it back again. He says that he wishes to examine it over and over again ; that he is not half satiated with the sight of it ; he orders them to depart and to leave the candelabrum. So they then return to Antiochus empty-handed.

XXIX. The king at first feared nothing, suspected nothing. One day passed—two days—many days. It was not brought back. Then the king sends to Verres to beg him to return it, if he will be so good. He bids the slaves come again. The king begins to think it strange. He sends a second time. It is not returned. He himself calls on the man ; he begs him to restore it to him. Think of the face and marvellous impudence of the man. That thing which he knew, and which he had heard from the king himself was to be placed in the Capitol, which he knew was being kept for the great and good Jupiter, and for the Roman people, that he began to ask and entreat earnestly to have given to him. When the king said that he was prevented from complying by the reverence due to Jupiter Capitolinus, and by his regard for the opinion of men, because many nations were witnesses to the fact of the candelabrum having been made for a present to the god, the fellow began to threaten him most violently. When he sees that he is no more influenced by threats than he had been by prayers, on a sudden he orders him to leave his province before night. He says, that he has found out that pirates from his kingdom were coming against Sicily. The king, in the most frequented place in Syracuse, in the forum,—in the forum at Syracuse, I say, (that no man may suppose I am bringing forward a charge about which there is any obscurity, or imagining anything which rests on mere suspicion,) weeping, and calling gods and men to witness, began to cry out that Caius Verres had taken from him a candelabrum made of jewels, which he was about to send to the Capitol, and which he wished to be in that most splendid temple as a memorial to the Roman people of his alliance with and friendship for them. He said that he did not care about the other works made of gold and jewels belonging to him which



were in Verres's hands, but that it was a miserable and scandalous thing for this to be taken from him. And that, although it had long ago been consecrated in the minds and intentions of himself and his brother, still, that he then, before that assembled body of Roman citizens, offered, and gave, and dedicated, and consecrated it to the great and good Jupiter, and that he invoked Jupiter himself as a witness of his intention and of his piety.

XXX. What voice, what lungs, what power of mine can adequately express the indignation due to this atrocity? The King Antiochus, who had lived for two years at Rome in the sight of all of us, with an almost royal retinue and establishment,—though he had been the friend and ally of the Roman people; though his father, and his grandfather, and his ancestors; most ancient and honourable sovereigns, had been our firmest friends; though he himself is monarch of a most opulent and extensive kingdom, is turned headlong out of a province of the Roman people. How do you suppose that foreign nations will take this? How do you suppose the news of this exploit of yours will be received in the dominions of other kings, and in the most distant countries of the world, when they hear that a king has been insulted by a prætor of the Roman people in his province? that a guest of the Roman people has been plundered? a friend and ally of the Roman people insultingly driven out? Know that your name and that of the Roman people will be an object of hatred and detestation to foreign nations. If this unheard-of insolence of Verres is to pass unpunished, all men will think, especially as the reputation of our men for avarice and covetousness has been very extensively spread, that this is not his crime only, but that of those who have approved of it. Many kings, many free cities, many opulent and powerful private men, cherish intentions of ornamenting the Capitol in such a way as the dignity of the temple and the reputation of our empire requires. And if they understand that you show a proper indignation at this kingly present being intercepted, they will then think that their zeal and their presents will be acceptable to you and to the Roman people. But if they hear that you have been indifferent to the complaint of so great a king, in so remarkable a case, in one of such bitter injustice, they will not be so crazy as to spend their time, and

labour, and expense on things which they do not think will be acceptable to you.

XXXI. And in this place I appeal to you, O Quintus Catulus;<sup>1</sup> for I am speaking of your most honourable and most splendid monument. You ought to take upon yourself not only the severity of a judge with respect to this crime, but something like the vehemence of an enemy and an accuser. For, through the kindness of the senate and people of Rome, your honour is connected with that temple. Your name is consecrated at the same time as that temple in the everlasting recollection of men. It is by you that this case is to be encountered; by you, that this labour is to be undergone, in order that the Capitol, as it has been restored more magnificently, may also be adorned more splendidly than it was originally; that then that fire may seem to have been sent from heaven, not to destroy the temple of the great and good Jupiter, but to demand one for him more noble and more magnificent. You have heard Quintus Minucius Rufus say, that King Antiochus stayed at his house while at Syracuse; that he knew that this candelabrum had been taken to Verres's house; that he knew that it had not been returned. You heard, and you shall hear from the whole body of Roman settlers at Syracuse, that they will state to you that in their hearing it was dedicated and consecrated to the good and great Jupiter by King Antiochus. If you were not a judge, and this affair were reported to you, it would be your especial duty to follow it up; to reclaim the candelabrum, and to prosecute this cause. So that I do not doubt what ought to be your feelings as judge in this prosecution, when before any one else as judge you ought to be a much more vehement advocate and accuser than I am.

XXXII. And to you, O judges, what can appear more scandalous or more intolerable than this? Shall Verres have at his own house a candelabrum, made of jewels and gold, belonging to the great and good Jupiter? Shall that ornament be set out in his house at banquets which will be one scene of adultery and debauchery, with the brilliancy of which the temple of the great and good Jupiter ought to glow and

<sup>1</sup> The Capitol had been burnt in the civil war between Marius and Sylla; and it was now being restored under the superintendence of Quintus Catulus, to whom that office had been entrusted by the senate.

to be lighted up? Shall the decorations of the Capitol be placed in the house of that most infamous debauchee with the other ornaments which he has inherited from Chelidon? What do you suppose will ever be considered sacred or holy by him, when he does not now think himself liable to punishment for such enormous wickedness? who dares to come into this court of justice, where he cannot, like all others who are arraigned, pray to the great and good Jupiter, and entreat help from him? from whom even the immortal gods are reclaiming their property, before that tribunal which was appointed for the benefit of men, that they might recover what had been extorted unjustly from them? Do we marvel that Minerva at Athens, Apollo at Delos, Juno at Samos, Diana at Perga, and that many other gods besides all over Asia and Greece, were plundered by him, when he could not keep his hands off the Capitol? That temple which private men are decorating and are intending to decorate out of their own riches, that Caius Verres would not suffer to be decorated by a king; and, accordingly, after he had once conceived this nefarious wickedness, he considered nothing in all Sicily afterwards sacred or hallowed; and he behaved himself in his province for three years in such a manner that war was thought to have been declared by him, not only against men, but also against the immortal gods.

XXXIII. Segesta is a very ancient town in Sicily, O judges, which its inhabitants assert was founded by Æneas when he was flying from Troy and coming to this country. And accordingly the Segestans think that they are connected with the Roman people, not only by a perpetual alliance and friendship, but even by some relationship. This town, as the state of the Segestans was at war with the Carthaginians on its own account and of its own accord, was formerly stormed and destroyed by the Carthaginians; and everything which could be any ornament to the city was transported from thence to Carthage. There was among the Segestans a statue of Diana, of brass, not only invested with the most sacred character, but also wrought with the most exquisite skill and beauty. When transferred to Carthage, it only changed its situation and its worshippers; it retained its former sanctity. For on account of its eminent beauty it seemed, even to their enemies, worthy of being most religiously worshipped. Some

ages afterwards, Publius Scipio took Carthage, in the third Punic war ; after which victory, (remark the virtue and carefulness of the man, so that you may both rejoice at your national examples of most eminent virtue, and may also judge the incredible audacity of Verres, worthy of the greater hatred by contrasting it with that virtue,) he summoned all the Sicilians, because he knew that during a long period of time Sicily had repeatedly been ravaged by the Carthaginians, and bids them seek for all they had lost, and promises them to take the greatest pains to ensure the restoration to the different cities of everything which had belonged to them. Then those things which had formerly been removed from Himera, and which I have mentioned before, were restored to the people of Thermæ ; some things were restored to the Gelans, some to the Agrigentines ; among which was that noble bull, which that most cruel of all tyrants, Phalaris, is said to have had, into which he was accustomed to put men for punishment, and to put fire under. And when Scipio restored that bull to the Agrigentines, he is reported to have said, that he thought it reasonable for them to consider whether it was more advantageous to the Sicilians to be subject to their own princes, or to be under the dominion of the Roman people, when they had the same thing as a monument of the cruelty of their domestic masters, and of our liberality.

XXXIV. At that time the same Diana of which I am speaking is restored with the greatest care to the Segestans. It is taken back to Segesta ; it is replaced in its ancient situation, to the greatest joy and delight of all the citizens. It was placed at Segesta on a very lofty pedestal, on which was cut in large letters the name of Publius Africanus ; and a statement was also engraved that " he had restored it after having taken Carthage." It was worshipped by the citizens ; it was visited by all strangers ; when I was quæstor it was the very first thing they showed me. It was a very large and tall statue with a flowing robe, but in spite of its large size it gave the idea of the age and dress of a virgin ; her arrows hung from her shoulder, in her left hand she carried her bow, her right hand held a burning torch. When that enemy of all sacred things, that violator of all religious scruples saw it, he began to burn with covetousness and insanity, as if he

himself had been struck with that torch. He commands the magistrates to take the statue down and give it to him ; and declares to them that nothing can be more agreeable to him. But they said that it was impossible for them to do so ; that they were prevented from doing so, not only by the most extreme religious reverence, but also by the greatest respect for their own laws and courts of justice. Then he began to entreat this favour of them, then to threaten them, then to try and excite their hopes, then to arouse their fears. They opposed to his demands the name of Africanus ; they said that it was the gift of the Roman people ; that they themselves had no right over a thing which a most illustrious general, having taken a city of the enemy, had chosen to stand there as a monument of the victory of the Roman people. As he did not relax in his demand, but urged it every day with daily increasing earnestness, the matter was brought before their senate. His demand raises a violent outcry on all sides. And so at that time, and at his first arrival at Segesta, it is refused. Afterwards, whatever burdens could be imposed on any city in respect of exacting sailors and rowers, or in levying corn, he imposed on the Segestans beyond all other cities, and a good deal more than they could bear. Besides that, he used to summon their magistrates before him ; he used to send for all the most noble and most virtuous of the citizens, to hurry them about with him to all the courts of justice in the province, to threaten every one of them separately to be the ruin of him, and to announce to them all in a body that he would utterly destroy their city. Therefore, at last, the Segestans, subdued by much ill-treatment and by great fear, resolved to obey the command of the prætor. With great grief and lamentation on the part of the whole city, with many tears and wailings on the part of all the men and women, a contract is advertised for taking down the statue of Diana.

XXXV. See now with what religious reverence it is regarded. Know, O judges, that among all the Segestans none was found, whether free man or slave, whether citizen or foreigner, to dare to touch that statue. Know that some barbarian workmen were brought from Lilybæum ; they at length, ignorant of the whole business, and of the religious character of the image, agreed to take it down for a sum of money, and took it down. And when it was being taken out

of the city, how great was the concourse of women ! how great was the weeping of the old men ! some of whom even recollected that day when that same Diana being brought back to Segesta from Carthage, had announced to them, by its return, the victory of the Roman people. How different from that time did this day seem ! then the general of the Roman people, a most illustrious man, was bringing back to the Segestans the gods of their fathers, recovered from an enemy's city ; now a most base and profligate prætor of the same Roman people, was taking away, with the most nefarious wickedness, those very same gods from a city of his allies. What is more notorious throughout all Sicily than that all the matrons and virgins of Segesta came together when Diana was being taken out of their city ? that they anointed her with precious unguents ? that they crowned her with chaplets and flowers ? that they attended her to the borders of their territory with frankincense and burning perfumes ? If at the time you, by reason of your covetousness and audacity, did not, while in command, fear these religious feelings of the population, do you not fear them now, at a time of such peril to yourself and to your children ? What man, against the will of the immortal gods, or what god, when you so trample on all the religious reverence due to them, do you think will come to your assistance ? Has that Diana inspired you, while in quiet and at leisure, with no religious awe ;—she, who though she had seen two cities, in which she was placed, stormed and burnt, was yet twice preserved from the flames and weapons of two wars ; she who, though she changed her situation owing to the victory of the Carthaginians, yet did not lose her holy character ; and who, by the valour of Publius Africanus, afterwards recovered her old worship, together with her old situation ? And when this crime had been executed, as the pedestal was empty, and the name of Publius Africanus carved on it, the affair appeared scandalous and intolerable to every one, that not only was religion trampled on, but also that Caius Verres had taken away the glory of the exploits, the memorial of the virtues, the monument of the victory of Publius Africanus, that most gallant of men. But when he was told afterwards of the pedestal and the inscription, he thought that men would forget the whole affair, if he took away the pedestal to which was serving as a sort of signpost

to point out his crime. And so, by his command, the Segestans contracted to take away the pedestal too ; and the terms of that contract were read to you from the public registers of the Segestans, at the former pleading.

XXXVI. Now, O Publius Scipio, I appeal to you ; to you, I say, a most virtuous and accomplished youth ; from you I request and demand that assistance which is due to your family and to your name. Why do you take the part of that man who has embezzled the credit and honour of your family ? Why do you wish him to be defended ? Why am I undertaking what is properly your business ? Why am I supporting a burden which ought to fall on you ?—Marcus Tullius is reclaiming the monuments of Publius Africanus ; Publius Scipio is defending the man who took them away. Though it is a principle handed down to us from our ancestors, for every one to defend the monuments of his ancestors, in such a way as not even to allow them to be decorated by one of another name, will you take the part of that man who is not charged merely with having in some degree spoilt the view of the monuments of Publius Scipio, but who has entirely removed and destroyed them ? Who then, in the name of the immortal gods, will defend the memory of Publius Scipio now that he is dead ? who will defend the memorials and evidences of his valour, if you desert and abandon them ; and not only allow them to be plundered and taken away, but even defend their plunderer and destroyer ? The Segestans are present, your clients, the allies and friends of the Roman people. They inform you that Publius Africanus, when he had destroyed Carthage, restored the image of Diana to their ancestors ; and that was set up among the Segestans and dedicated in the name of that general ;—that Verres has had it taken down and carried away, and as far as that is concerned, has utterly effaced and extinguished the name of Publius Scipio. They entreat and pray you to restore the object of their worship to them, its proper credit and glory to your own family, so enabling them by your assistance to recover from the house of a robber, what they recovered from the city of their enemies by the beneficence of Publius Africanus.

XXXVII. What can you reply to them with honour, or what can they do but implore the aid of you and your good

faith? They are present, they do implore it. You, O Publius, can protect the honour of your family renown; you can, you have every advantage which either fortune or nature ever gives to men. I do not wish to anticipate you in gathering the fruit that belongs to you; I am not covetous of the glory which ought to belong to another. It does not correspond to the modesty of my disposition, while Publius Scipio, a most promising young man, is alive and well, to put myself forward as the defender and advocate of the memorials of Publius Scipio. Wherefore, if you will undertake the advocacy of your family renown, it will behove me not only to be silent about your monuments, but even to be glad that the fortune of Publius Africanus, though dead, is such, that his honour is defended by those who are of the same family as himself, and that it requires no adventitious assistance. But if your friendship with that man is an obstacle to you,—if you think that this thing which I demand of you is not so intimately connected with your duty,—then I, as your *locum tenens*, will succeed to your office, I will undertake that business which I have thought not to belong to me. Let that proud aristocracy give up complaining that the Roman people willingly gives, and at all times has given, honours to new and diligent men. It is a foolish complaint that virtue should be of the greatest influence in that city which by its virtue governs all nations. Let the image of Publius Africanus be in the houses of other men; let heroes now dead be adorned with virtue and glory. He was such a man, he deserved so well of the Roman people, that he deserves to be recommended to the affection, not of one single family, but of the whole state. And so it partly does belong to me also to defend his honours with all my power, because I belong to that city which he rendered great, and illustrious, and renowned; and especially, because I practise, to the utmost of my power, those virtues in which he was preeminent,—equity, industry, temperance, the protection of the unhappy, and hatred of the dishonest; a relationship in pursuits and habits which is almost as important as that of which you boast, the relationship of name and family.

XXXVIII. I reclaim from you, O Verres, the monument of Publius Africanus; I abandon the cause of the Sicilians, which I undertook; let there be no trial of you for extortion



at present ; never mind the injuries of the Segestans ; let the pedestal of Publius Africanus be restored ; let the name of that invincible commander be engraved on it anew ; let that most beautiful statue, which was recovered when Carthage was taken, be replaced. It is not I, the defender of the Sicilians,—it is not I, your prosecutor,—they are not the Segestans who demand this of you ; but he who has taken on himself the defence and the preservation of the renown and glory of Publius Africanus. I am not afraid of not being able to give a good account of my performance of this duty to Publius Servilius the judge ; who, as he has performed great exploits, and raised very many monuments of his good deeds, and has a natural anxiety about them, will be glad, forsooth, to leave them an object of care and protection not only to his own posterity, but to all brave men and good citizens ; and not as a mark for the plunder of rogues. I am not afraid of its displeasing you, O Quintus Catulus, to whom the most superb and splendid monument in the whole world belongs, that there should be as many guardians of such monuments as possible, or that all good men should think it was a part of their duty to defend the glory of another. And indeed I am so far moved by the other robberies and atrocities of that fellow, as to think them worthy of great reproof ; but that might be sufficient for them. But in this instance I am roused to such indignation, that nothing appears to me possible to be more scandalous or more intolerable. Shall Verres adorn his house, full of adultery, full of debauchery, full of infamy, with the monuments of Africanus ? Shall Verres place the memorial of that most temperate and religious man, the image of the ever virgin Diana, in that house in which the iniquities of harlots and pimps are incessantly being practised ?

XXXIX. But is this the only monument of Africanus which you have violated ? What ! did you take away from the people of Tyndaris an image of Mercury most beautifully made, and placed there by the beneficence of the same Scipio ? And how ? O ye immortal gods ! How audaciously, how infamously, how shamelessly did you do so ! You have lately, O judges, heard the deputies from Tyndaris, most honourable men, and the chief men of that city, say that the Mercury, which in their sacred anniversaries was worshipped among

them with the extremest religious reverence. which Publius Africanus, after he had taken Carthage, had given to the Tyndaritans, not only as a monument of his victory, but as a memorial and evidence of their loyalty to and alliance with the Roman people, had been taken away by the violence, and wickedness, and arbitrary power of this man; who, when he first came to their city, in a moment, as if it were not only a becoming, but an indispensable thing to be done,—as if the senate had ordered it and the Roman people had sanctioned it,—in a moment, I say, ordered them to take the statue down and to transport it to Messana. And as this appeared a scandalous thing to those who were present and who heard it, it was not persevered in by him during the first period of his visit; but when he departed, he ordered Sopater, their chief magistrate, whose statement you have heard, to take it down. When he refused, he threatened him violently; and then he left the city. The magistrate refers the matter to the senate; there is a violent outcry on all sides. To make my story short, some time afterwards he comes to that city again. Immediately he asks about the statue. He is answered that the senate will not allow it to be removed; that capital punishment is threatened to any one who should touch it without the orders of the senate: the impiety of removing is also urged. Then says he, “What do you mean by talking to me of impiety? or about punishment? or about the senate? I will not leave you alive; you shall be scourged to death if the statue is not given up.” Sopater with tears reports the matter to the senate a second time, and relates to them the covetousness and the threats of Verres. The senate gives Sopater no answer, but breaks up in agitation and perplexity. Sopater, being summoned by the prætor’s messenger, informs him of the state of the case, and says that it is absolutely impossible.

XL. And all these things (for I do not think that I ought to omit any particular of his impudence) were done openly in the middle of the assembly, while Verres was sitting on his chair of office, in a lofty situation. It was the depth of winter; the weather, as you heard Sopater himself state, was bitterly cold; heavy rain was falling; when that fellow orders the lictors to throw Sopater headlong down from the portico on which he himself was sitting, and to strip him naked. The command was scarcely out of his mouth, before

you might have seen him stripped and surrounded by the lictors. All thought that the unhappy and innocent man was going to be scourged. They were mistaken. Do you think that Verres would scourge without any reason an ally and friend of the Roman people? He is not so wicked. All vices are not to be found in that man; he was never cruel. He treated the man with great gentleness and clemency. In the middle of the forum there are some statues of the Marcelli, as there are in most of the other towns of Sicily; out of these he selected the statue of Caius Marcellus, whose services to that city and to the whole province were most recent and most important. On that statue he orders Sopater, a man of noble birth in his city, and at that very time invested with the chief magistracy, to be placed astride and bound to it. What torture he suffered when he was bound naked in the open air, in the rain and in the cold, must be manifest to every body. Nor did he put an end to this insult and barbarity, till the people and the whole multitude, moved by the atrocity of his conduct and by pity for his victim, compelled the senate by their outcries to promise him that statue of Mercury. They cried out that the immortal gods themselves would avenge the act, and that in the meantime it was not fit that an innocent man should be murdered. Then the senate comes to him in a body, and promises him the statue. And so Sopater is taken down scarcely alive from the statue of Marcellus, to which he had almost become frozen. I cannot adequately accuse that man if I were to wish to do so; it requires not only genius, but an extraordinary amount of skill.

XLI. This appears to be a single crime, this of the Tyndaritan Mercury, and it is brought forward by me as a single one; but there are many crimes contained in it—only I do not know how to separate and distinguish them. It is a case of money extorted, for he took away from the allies a statue worth a large sum of money. It is a case of embezzlement, because he did not hesitate to appropriate a public statue belonging to the Roman people, taken from the spoils of the enemy, placed where it was in the name of our general. It is a case of treason, because he dared to overturn and to carry away monuments of our empire, of our glory, and of our exploits. It is a case of impiety, because he violated the most solemn principles of religion. It is a case of inhumanity, because

he invented a new and extraordinary description of punishment for an innocent man, an ally and friend of our nation. But what the other crime is, that I am unable to say; I know not by what name to call the crime which he committed with respect to the statue of Caius Marcellus. What is the meaning of it? Is it because he was the patron of the Sicilians? What then? What has that to do with it? Ought that fact to have had influence to procure assistance, or to bring disaster on his clients and friends? Was it your object to show that patrons were no protection against your violence? Who is there who would not be aware that there is greater power in the authority of a bad man who is present, than in the protection of good men who are absent? Or do you merely wish to prove by this conduct, your unprecedented insolence, and pride, and obstinacy? You thought, I imagine, that you were taking something from the dignity of the Marcelli? And therefore now the Marcelli are not the patrons of the Sicilians. Verres has been substituted in their place. What virtue or what dignity did you think existed in you, that you should attempt to transfer to yourself, and to take away from these most trusty and most ancient patrons, so illustrious a body of clients as that splendid province? Can you with your stupidity, and worthlessness, and laziness defend the cause, I will not say of all Sicily, but even of one, the very meanest of the Sicilians? Was the statue of Marcellus to serve you for a pillory for the clients of the Marcelli? Did you out of his honour seek for punishments for those very men who had held him in honour? What followed? What did you think would happen to your statues? was it that which did happen? For the people of Tyndaris threw down the statue of Verres, which he had ordered to be erected in his own honour near the Marcelli, and even on a higher pedestal, the very moment that they heard that a successor had been appointed to him.

XLII. The fortune of the Sicilians has then given you Caius Marcellus for a judge, so that we may now surrender you, fettered and bound, to appease the injured sanctity of him to whose statue Sicilians were bound while you were prætor. And in the first place, O judges, that man said that the people of Tyndaris had sold this statue to Caius Marcellus Eserrinus, who is here present. And he hoped that Caius

Marcellus himself would assert thus much for his sake, though it never seemed to me to be very likely that a young man born in that rank, the patron of Sicily, would lend his name to that fellow to enable him to transfer his guilt to another. But still I made such provision, and took such precaution against every possible bearing of the case, that if any one had been found who was ever so anxious to take the guilt and crime of Verres upon himself, still he would not have taken anything by his motion, for I brought down to court such witnesses, and I had with me such written documents, that it could not have been possible to have entertained a doubt about that man's actions. There are public documents to prove that that Mercury was transported to Messina at the expense of the state. They state at what expense; and that a man named Poleas was ordered by the public authority to superintend the business—what more would you have? Where is he? He is close at hand, he is a witness, by the command of Sopater the Proagorus.—Who is he? The man who was bound to the statue. What? where is he? He is a witness—you have seen the man, and you have heard his statement. Demetrius, the master of the gymnastic school, superintended the pulling down of the statue, because he was appointed to manage that business. What? is it we who say this? No, he is present himself; moreover, that Verres himself lately promised at Rome, that he would restore that statue to the deputies, if the evidence already given in the affair were removed, and if security were given that the Tyndaritanes would not give evidence against him, has been stated before you by Zosippus and Hismenias, most noble men, and the chief men of the city of Tyndaris.

XLIII. What? did you not also at Agrigentum take away a monument of the same Publius Scipio, a most beautiful statue of Apollo, on whose thigh there was the name of Myron, inscribed in diminutive silver letters, out of that most holy temple of Æsculapius? And when, O judges, he had privily committed that atrocity, and when in that most nefarious crime and robbery he had employed some of the most worthless men of the city as his guides and assistants, the whole city was greatly excited. For the Agrigentines were regretting at the same time the kindness of Africanus, and a national object of their worship, and an ornament of their

city, and a record of their victory, and an evidence of their alliance with us. And therefore a command is imposed on those men who were the chief men of the city, and a charge is given to the quæstors and ædiles to keep watch by night over the sacred edifices. And, indeed, at Agrigentum, (I imagine, on account of the great number and virtue of these men, and because great numbers of Roman citizens, gallant and intrepid and honourable men, live and trade in that town among the Agrigentines in the greatest harmony,) he did not dare openly to carry off, or even to beg for the things that took his fancy. There is a temple of Hercules at Agrigentum, not far from the forum, considered very holy and greatly revered among the citizens. In it there is a brazen image of Hercules himself, than which I cannot easily tell where I have seen anything finer; (although I am not very much of a judge of those matters, though I have seen plenty of specimens;) so greatly venerated among them, O judges, that his mouth and his chin are a little worn away, because men in addressing their prayers and congratulations to him, are accustomed not only to worship the statue, but even to kiss it. While Verres was at Agrigentum, on a sudden, one stormy night, a great assemblage of armed slaves, and a great attack on this temple by them, takes place, under the leading of Timarchides. A cry is raised by the watchmen and guardians of the temple. And, at first, when they attempted to resist them and to defend the temple, they are driven back much injured with sticks and bludgeons. Afterwards, when the bolts were forced open, and the doors dashed in, they endeavour to pull down the statue and to overthrow it with levers; meantime, from the outcries of the keepers, a report got abroad over the whole city, that the national gods were being stormed, not by the unexpected invasion of enemies, or by the sudden irruption of pirates, but that a well armed and fully equipped band of fugitive slaves from the house and retinue of the prætor had attacked them. No one in Agrigentum was either so advanced in age, or so infirm in strength, as not to rise up on that night, awakened by that news, and to seize whatever weapon chance put into his hands. So in a very short time men are assembled at the temple from every part of the city. Already, for more than an hour, numbers of men had been labouring at pulling down that

statue ; and all that time it gave no sign of being shaken in any part ; while some, putting levers under it, were endeavouring to throw it down, and others, having bound cords to all its limbs, were trying to pull it towards them. On a sudden all the Agrigentines collect together at the place ; stones are thrown in numbers ; the nocturnal soldiers of that illustrious commander run away—but they take with them two very small statues, in order not to return to that robber of all holy things entirely empty-handed. The Sicilians are never in such distress as not to be able to say something facetious and neat ; as they did on this occasion. And so they said that this enormous boar had a right to be accounted one of the labours of Hercules, no less than the other boar of Erymanthus.

XLIV. The people of Assorum, gallant and loyal men, afterwards imitated this brave conduct of the Agrigentines, though they did not come of so powerful or so distinguished a city. There is a river called Chrysas, which flows through the territories of Assorum. Chrysas, among that people, is considered a god, and is worshipped with the greatest reverence. His temple is in the fields, near the road which goes from Assorum to Enna. In it there is an image of Chrysas, exquisitely made of marble. He did not dare to beg that of the Assorians on account of the extraordinary sanctity of that temple ; so he entrusts the business to Tlepolemus and Hiero. They, having prepared and armed a body of men, come by night ; they break in the doors of the temple ; the keepers of the temple and the guardians hear them in time. A trumpet, the signal of alarm well known to all the neighbourhood, is sounded ; men come in from the country, Tlepolemus is turned out and put to flight ; nor was anything missed out of the temple of Chrysas except one very diminutive image of brass. There is a temple of the mighty mother Cybele at Enguinum, for I must now not only mention each instance with the greatest brevity, but I must even pass over a great many, in order to come to the greater and more remarkable thefts and atrocities of this sort which this man has committed. In this temple that same Publius Scipio, a man excelling in every possible good quality, had placed breast-plates and helmets of brass of Corinthian workmanship, and some huge ewers of a similar description, and wrought with the same exquisite skill, and had inscribed his own name upon

them. Why should I make any more statements or utter any further complaints about that man's conduct? He took away, O judges, every one of those things. He left nothing in that most holy temple except the traces of the religion he had trampled on, and the name of Publius Scipio. The spoils won from the enemy, the memorials of our commanders, the ornaments and decorations of our temples, will hereafter, when these illustrious names are lost, be reckoned in the furniture and appointments of Caius Verres. Are you, forsooth, the only man who delights in Corinthian vases? Are you the best judge in the world of the mixture of that celebrated bronze, and of the delicate tracery of that work? Did not the great Scipio, that most learned and accomplished man, understand it too? But do you, a man without one single virtue, without education, without natural ability, and without any information, understand them and value them? Beware lest he be seen to have surpassed you and those other men who wished to be thought so elegant, not only in temperance, but in judgment and taste; for it was because he thoroughly understood how beautiful they were, that he thought that they were made, not for the luxury of men, but for the ornamenting of temples and cities, in order that they might appear to our posterity to be holy and sacred monuments.

XLV. Listen, also, O judges, to the man's singular covetousness, audacity and madness, especially in polluting those sacred things, which not only may not be touched with the hands, but which may not be violated even in thought. There is a shrine of Ceres among the Catenans of the same holy nature as the one at Rome, and worshipped as the goddess is worshipped among foreign nations, and in almost every country in the world. In the inmost part of that shrine there was an extremely ancient statue of Ceres, as to which men were not only ignorant of what sort it was, but even of its existence. For the entrance into that shrine does not belong to men, the sacred ceremonies are accustomed to be performed by women and virgins. Verres's slaves stole this statue by night out of that most holy and most ancient temple. The next day the priestesses of Ceres, and the female attendants of that temple, women of great age, noble and of proved virtue, report the affair to their magistrates. It appeared to all a most bitter and scandalous, and miser-



able business. Then that man, influenced by the atrocity of the action, in order that all suspicion of that crime might be removed from himself, employs some one connected with him by ties of hospitality to find a man whom he might accuse of having done it, and bids him take care that he be convicted of the accusation, so that he himself might not be subject to the charge. The matter is not delayed. For when he had departed from Catina, an information is laid against a certain slave. He is accused; false witnesses are suborned against him; the whole senate sits in judgment on the affair, according to the laws of the Catenans. The priestesses are summoned; they are examined secretly in the senate-house, and asked what had been done, and how they thought that the statue had been carried off. They answer that the servants of the prætor had been seen in the temple.<sup>c</sup> The matter, which previously had not been very obscure, began to be clear enough by the evidence of the priestesses. The judges deliberate; the innocent slave is acquitted by every vote, in order that you may the more easily be able to condemn this man by all your votes. For what is it that you ask, O Verres? What do you hope for? What do you expect? What god or man do you think will come to your assistance? Did you send slaves to that place to plunder a temple, where it was not lawful for free citizens to go, not even for the purpose of praying? Did you not hesitate to lay violent hands on those things from which the laws of religion enjoined you to keep even your eyes? Although it was not even because you were charmed by the eye that you were led into this wicked and nefarious conduct; for you coveted what you had never seen. You took a violent fancy, I say, to that which you had not previously beheld. From your ears did you conceive this covetousness, so violent that no fear, no religious scruple, no power of the gods, no regard for the opinion of men could restrain it. Oh! but you had heard of it, I suppose, from some good man, from some good authority. How could you have done that, when you could never have heard of it from any man at all? You heard of it, therefore, from a woman; since men could not have seen it, nor known of it. What sort of woman do you think that she must have been, O judges? What a modest woman must she have been to converse with Verres! What a pious woman,

to show him a plan for robbing a temple ! But it is no great wonder if those sacred ceremonies which are performed by the most extreme chastity of virgins and matrons were violated by his adultery and profligacy.

XLVI. What, then, are we to think ? Is this the only thing that he began to desire from mere hearing, when he had never seen it himself ? No, there were many other things besides ; of which I will select the plundering of that most noble and ancient temple, concerning which you heard witnesses give their evidence at the former pleading. Now, I beseech you, listen to the same story once more, and attend carefully as you hitherto have done. There is an island called Melita, O judges, separated from Sicily by a sufficiently wide and perilous navigation, in which there is a town of the same name, to which Verres never went, though it was for three years a manufactory to him for weaving women's garments. Not far from that town, on a promontory, is an ancient temple of Juno, which was always considered so holy, that it was not only always kept inviolate and sacred in those Punic wars, which in those regions were carried on almost wholly by the naval forces, but even by the bands of pirates which ravage those seas. Moreover, it has been handed down to us by tradition, that once, when the fleet of King Masinissa was forced to put into these ports, the king's lieutenant took away some ivory teeth of an incredible size out of the temple, and carried them into Africa, and gave them to Masinissa ; that at first the king was delighted with the present, but afterwards, when he heard where they had come from, he immediately sent trustworthy men in a quinquereme to take those teeth back ; and that there was engraved on them in Punic characters, "that Masinissa the king had accepted them ignorantly ; but that, when he knew the truth, he had taken care that they should be replaced and restored." There was besides an immense quantity of ivory, and many ornaments, among which were some ivory victories of ancient workmanship, and wrought with exquisite skill. Not to dwell too long on this, he took care to have all these things taken down and carried off at one swoop by means of the slaves of the Venus whom he had sent thither for that purpose.

XLVII. O ye immortal gods ! what sort of man is it that I am accusing ? Who is it that I am prosecuting

according to our laws, and by this regular process ? Concerning whom is it that you are going to give your judicial decision ? The deputies from Melita sent by the public authority of their state, say that the shrine of Juno was plundered ; that that man left nothing in that most holy temple ; that that place, to which the fleets of enemies often came, where pirates are accustomed to winter almost every year, and which no pirate ever violated, no enemy ever attacked before, was so plundered by that single man, that nothing whatever was left in it. What, then, now are we to say of him as a defendant, of me as an accuser, of this tribunal ? Is he proved guilty of grave crimes, or is he brought into this court on mere suspicion ? Gods are proved to have been carried off, temples to have been plundered, cities to have been stripped of everything. And of those actions he has left himself no power of denying one, no plea for defending one. In every particular he is convicted by me ; he is detected by the witnesses ; he is overwhelmed by his own admissions ; he is caught in the evident commission of guilt ; and even now he remains here, and in silence recognises his own crimes as I enumerate them.

I seem to myself to have been too long occupied with one class of crime. I am aware, O judges, that I have to encounter the weariness of your ears and eyes at such a repetition of similar cases ; I will, therefore, pass over many instances. But I entreat you, O judges, in the name of the immortal gods, in the name of these very gods of whose honour and worship we have been so long speaking, refresh your minds so as to attend to what I am about to mention, while I bring forward and detail to you that crime of his by which the whole province was roused, and in speaking of which you will pardon me if I appear to go back rather far, and trace the earliest recollections of the religious observances in question. The importance of the affair will not allow me to pass over the atrocity of his guilt with brevity.

XLVIII. It is an old opinion, O judges, which can be proved from the most ancient records and monuments of the Greeks, that the whole island of Sicily was consecrated to Ceres and Libera. Not only did all other nations think so, but the Sicilians themselves were so convinced of it, that it appeared a deeply rooted and innate belief in their minds.

For they believe that these goddesses were born in these districts, and that corn was first discovered in this land, and that Libera was carried off, the same goddess whom they call Proserpine, from a grove in the territory of Enna, a place which, because it is situated in the centre of the island, is called the navel of Sicily. And when Ceres wished to seek her and trace her out, she is said to have lit her torches at those flames which burst out at the summit of *Ætna*, and carrying these torches before her, to have wandered over the whole earth. But Enna, where those things which I am speaking of are said to have been done, is in a high and lofty situation, on the top of which is a large level plain, and springs of water which are never dry. And the whole of the plain is cut off and separated, so as to be difficult of approach. Around it are many lakes and groves, and beautiful flowers at every season of the year; so that the place itself appears to testify to that abduction of the virgin which we have heard of from our boyhood.<sup>1</sup> Near it is a cave turned towards the north, of unfathomable depth, where they say that Father Pluto suddenly rose out of the earth in his chariot, and carried the virgin off from that spot, and that on a sudden, at no great distance from Syracuse, he went down beneath the earth, and that immediately a lake sprang up in that place; and there to this day the Syracusans celebrate anniversary festivals with a most numerous assemblage of both sexes.

XLIX. On account of the antiquity of this belief, because in those places the traces and almost the cradles of those gods are found, the worship of Ceres of Enna prevails to a wonderful extent, both in private and in public over all Sicily. In truth, many prodigies often attest her influence and divine powers. Her present help is often brought to many in critical circumstances, so that this island appears not only to be loved, but also to be watched over and protected by her. Nor is it the Sicilians only, but even all other tribes and nations greatly worship Ceres of Enna. In truth, if initiation into those sacred mysteries of the Athenians is

<sup>1</sup> We have the same advantages, or rather greater advantages than Cicero in this respect; for we have heard the story from our boyhood told far more beautifully than any Sicilian ever imagined it. See *Ovid, Fasti*, iv. 419.

sought for with the greatest avidity, to which people Ceres is said to have come in that long wandering of hers, and then she brought them corn. How much greater reverence ought to be paid to her by those people among whom it is certain that she was born, and first discovered corn. And, therefore, in the time of our fathers, at a most disastrous and critical time to the republic, when, after the death of Tiberius Gracchus, there was a fear that great dangers were portended to the state by various prodigies, in the consulship of Publius Mucius and Lucius Calpurnius, recourse was had to the Sibylline books, in which it was found set down, "that the most ancient Ceres ought to be appeased." Then, priests of the Roman people, selected from the most honourable college of decemvirs, although there was in our own city a most beautiful and magnificent temple of Ceres, nevertheless went as far as Enna. For such was the authority and antiquity of the reputation for holiness of that place, that when they went thither, they seemed to be going not to a temple of Ceres, but to Ceres herself. I will not din this into your ears any longer. I have been some time afraid that my speech may appear unlike the usual fashion of speeches at trials, unlike the daily method of speaking. This I say, that this very Ceres, the most ancient, the most holy, the very chief of all sacred things which are honoured by every people, and in every nation, was carried off by Caius Verres from her temple and her home. Ye who have been to Enna, have seen a statue of Ceres made of marble, and in the other temple a statue of Libera. They are very colossal and very beautiful, but not exceedingly ancient. There was one of brass, of moderate size, but extraordinary workmanship, with the torches in its hands, very ancient, by far the most ancient of all those statues which are in that temple; that he carried off, and yet he was not content with that. Before the temple of Ceres, in an open and an uncovered place, there are two statues, one of Ceres, the other of Triptolemus, very beautiful, and of colossal size. Their beauty was their danger, but their size their safety; because the taking of them down and carrying them off appeared very difficult. But in the right hand of Ceres there stood a beautifully wrought image of Victory; and this he had wrenched out of the hand of Ceres and carried off.

L. What now must be his feelings at the recollection of his crimes, when I, at the mere enumeration of them, am not only roused to indignation in my mind, but even shudder over my whole body? For thoughts of that temple, of that place, of that holy religion come into my mind. Everything seems present before my eyes,—the day on which, when I had arrived at Enna, the priests of Ceres came to meet me with garlands of vervain, and with fillets; the concourse of citizens, among whom, while I was addressing them, there was such weeping and groaning that the most bitter grief seemed to have taken possession of the whole. They did not complain of the absolute way in which the tenths were levied, nor of the plunder of property, nor of the iniquity of tribunals, nor of that man's unhallowed lusts, nor of his violence, nor of the insults by which they had been oppressed and overwhelmed. It was the divinity of Ceres, the antiquity of their sacred observances, the holy veneration due to their temple, which they wished should have atonement made to them by the punishment of that most atrocious and audacious man. They said that they could endure everything else; that to everything else they were indifferent. This indignation of theirs was so great, that you might suppose that Verres, like another king of hell, had come to Enna and had carried off, not Proserpine, but Ceres herself. And, in truth, that city does not appear to be a city, but a shrine of Ceres. The people of Enna think that Ceres dwells among them; so that they appear to me not to be citizens of that city, but to be all priests, to be all ministers and officers of Ceres. Did you dare to take away out of Enna the statue of Ceres? Did you attempt at Enna to wrench Victory out of the hand of Ceres? to tear one goddess from the other?—nothing of which those men dared to violate, or even to touch, whose qualities were all more akin to wickedness than to religion. For while Publius Popillius and Publius Rupilius were consuls, slaves, runaway slaves, and barbarians, and enemies, were in possession of that place; but yet the slaves were not so much slaves to their own masters, as you are to your passions; nor did the runaways flee from their masters as far as you flee from all laws and from all right; nor were the barbarians as barbarous in language and in race as you are in your nature and your habits; nor were the enemies

as much enemies to men as you are to the immortal gods. How, then, can a man beg for any mercy who has surpassed slaves in baseness, runaway slaves in rashness, barbarians in wickedness, and enemies in inhumanity?

LI. You heard Theodorus and Numinius and Nicasio, deputies from Enna, say, in the name of their state, that they had this commission from their fellow-citizens, to go to Verres, and to demand from him the restoration of the statues of Ceres and of Victory. And if they obtained it, then they were to adhere to the ancient customs of the state of Enna, not to give any public testimony against him, although he had oppressed Sicily, since these were the principles which they had received from their ancestors. But if he did not restore them, then they were to go before the tribunal, to inform the judges of the injuries they had received, but, far above all things, to complain of the insults to their religion. And, in the name of the immortal gods, I entreat you, O judges, do not you despise, do not you scorn or think lightly of their complaints. The injuries done to our allies are the present question; the authority of the laws is at stake; the reputation and the honesty of our courts of justice is at stake. And though all these are great considerations, yet this is the greatest of all,—the whole province is so imbued with religious feeling, such a superstitious dread arising out of that man's conduct has seized upon the minds of all the Sicilians, that whatever public or private misfortunes happen, appear to befall them because of that man's wickedness. You have heard the Centuripans, the Agyrians, the Catenans, the Herbitans, the Ennans, and many other deputies say, in the name of their states, how great was the solitude in their districts, how great the devastation, how universal the flight of the cultivators of the soil; how deserted, how uncultivated, how desolate every place was. And although there are many and various injuries done by that man to which these things are owing, still this one cause, in the opinion of the Sicilians, is the most weighty of all; for, because of the insults offered to Ceres, they believe that all the crops and gifts of Ceres have perished in these districts. Bring remedies, O judges, to the insulted religion of the allies; preserve your own, for this is not a foreign religion, nor one with which you have no concern. But even

if it were, if you were unwilling to adopt it yourselves, still you ought to be willing to inflict heavy punishment on the man who had violated it. But now that the common religion of all nations is attacked in this way, now that these sacred observances are violated which our ancestors adopted and imported from foreign countries, and have honoured ever since,—sacred observances, which they called Greek observances, as in truth they were,—even if we were to wish to be indifferent and cold about these matters, how could we be so?

LII. I will mention the sacking of one city, also, and that the most beautiful and highly decorated of all, the city of Syracuse. And I will produce my proofs of that, O judges, in order at length to conclude and bring to an end the whole history of offences of this sort. There is scarcely any one of you who has not often heard how Syracuse was taken by Marcus Marcellus, and who has not sometimes also read the account in our annals. Compare this peace with that war; the visit of this prætor with the victory of that general; the debauched retinue of the one with the invincible army of the other; the lust of Verres with the continence of Marcellus;—and you will say that Syracuse was built by the man who took it; was taken by the man who received it well established and flourishing. And for the present I omit those things which will be mentioned, and have been already mentioned by me in an irregular manner in different parts of my speech—that the market-place of the Syracusans, which at the entrance of Marcellus was preserved unpolluted by slaughter, on the arrival of Verres overflowed with the blood of innocent Sicilians; that the harbour of the Syracusans, which at that time was shut against both our fleets and those of the Carthaginians, was, while Verres was prætor, open to Cilician pirates, or even to a single piratical galley. I say nothing of the violence offered to people of noble birth, of the ravishment of matrons, atrocities which then, when the city was taken, were not committed, neither through the hatred of enemies, nor through military licence, nor through the customs of war or the rights of victory. I pass over, I say, all these things which were done by that man for three whole years. Listen rather to acts which are connected with those matters of which I have hitherto been speaking. You have often heard that the city of Syracuse is the greatest of



the Greek cities, and the most beautiful of all. It is so, O judges, as it is said to be ; for it is so by its situation, which is strongly fortified, and which is on every side by which you can approach it, whether by sea or land, very beautiful to behold. And it has harbours almost enclosed within the walls, and in the sight of the whole city ; harbours which have different entrances, but which meet together, and are connected at the other end. By their union a part of the town, which is called the island, being separated from the rest by a narrow arm of the sea, is again joined to and connected with the other by a bridge.

LIII. That city is so great that it may be said to consist of four cities of the largest size ; one of which, as I have said, is that "Island," which, surrounded by two harbours, projects out towards the mouth and entrance of each. In it there is a palace which did belong to king Hiero, which our prætors are in the habit of using ; in it are many sacred buildings, but two, which have a great pre-eminence over all the others,—one a temple of Diana, and the other one, which before the arrival of that man was the most ornamented of all, sacred to Minerva. At the end of this island is a fountain of sweet water, the name of which is Arethusa, of incredible size, very full of fish, which would be entirely overwhelmed by the waves of the sea, if it were not protected from the sea by a rampart and dam of stone. There is also another city at Syracuse, the name of which is Achradina, in which there is a very large forum, most beautiful porticoes, a highly decorated town-hall, a most spacious senate-house, and a superb temple of Jupiter Olympius ; and the other districts of the city are joined together by one broad unbroken street, and divided by many cross streets, and by private houses. There is a third city, which, because in that district there is an ancient temple of Fortune, is called Tyche, in which there is a spacious gymnasium, and many sacred buildings, and that district is the most frequented and the most populous. There is also a fourth city, which, because it is the last built, is called Neapolis,<sup>1</sup> in the highest

<sup>1</sup> Neapolis meaning "new city," or as we might say, Newtown. from the Greek words Νέα πόλις, as Tyche is the Greek name of Fortune—Τύχη. Compare with this passage the description of Syracuse given by Thucydides in his sixth and seventh books.

part of which there is a very large theatre, and, besides that, there are two temples of great beauty, one of Ceres, the other of Libera, and a statue of Apollo, which is called *Temenites*, very beautiful and of colossal size ; which, if he could have moved them, he would not have hesitated to carry off.

LIV. Now I will return to Marcellus, that I may not appear to have entered into this statement without any reason. He, when with his powerful army he had taken this splendid city, did not think it for the credit of the Roman people to destroy and extinguish this splendour, especially as no danger could possibly arise from it, and therefore he spared all the buildings, public as well as private, sacred as well as ordinary, as if he had come with his army for the purpose of defending them, not of taking them by storm. With respect to the decorations of the city, he had a regard to his own victory, and a regard to humanity : he thought it was due to his victory to transport many things to Rome which might be an ornament to this city, and due to humanity not utterly to strip the city, especially as it was one which he was anxious to preserve. In this division of the ornaments, the victory of Marcellus did not covet more for the Roman people than his humanity reserved to the Syracusans. The things which were transported to Rome we see before the temples of Honour and of Virtue, and also in other places. He put nothing in his own house, nothing in his gardens, nothing in his suburban villa ; he thought that his house could only be an ornament to the city if he abstained from carrying the ornaments which belonged to the city to his own house. But he left many things of extraordinary beauty at Syracuse ; he violated not the respect due to any god ; he laid hands on none. Compare Verres with him ; not to compare the man with the man,—no such injury must be done to such a man as that, dead though he be ; but to compare a state of peace with one of war, a state of law and order, and regular jurisdiction, with one of violence and martial law, and the supremacy of arms ; to compare the arrival and retinue of the one with the victory and army of the other.

LV. There is a temple of Minerva in the island, of which I have already spoken, which Marcellus did not touch,

which he left full of its treasures and ornaments, but which was so stripped and plundered by Verres, that it seems to have been in the hands, not of any enemy,—for enemies, even in war, respect the rites of religion, and the customs of the country,—but of some barbarian pirates. There was a cavalry battle of their king Agathocles, exquisitely painted in a series of pictures, and with these pictures the inside walls of the temple were covered. Nothing could be more noble than those paintings; there was nothing at Syracuse that was thought more worthy going to see. These pictures, Marcus Marcellus, though by that victory of his he had divested everything of its sacred inviolability of character, still, out of respect for religion, never touched; Verres, though, in consequence of the long peace, and the loyalty of the Syracusan people, he had received them as sacred and under the protection of religion; took away all those pictures, and left naked and unsightly those walls whose decorations had remained inviolate for so many ages, and had escaped so many wars: Marcellus, who had vowed that if he took Syracuse he would erect two temples at Rome, was unwilling to adorn the temple which he was going to build with these treasures which were his by right of capture; Verres, who was bound by no vows to Honour or Virtue, as Marcellus was, but only to Venus and to Cupid, attempted to plunder the temple of Minerva. The one was unwilling to adorn gods in the spoil taken from gods, the other transferred the decorations of the virgin Minerva to the house of a prostitute. Besides this, he took away out of the same temple twenty-seven more pictures beautifully painted; among which were likenesses of the kings and tyrants of Sicily, which delighted one, not only by the skill of the painter, but also by reminding us of the men, and by enabling us to recognise their persons. And see now, how much worse a tyrant this man proved to the Syracusans than any of the old ones, as they, cruel as they were, still adorned the temples of the immortal gods, while this man took away the monuments and ornaments from the gods.

LVI. But now what shall I say of the folding-doors of that temple? I am afraid that those who have not seen these things may think that I am speaking too highly of, and exaggerating everything, though no one ought to suspect

that I should be so inconsiderate as to be willing that so many men of the highest reputation, especially when they are judges in this cause, who have been at Syracuse, and who have seen all these things themselves, should be witnesses to my rashness and falsehood. I am able to prove this distinctly, O judges, that no more magnificent doors, none more beautifully wrought of gold and ivory, ever existed in any temple. It is incredible how many Greeks have left written accounts of the beauty of these doors : they, perhaps, may admire and extol them too much ; be it so, still it is more honourable for our republic, O judges, that our general, in a time of war, should have left those things which appeared to them so beautiful, than that our prætor should have carried them off in a time of peace. On the folding-doors were some subjects most minutely executed in ivory ; all these he caused to be taken out ; he tore off and took away a very fine head of the Gorgon with snakes for hair ; and he showed, too, that he was influenced not only by admiration for the workmanship, but by a desire of money and gain ; for he did not hesitate to take away also all the golden knobs from these folding-doors, which were numerous and heavy ; and it was not the workmanship of these, but the weight which pleased him. And so he left the folding-doors in such state, that, though they had formerly contributed greatly to the ornament of the temple, they now seemed to have been made only for the purpose of shutting it up. Am I to speak also of the spears made of grass ? for I saw that you were excited at the name of them when the witnesses mentioned them. They were such that it was sufficient to have seen them once, as there was neither any manual labour in them, nor any beauty, but simply an incredible size, which it would be quite sufficient even to hear of, and too much to see them more than once. Did you covet even those ?

LVII. For the Sappho which was taken away out of the town-hall affords you so reasonable an excuse, that it may seem almost allowable and pardonable. That work of Silanion, so perfect, so elegant, so elaborate, (I will not say what private man, but) what nation could be so worthy to possess, as the most elegant and learned Verres ? Certainly, nothing can be said against it. If any one of us, who are not as happy, who cannot be as refined as that man, should wish to

ehold anything of the sort, let him go to the temple of Good Fortune, to the monument of Catulus, to the portico of Metellus ; let him take pains to get admittance into the Tusculan villa of any one of those men ; let him see the forum when decorated, if Verres is ever so kind as to lend any of his treasures to the ædiles. Shall Verres have all these things at home? shall Verres have his house full of, his villas crammed with, the ornaments of temples and cities? Will you still, O judges, bear with the hobby, as he calls it, and pleasures of this vile artisan? a man who was born in such a rank, educated in such a way, and who is so formed, both in mind and body, that he appears a much fitter person to take down statues than to appropriate them. And how great a regret this Sappho which he carried off left behind her, can scarcely be told ; for in the first place it was admirably made, and, besides, it had a very noble Greek epigram engraved upon the pedestal ; and would not that learned man, that Grecian, who is such an acute judge of these matters, who is the only man who understands them, if he had understood one letter of Greek, have taken that away too? for now, because it is engraved on an empty pedestal, it both declares what was once on the pedestal, and proves that it has been taken away. What shall I say more? Did you not take away the statue of Pæan from out of the temple of Æsculapius, beautifully made, sacred, and holy as it was? a statue which all men went to see for its beauty, and worshipped for its sacred character. What more? was not the statue of Aristæus openly taken away by your command out of the temple of Bacchus? What more? did you not take away out of the temple of Jupiter that most holy statue of Jupiter Imperator, which the Greeks call *Οἶπιος*, most beautifully made? What next? did you hesitate to take away out of the temple of Libera, that most exquisite bust of Parian marble, which we used to go to see? And that Pæan used to be worshipped among that people together with Æsculapius, with anniversary sacrifices. Aristæus, who being, as the Greeks report, the son of Bacchus, is said to have been the inventor of oil, was consecrated among them together with his father Bacchus, in the same temple.

LVIII. But how great do you suppose was the honour paid to Jupiter Imperator in his own temple? You may

collect it from this consideration, if you recollect how great was the religious reverence attached to that statue of the same appearance and form which Flaminius brought out of Macedonia, and placed in the Capitol. In truth, there were said to be in the whole world three statues of Jupiter Imperator, of the same class, all beautifully made: one was that one from Macedonia, which we have seen in the Capitol; a second was the one at the narrow straits, which are the mouth of the Euxine Sea; the third was that which was at Syracuse, till Verres came as prætor. Flaminius removed the first from its habitation, but only to place it in the Capitol, that is to say, in the house of Jupiter upon earth; but as to the one that is at the entrance of the Euxine, that, though so many wars have proceeded from the shores of that sea, and though so many have been poured into Pontus, has still remained inviolate and untouched to this day. This third one, which was at Syracuse, which Marcus Marcellus, when in arms and victorious, had seen, which he had spared to the religion of the place, which both the citizens of, and settlers in Syracuse were used to worship, and strangers not only visited, but often venerated, Caius Verres took away from the temple of Jupiter. To return again to Marcellus. Judge of the case, O judges, in this way; think that more gods were lost to the Syracusans owing to the arrival of Verres, than even were owing to the victory of Marcellus. In truth, he is said to have sought diligently for the great Archimedes, a man of the highest genius and skill, and to have been greatly concerned when he heard that he had been killed; but that other man sought for everything which he did seek for, not for the purpose of preserving it, but of carrying it away.

LIX. At present, then, all those things which might appear more insignificant, I will on that account pass over—how he took away Delphic tables made of marble, beautiful goblets of brass, an immense number of Corinthian vases, out of every sacred temple at Syracuse; and therefore, O judges, those men who are accustomed to take strangers about to all those things which are worth going to see, and to show them every separate thing, whom they call *mystagogi*, (or *cicerones*,) now have their description of things reversed; for as they formerly used to show what there was in every place, so now they show what has been taken from every place.

What do you think, then? Do you think that those men are affected with but a moderate indignation? Not so, O judges: in the first place, because all men are influenced by religious feeling, and think that their paternal gods, whom they have received from their ancestors, are to be carefully worshipped and retained by themselves; and secondly, because this sort of ornament, these works and specimens of art, these statues and paintings, delight men of Greek extraction to an excessive degree; therefore by their complaints we can understand that these things appear most bitter to those men, which perhaps may seem trifling and contemptible to us. Believe me, O judges, although I am aware to a certainty that you yourselves hear the same things; that though both our allies and foreign nations have during these past years sustained many calamities and injuries, yet men of Greek extraction have not been, and are not, more indignant at any than at this ruthless plundering of their temples and altars. Although that man may say that he bought these things, as he is accustomed to say, yet, believe me in this, O judges,—no city in all Asia or in all Greece has ever sold one statue, one picture, or one decoration of the city, of its own free will to anybody. Unless, perchance, you suppose that, after strict judicial decisions had ceased to take place at Rome, the Greeks then began to sell these things, which they not only did not sell when there were courts of justice open, but which they even used to buy up; or unless you think that Lucius Crassus, Quintus Scævola, Caius Claudius, most powerful men, whose most splendid ædileships we have seen, had no dealings in those sort of matters with the Greeks, but that those men had such dealings who became ædiles after the destruction of the courts of justice.

LX. Know also that that false pretence of purchase was more bitter to the cities than if any one were privily to filch things, or boldly to steal them and carry them off. For they think it the most excessive baseness, that it should be entered on the public records that the city was induced by a price, and by a small price too, to sell and alienate those things which it had received from men of old. In truth, the Greeks delight to a marvellous degree in those things, which we despise. And therefore our ancestors willingly allowed those things to remain in numbers among the allies, in order that

they might be as splendid and as flourishing as possible under our dominion ; and among those nations whom they rendered taxable or tributary,<sup>1</sup> still they left these things, in order that they who take delight in those things which to us seem insignificant, might have them as pleasures and consolations in slavery. What do you think that the Rhegians, who now are Roman citizens, would take to allow that marble Venus to be taken from them ? What would the Tarentines take to lose the Europa sitting on the Bull ? or the Satyr which they have in the temple of Vesta ? or their other monuments ? What would the Thespians take to lose the statue of Cupid, the only object for which any one ever goes to see Thespiæ ? What would the men of Cnidos take for their marble Venus ? or the Coans for their picture of her ? or the Ephesians for Alexander ? the men of Cyzicus for their Ajax or Medea ? What would the Rhodians take for Ialysus ? the Athenians for their marble Bacchus, or their picture of Paralus, or their brazen Heifer, the work of Myron ? It would be a long business and an unnecessary one, to mention what is worth going to see among all the different nations in all Asia and Greece ; but that is the reason why I am enumerating these things, because I wish you to consider that an incredible indignation must be the feeling of those men from whose cities these things are carried away.

LXI. And to say nothing of other nations, judge of the Syracusans themselves. For when I went to Syracuse, I originally believed what I had heard at Rome from that man's friends, that the city of Syracuse, on account of the inheritance of Heraclius, was no less friendly to him than the city of the Mamertines, because of their participation in all his booty and robberies. And at the same time I was afraid that, owing to the influence of the high-born and beautiful women at whose will he had directed all the measures of his prætorship for three years, and of the men to whom they were married, I should be opposed not only by an excessive lenity, but even by a feeling of liberality towards that man, if I were to seek for any evidence out of the public records of

<sup>1</sup> The Latin is "*quos vectigales aut stipendiarius fuerant*"—" *Stipendiarii* and *vectigales* are thus distinguished : *Stipendiarii* are those who pay annually a fixed sum as tribute ; *vectigales*, those who pay in proportion to their property or income."—Riddle's Dict. v. *Stipendiarius*



the Syracusans. Therefore when at Syracuse I was chiefly with Roman citizens ; I copied out their papers ; I inquired into their injuries. As I was a long time occupied by that business, in order to rest a little and to give my mind a respite from care, I returned to those fine documents of Carpinatius ; in which, in company with some of the most honourable knights of the body of Roman settlers, I unravelled the case of those Verrutii, whom I have mentioned before, but I expected no aid at all, either publicly or privately, from the Syracusans, nor had I any idea of asking for any. While I was doing this, on a sudden Heraclius came to me, who was in office at Syracuse, a man of high birth, who had been priest of Jupiter, which is the highest honour among the Syracusans ; he requests of me and of my brother, if we have no objection, to go to their senate ; that they were at that moment assembled in full numbers in the senate-house, and he said that he made this request to us to attend by command of the senate. At first we were in doubt what to do ; but afterwards it soon occurred to us that we ought not to shun that assembly or that place.

LXII. Therefore we came to the senate-house ; they all rise at our entry to do us honour. We sat down at the request of the magistrates. Diodorus the son of Timarchides, who was the first man in that body both in influence and in age, and also as it seemed to me in experience and knowledge of business, began to speak ; and the first sentence of his speech was to this effect—That the senate and people of Syracuse were grieved and indignant, that, though in all the other cities of Sicily I had informed the senate and people of what I proposed for their advantage or for their safety, and though I had received from them all commissions, deputies, letters and evidence, yet in that city I had done nothing of that sort. I answered, that deputies from the Syracusans had not been present at Rome in that assembly of the Sicilians when my assistance was entreated by the common resolution of all the deputations, and when the cause of the whole of Sicily was entrusted to me ; and that I could not ask that any decree should be passed against Caius Verres in that senate-house in which I saw a gilt statue of Caius Verres. And after I said that, such a groaning ensued at the sight and mention of the statue, that it appeared to have been

placed in the senate-house as a monument of his wickednesses and not of his services. Then every one for himself, as fast as each could manage to speak, began to give me information of those things which I have just now mentioned ; to tell me that the city was plundered—the temples stripped of their treasures—that of the inheritance of Heraclius, which he had adjudged to the men of the palæstra, he had taken by far the greatest share himself ; and indeed, that they could not expect that he should care for the men of the palæstra, when he had taken away even the god who was the inventor of oil ; that that statue had neither been made at the public expense, nor erected by public authority, but that those men who had been the sharers in the plunder of the inheritance of Heraclius, had had it made and placed where it was ; and that those same men had been the deputies at Rome, who had been his assistants in dishonesty, his partners in his thefts, and the witnesses of his debaucheries ; and that therefore I ought the less to wonder if they were wanting to the unanimity of the deputies and to the safety of Sicily.

LXIII. When I perceived that their indignation at that man's injuries was not only not less, but almost greater than that of the rest of the Sicilians, then I explained my own intentions to them, and my whole plan and system with reference to the whole of the business which I had undertaken ; then I exhorted them not to be wanting to the common cause and the common safety, and to rescind that panegyric which they had voted a few days before, being compelled, as they said, by violence and fear. Accordingly, O judges, the Syracusans, that man's clients and friends, do this. First of all, they produce to me the public documents which they had carefully stored up in the most sacred part of the treasury ; in which they show me that everything, which I have said had been taken away, was entered, and even more things than I was able to mention. And they were entered in this way. "What had been taken out of the temple of Minerva . . . This, . . . and that." "What was missing out of the temple of Jupiter." "What was missing out of the temple of Bacchus." As each individual had had the charge of protecting and preserving those things, so it was entered ; that each, when according to law he gave in his accounts, being bound to give up what he had received, had begged that he

might be pardoned for the absence of these things and that all had accordingly been released from liability on that account, and that it was kept secret; all which documents I took care to have sealed up with the public seal and brought away. But concerning the public panegyric on him this explanation was given: that at first, when the letters arrived from Verres about the panegyric, a little while before my arrival, nothing had been decreed; and after that, when some of his friends urged them that it ought to be decreed, they were rejected with the greatest outcry and the bitterest reproaches; but when I was on the point of arriving, then he who at that time was the chief governor had commanded them to decree it, and that it had been decreed in such a manner that the panegyric did him more damage than it could have done him good. So now, judges, do you receive the truth of that matter from me just as it was shown to me by them.

LXIV. It is a custom at Syracuse, that, if a motion on any subject is brought before the senate, whoever wishes, gives his opinion on it. No one is asked by name for his sentiments; nevertheless, those are accustomed to speak first of their own accord, and naturally, according as they are superior in honour or in age; and that precedence is yielded to them by the rest; but, if at any time all are silent, then they are compelled to speak by lot. This was the custom when the motion was made respecting the panegyric of Verres. On which subject at first great numbers speak, in order to delay coming to any vote, and interpose this objection, that formerly, when they had heard that there was a prosecution instituted against Sextus Peducaeus, who had deserved admirably well of that city and of the whole province, and when, in return for his numerous and important services, they wished to vote a panegyric on him, they had been prohibited from doing so by Caius Verres; and that it would be an unjust thing, although Peducaeus had now no need of their praise, still not to vote that which at one time they had been eager to vote, before decreeing what they would only decree from compulsion. All shout in assent, and say approvingly that that is what ought to be done. So the question about Peducaeus is put to the senate. Each man gave his opinion in order, according as he had precedence in age and honour. You may learn this from

the resolution itself; for the opinions delivered by the chief men are generally recorded. Read—

[*The list of speeches made on the subject of Sextus Peducæus is read.*]

It says who were the chief supporters of the motion. The vote is carried. Then the question about Verres is put. Tell me, I pray, what happened.

[*The list of speeches made on the subject of Caius Verres . . . .*]

Well what comes next?

[*As no one rose, and no one delivered his opinion . . . .*]

What is this?

[*They proceed by lot.*]

Why was this? Was no one a willing praiser of your prætorship, or a willing defender of you from danger, especially when by being so he might have gained favour with the prætor? No one. Those very men who used to feast with you, your advisers and accomplices, did not venture to utter a word. In that very senate-house in which a statue of yourself and a naked statue of your son were standing, was there no one whom even your naked son in a province stripped naked could move to compassion? Moreover they inform me also of this, that they had passed the vote of panegyric in such a form that all men might see that it was not a panegyric, but rather a satire, to remind every one of his shameful and disastrous prætorship. For in truth it was drawn up in these words. "Because he had scourged no one." From which you are to understand, that he had caused most noble and innocent men to be executed. "Because he had administered the affairs of the province with vigilance," when all his vigils were well known to have been devoted to debauchery and adultery; moreover, there was this clause added, which the defendant could never venture to produce, and the accuser would never cease to dwell upon; "Because Verres had kept all pirates at a distance from the island of Sicily;" men who in his time had entered even into the "island" of Syracuse. And after I had received this information from them, I departed from the senate-house with my brother, in order that they might decree what they chose.

LXV. Immediately they pass a decree. First, 'That my

brother Lucius should be connected with the city by ties of hospitality ;" because he had shown the same goodwill to the Syracusans that I had always felt myself. That they not only wrote at that time, but also had engraved on brazen tablets and presented to us. Truly very fond of you are your Syracusans whom you are always talking of, who think it quite a sufficient reason for forming an intimate connexion with your accuser, that he is going to be your accuser, and that he has come among them for the purpose of prosecuting inquiries against you. After that, a decree is passed, not with any difference of opinion, but almost unanimously, "That the panegyric which had been decreed to Caius Verres, be rescinded." But, when not only the vote had been come to, but when it had even been drawn up in due form and entered in the records, an appeal is made to the prætor. But who makes this appeal? Any magistrate? No. Any senator? Not even that. Any Syracusan? Far from it. Who, then, appeals to the prætor? The man who had been Verres's quæstor, Cæsetius. Oh, the ridiculous business! Oh, the deserted man! O man despaired of and abandoned by the Sicilian magistracy! In order to prevent the Sicilians passing a resolution of the senate, or from obtaining their rights according to their own customs and their own laws, an appeal is made to the prætor, not by any friend of his, not by any connexion, not, in short, by any Sicilian, but by his own quæstor. Who saw this? Who heard it? That just and wise prætor orders the senate to be adjourned. A great multitude flocks to me. First of all, the senators cry out that their rights are being taken away; that their liberty is being taken away. The people praise the senate and thank them. The Roman citizens do not leave me. And on that day I had no harder task, than with all my exertions to prevent violent hands being laid on the man who made that appeal. When we had gone before the prætor's tribunal, he deliberates, forsooth, diligently and carefully what decision he shall give; for, before I say one word, he rises from his seat, and departs. And so we departed from the forum when it was now nearly evening.

LXVI. The next day, the first thing in the morning, I beg of him to allow the Syracusans to give me a copy of the resolution which they had passed the day before. But he

refuses, and says that it is a great shame for me to have made a speech in a Greek senate; and that, as for my having spoken in the Greek language to Greeks, that was a thing which could not be endured at all. I answered the man as I could, as I chose, and as I ought. Among other things, I recollect that I said that it was easy to be seen how great was the difference between him and the great Numidicus, the real and genuine Metellus. That that Metellus had refused to assist with his panegyric Lucius Lucullus, his sister's husband, with whom he was on the very best terms, but that he was procuring panegyrics from cities for a man totally unconnected with himself, by violence and compulsion. But when I understood that it was many recent messengers, and many letters, not of introduction but of credit, that had had so much influence over him, at the suggestion of the Syracusans themselves I make a seizure of those documents in which the resolutions of the senate were recorded. And now behold a fresh confusion and strife. That, however, you may not suppose that he was without any friends or connexions at Syracuse, that he was entirely desolate and forsaken, a man of the name of Theomnastus, a man ridiculously crazy, whom the Syracusans call Theoractus.<sup>1</sup> attempted to detain those documents; a man in such a condition, that the boys follow him, and that every one laughs at him every time he opens his mouth. But his craziness, which is ridiculous to others, was then in truth very troublesome to me. For while he was foaming at the mouth, his eyes glaring, and he crying out as loud as he could that I was attacking him with violence, we came together before the tribunal. Then I began to beg to be allowed to seal up and carry away the records. He spoke against me; he denied that there had been any regular resolution of the senate passed, since an appeal had been made to the prætor. He said that a copy of it ought not to be given to me. I read the act, that I was to be allowed all documents and records. He, like a crazy man as he was, urged that our laws had nothing to do with him. That intelligent prætor decided that he did not choose, as the resolution of the senate had no business ever to be ratified, to allow me to take

<sup>1</sup> Theoractus seems a sort of nickname, to indicate his insanity, being derived from Θεός, God, and ῥήγνυμι, to break; while Theomnast is derived from Θεός and μνήμαι to remember.

a copy of it to Rome. Not to make a long story of it, i. I had not threatened the man vigorously, if I had not read to him the provisions of the act passed in this case, and the penalties enacted by it, I should not have been allowed to have the documents. But that crazy fellow, who had declaimed against me most violently on behalf of Verres, when he found he did not succeed, in order I suppose to recover my favour, gives me a book in which all Verres's Syracusan thefts were set down, which I had already been informed of by, and had a list of from them.

LXVII. Now, then, let the Mamertines praise you, who are the only men of all that large province who wish you to get off; but let them praise you on condition that Heius, who is the chief man of that deputation, is present; let them praise you on condition that they are here, ready to reply to me on those points concerning which they are questioned. And that they may not be taken by surprise on a sudden, this is what I shall ask them:—Are they bound to furnish a ship to the Roman people? They will admit it. Have they supplied it while Verres was prætor? They will say, No. Have they built an enormous transport at the public expense which they have given to Verres? They will not be able to deny it. Has Verres taken corn from them to send to the Roman people, as his predecessor did? They will say, No. What soldiers or sailors have they furnished during those three years? They will say they furnished none at all. They will not be able to deny that Messana has been the receiver of all his plunder and all his robberies. They will confess that an immense quantity of things were exported from that city; and besides that, that this large vessel given to him by the Mamertines, departed loaded when the prætor left Sicily. You are welcome, then, to that panegyric of the Mamertines. As for the city of Syracuse, we see that that feels towards you as it has been treated by you; and among them that infamous Verrean festival, instituted by you, has been abolished. In truth, it was a most unseemly thing for honours such as belong to the gods to be paid to the man who had carried off the images of the gods. In truth, that conduct of the Syracusans would be deservedly reproached, if, when they had struck a most celebrated and solemn day of festival games out of their annals, because on that day Syra-

cuse was said to have been taken by Marcellus, they should, notwithstanding, celebrate a day of festival in the name of Verres; though he had plundered the Syracusans of all which that day of disaster had left them. But observe the shamelessness and arrogance of the man, O judges, who not only instituted this disgraceful and ridiculous Verrean festival out of the money of Heraclius, but who also ordered the Marcellian festival to be abolished, in order that they might every year offer sacrifices to the man by whose means they had lost the sacred festivals which they had ever observed, and had lost their national deities, and that they might take away the festival days in honour of that family by whose means they had recovered all their other festivals.

---

## THE FIFTH BOOK OF THE SECOND PLEADING IN THE PROSECUTION AGAINST VERRES.

### THE SPEECH ON THE PUNISHMENTS.

---

#### THE ARGUMENT.

This speech is divided into three divisions. First of all Cicero speaks of the conduct of Verres with respect to the war of the runaway slaves, which arose out of the relics of the war of Spartacus, which was brought to a termination just before the end of Verres's prætorship. In the second place he speaks of his conduct with respect to the pirates and banditti, who at that time infested the sea and the coasts of Sicily. And in the third place he impeaches him on account of the punishments he had inflicted on Roman citizens. But this last topic takes up, comparatively speaking, but a small part of the oration, though it has given the title to the whole oration. In the first two divisions of the speech Cicero is mainly occupied in replying to Hortensius, who had highly extolled Verres's military conduct and valour.

I. I SEE, O judges, that it is not doubtful to any one of you that Caius Verres most openly plundered everything in Sicily, whether sacred or profane, whether private or public property; and that, not only without the slightest scruple, but without even the very least disguise, he practised every possible description of robbery and plunder. But a very heightened and pompous defence of him is put forward in reply to me, which I must consider very carefully beforehand, O judges, how I am to resist. For his cause is stated in this way; that



by his valour, and by his singular vigilance exerted at a critical and perilous time, the province of Sicily was preserved in safety from fugitive slaves, and from the dangers of war. What am I to do, O judges? In what way am I to shape my accusation? which way am I to turn? For to all my attacks the appellation of a gallant general is opposed, as a wall of defence. I am acquainted with the topic;—I see how Hortensius is going to boast himself. He will dilate upon the dangers of the war, the critical time of the republic, the scarcity of able generals; and then he will entreat of you, he will even claim as a right belonging to himself, that you do not suffer so great a general to be taken from the Roman people through the evidence of the Sicilians; that you do not allow his glory as a general to be overclouded by accusations of avarice. I cannot dissemble my alarm, O judges; I am afraid that Caius Verres, on account of this amazing warlike valour of his, may escape with impunity from the consequences of all his actions. For it occurs to me, what great influence, what exceeding authority, the oration of Marcus Antonius was supposed to have had at the trial of Marcus Aquillius; who, as he was not only skilful as an orator, but bold also, when he had nearly finished his speech, took hold of Marcus Aquillius and placed him in the sight of every one, and tore his robe away from his chest, in order that the Roman people and the judges might see his scars, all received in front; and at the same time he enlarged a good deal on that wound which he had received on his head from the general of the enemy; and worked up the men who were to judge in the cause to such a pitch, that they were greatly afraid lest the man whom fortune had saved from the weapons of the enemy, and who had not spared himself, should appear to have been saved not to receive praise from the Roman people, but to endure the cruelty of the judges. Now again this same plan and method of defence is to be tried by the opposite party; the same object is aimed at. He may be a thief, he may be a robber of temples, he may be the very chief man in every sort of vice and criminality; but he is a gallant general and a fortunate one, and he must be preserved for the critical emergencies of the republic.

II. I will not plead against you according to strict law; I will not urge that point, which perhaps I ought to carry if

I did, that as this trial is appointed to take place according to a particular formula, the point that requires to be proved by you, is not what gallant exploits you may have performed in war, but how you have kept your hands from other people's money ;—I will not, I say, urge this ; but I will ask, as I perceive you are desirous that I should, what has been your conduct and what have been your great exploits in war.

What will you say ? That in the war of the runaway slaves Sicily was delivered by your valour ? It is a great praise ; a very honourable boast. But in what war ? For we have understood that after that war which Marcus Aquilius finished, there has been no war of fugitive slaves in Sicily, Oh ! but there was in Italy. I admit that ; a great and formidable war. Do you then attempt to claim for yourself any part of the credit arising from that war ? Do you think that you are to share any of the glory of that victory with Marcus Crassus or Cnæus Pompeius ? I do not suppose that even this will be too great a stretch for your impudence, to venture to say something of that sort. You, forsooth, hindered any part of the forces of these slaves from passing over from Italy into Sicily ? Where ? When ? From what part of Italy, as they never attempted to approach Sicily in any ships or vessels of any sort ? For we never heard anything whatever of such an attempt ; but we have heard that care was taken, by the courage and prudence of Marcus Crassus, that most valiant man, that the runaways should not make boats so as to be able to cross the strait to Messina ; an attempt from which it would not have been so important to have cut them off, if there were supposed to have been any forces in Sicily able to oppose their invasion. But though there was war in Italy so close to Sicily, still it never came into Sicily. Where is the wonder ? for when it existed in Sicily, at exactly the same distance from Italy, no part of it reached Italy.

III. What has the proximity of the countries to do with either side of the argument in discussing this topic ? Will you say that access was very easy to the enemy, or that the contagion and temptation of imitating that war was a dangerous one ? Every access to the island was not only difficult to, but was entirely cut off from men who had no ships ; so that it was more easy for those men, to whom you say that Sicily was so near, to go to the shores of the ocean than

to Cape Pelorus. But as for the contagious nature of that servile war, why is it spoken of by you more than by all the rest of the officers who were governors of the other provinces? Is it because before that time there had been wars of runaway slaves in Sicily? But that is the very cause why that province is now and has been in the least danger. For ever since Marcus Aquillius left it, all the regulations and edicts of the prætors have been to this effect, that no slave should ever be seen with a weapon. What I am going to mention is an old story, and one, probably, owing to the severity of the example, not unknown to any one of you. They tell a story that Lucius Domitius was prætor in Sicily, and that an immense boar was brought to him; that he, marveling at the size of the beast, asked who had killed it. When he was told that it was such-an-one's shepherd, he ordered him to be summoned before him; that the shepherd came eagerly to the prætor, expecting praise and reward; that Domitius asked him how he had slain so huge a beast; that he answered, "With a hunting spear;" and that he was instantly crucified by order of the prætor. This may, perhaps, appear harsh; I say nothing either way; all that I understand from the story is, that Domitius preferred to appear cruel in punishing, to seeming negligent in overlooking offences.

IV. Therefore, while these were the established regulations of the province, Caius Norbanus, a man neither very active nor very valiant, was at perfect ease, at the very moment that all Italy was raging with the servile war. For at that time Sicily easily took care of itself, so that no war could possibly arise there. In truth, as no two things are so closely united as the traders are with the Sicilians, by habit, by interest, by reason, and by community of sentiment; and as the Sicilians have all their affairs in such a state that it is most desirable for them to be at peace; and as they are so attached to the sway of the Roman people that they would be very sorry that its power should be diminished or altered; and as ever since the servile war all such dangers as these have been provided for, both by the regulations of the prætors, and by the discipline of the masters; there is no conceivable domestic evil which can arise out of the province itself. What then do you say? Were there no disturbances of slaves in Sicily while Verres was prætor? Are no conspiracies said to have taken

place? None at all that have ever come to the knowledge of the senate and people of Rome; none which that man has thought worth writing public despatches to Rome about; and yet I do suspect that the body of slaves had begun to be less orderly in some parts of Sicily; and I infer that, not so much from any overt act, as from the actions and decrees of Verres. And see with how little of a hostile feeling I am going to conduct this case. I myself will mention and bring forward the things which he wishes to have mentioned, and which as yet you have never heard of. In the district of Triocala, a place which the fugitive slaves had occupied before, the family of a certain Sicilian called Leonidas was implicated in suspicion of a conspiracy. Information of the matter was laid before Verres. Immediately, as was natural, by his command, the men who had been named were arrested and taken to Lilybæum. Their master was summoned to appear, and after the case had been heard they were condemned.

V. What happened afterwards? What do you suppose? Perhaps you expect to hear of some robbery or plunder;—do not look on all occasions for the same things—when a man is in fear of war, what room is there for petty thefts? However, even if there was any opportunity for such a thing in this matter, it was overlooked. Perhaps he could have got some money out of Leonidas when he summoned him to appear. There was besides room for bargaining, (and that was an opportunity that he was not new to,) to get the cause adjourned; and a second chance, to get the slaves acquitted. But when the slaves had been condemned, what opportunity of plundering could there be? They must be brought up for punishment. For there were the witnesses who were sitting on the bench; the public records were witnesses; that most splendid city of Lilybæum was a witness; that most honourable and numerous assembly of Roman citizens was a witness. Nothing can be done; they must be brought up. Accordingly, they are brought up, and fastened to the stake. Even now, O judges, you seem to me to be waiting to see what happened next; because that man never did anything without some gain and some booty. What could be done in such a case? What is profitable? Expect then to hear of some crime as infamous as you please; but I will outdo all your expectation. The men who had been convicted of wickedness

and conspiracy, who had been delivered up for punishment, who had been bound to the stake, on a sudden, in the sight of many thousands of men, are unbound and restored to Leonidas their master. What can you say on this topic, O most insane of men? except, indeed, that which I do not ask you; what, in short, in so nefarious a business, although there can be no doubt about it, still, even if there were a doubt, ought not to be asked; namely, what or how much money you took to release them, and how you managed it. I give up the whole of this to you; and I release you from this anxiety: for I am not afraid of any one believing that you, without any payment, undertook an action which no man in the world except you could have been induced to undertake by any sum of money whatever. But about that system of thieving and plundering of yours I say nothing;—what I am now discussing is your renown as a general.

VI. What do you say, O you admirable guardian and defender of the province? Did you dare to snatch from the very jaws of death and to release slaves whom you had decided were eager to take arms and to make war in Sicily, and whom, in accordance with the opinion of your colleagues on the bench you had sentenced, after they had been already delivered up to punishment after the manner of our ancestors, and had been bound to the stake, in order to reserve for Roman citizens the cross which you had erected for condemned slaves? Ruined cities, when their affairs are all desperate, are often accustomed to these disastrous scenes; to have those who have been condemned restored to their original position; those who have been bound, released; those who have been banished, restored; decisions which have been given, rescinded. And when such events take place, there is no one who is not aware that that state is hastening to its fall. When such things take place, there is no one who thinks that there is any hope of safety left. And whenever these things do take place, their effect has been to cause popular or high-born men to be relieved from punishment or exile; still, not by the very men who have passed the sentences; still, not instantly; still, not if they have been convicted of those crimes which affected the lives and property of all the citizens. Still this is an utterly unprecedented step, and of such a character as to appear credible rather from consideration of who

the criminal is, than from consideration of the case itself. That a man should have released slaves; that that very man who had sentenced them should release them; that he should release them, in a moment, out of the very jaws of death; that he should release slaves convicted of a crime which affected the life and existence of every free man—O splendid general, not to be compared now to Marcus Aquillius, a most valiant man, but to the Paulli, the Scipios, and the Marii! That a man should have had such foresight at a time of such alarm and danger to the province! As he saw that the minds of all the slaves in Sicily were in an unsettled state on account of the war of the runaway slaves in Italy, what was the great terror he struck into them to prevent any one's daring to stir? He ordered them to be arrested—who would not be alarmed? He ordered their masters to plead their cause—what could be so terrible to slaves? He pronounced "That they appeared to have done . . . ." He seems to have extinguished the rising flame by the pain and death of a few. What follows next? Scourgings, and burnings, and all those extreme agonies which are part of the punishment of condemned criminals, and which strike terror into the rest, torture and the cross? From all these punishments they are released. Who can doubt that he must have overwhelmed the minds of the slaves with the most abject fear, when they saw a prætor so good-natured as to allow the lives of men condemned of wickedness and conspiracy to be redeemed from punishment, the very executioner acting as the go-between to negotiate the terms?

VII. What more? Did you not act in the same manner in the case of Aristodemus of Apollonia, and in that of Leon of Megara? What more? Did that unquiet state of the slaves, and that sudden suspicion of war, inspire you with any additional diligence in guarding the province, or with a new plan for acquiring most scandalous gain? When at your instigation the steward of Eumenides of Halicya, a highborn and honourable man of great wealth, was accused of some crime, you got sixty thousand sesterces from his master, and he lately explained to us, as a witness on his oath, how you managed it. From Caius Matrinus, a Roman knight, you took in his absence, while he was at Rome, a hundred thousand sesterces, because you said that his stewards and shepherds had fallen

under suspicion. Lucius Flavius, the agent of Caius Matrinius, who paid you that money, deposed to this fact; Caius Matrinius himself made the same statement, and that most illustrious man, Cnæus Lentulus the censor, who quite recently has both sent letters to you himself, and has procured others to be sent to you for the purpose of doing honour to Caius Matrinius, will prove the same thing. What more? Is it possible to pass over the case of Apollonius, the son of Diocles, a Panormitan, whose surname is Geminus? Can anything be mentioned which is more notorious in the whole of Sicily? anything which is more scandalous? anything which is more fully proved? This man Verres, as soon as he came to Panormus, ordered to be summoned before him, and to be cited before his tribunal, in the presence of a great number of the Roman settlers in that city. Men immediately began to talk; to wonder how it was that Apollonius, a wealthy man, had so long remained free from his attacks. "He has devised some plan; he has brought some charge against him; a rich man is not summoned in a hurry by Verres without some object." All are in the greatest state of anxiety to see what is to happen, when on a sudden Apollonius himself runs up, out of breath, with his young son; for his father, a very old man, had been for some time confined to his bed. Verres names one of his slaves, who he said was the manager of his flocks; says that he has formed a conspiracy, and excited slaves in other households. He had actually no such slave in his family at all. He orders him to be produced instantly. Apollonius asserts that he has no slave whatever of that name. Verres orders the man to be hurried from the tribunal, and to be cast into prison. He began to cry out, while he was being hurried off, that he, unhappy man that he was, had done nothing; had committed no offence; that his money was all out at loan, that ready money he had none. While he kept making these declarations in a very numerous asserably of people, so that every one could understand that he was treated with this bitter injustice and violence because he had not given Verres money,—while, I say, he kept making these statements about his money at the top of his voice, he was thrown into prison.

VIII. See now the consistency of the prætor, and of that prætor who, now being on his trial, is not defended as a tole-

nable prætor, but is extolled as an admirable general. While a war of slaves was dreaded, he released condemned slaves from the same punishment which he inflicted on their masters who were not condemned. He threw into prison, under pretence of a servile war, without a trial, Apollonius, a most wealthy man, who if the runaway slaves had kindled a war in Sicily would have lost a most magnificent fortune: the slaves whom he himself, with the agreement of his assessors, decided had conspired together for the purpose of war, those, without the consent of his assessors, of his own accord, he released from all punishment. What more shall I say? If anything was done by Apollonius to justify his being punished, shall we conduct this affair in such a manner as to impute it as a crime to the defendant, as to seek to excite ill-feeling against him, if he has judged a man rather too harshly? I will not act in so bitter a spirit. I will not adopt the usual method of accusers, so as to disparage anything which may have been done mercifully, as having been so done out of indifference; or, if anything has been punished with severity, so as to pervert that into a charge of cruelty—I will not act on that system. I will follow your decisions; I will defend your authority as long as you choose; when you yourself begin to rescind your own decrees, then cease to be angry with me, for I will contend, as I have a right to do, that he who has been condemned by his own decision ought to be condemned by the decisions of judges on their oaths. I will not defend the cause of Apollonius, my own friend and connexion, lest I should seem to be rescinding your decision; I will say nothing of the economy, of the virtue, of the industry of the man; I will even pass over that which I have mentioned before, that his fortune was invested in such a manner, in slaves, in cattle, in country houses, in money out at loan, that there was no man to whom it would be more injurious for there to be any disturbance or war in Sicily; I will not even say this, that if Apollonius were ever so much in fault, still an honourable man of a most honourable city ought not to have been so severely punished without a trial. I will not seek to excite any odium against you, not even out of the circumstances that, while such a man was lying in prison, in darkness, in dirt and filth, all permission to visit him was refused by your tyrannical prohibition to his aged father, and to his



youthful son. I will even pass over this, that every time that you came to Panormus during that eighteen months, (for all that time was Apollonius kept in prison,) the senate of Panormus came to you as suppliants, with the public magistrates and priests, praying and entreating you to release some time or other that miserable and innocent man from that cruel treatment. I will omit all these statements; though, were I to choose to follow them up, I could easily show by your cruelty towards others, that every channel of mercy from the judges to yourself has been long since blocked up.

IX. All those topics I will abandon, I will spare you them. For I know beforehand what Hortensius will say in your defence. He will confess that with Verres neither the old age of Apollonius's father, nor the youth of his son, nor the tears of both, had more influence than the advantage and safety of the republic. He will say that the affairs of the republic cannot be administered without terror and severity; he will ask why the fasces are borne before the prætors, why the axes are given to them, why prisons have been built, why so many punishments have been established against the wicked by the usage of our ancestors. And when he has said all this with becoming gravity and sternness, I will ask him why Verres all of a sudden ordered this same Apollonius to be released from prison, without any fresh circumstances having been brought to light, without any defence having been made, or any trial having taken place? And I will affirm that there is so much suspicion attached to this charge, that, without any arguments of mine, I will allow the judges to form their own opinion as to what a system of plundering this was, how infamous, how scandalous, and what an immense and boundless field it opens for inordinate gain. For first of all consider for a moment how many and how grievous were the evils which that man inflicted on Apollonius; and then calculate them and estimate them by money. You will find that they were all so continued in the case of this one wealthy man, as by their example to cause a fear of similar suffering and danger to all others. In the first place, there was a sudden accusation of a capital and detestable crime; judge what you think this worth, and how many have bought themselves off from such charges. In the next place, there is an accusation without an accuser, a sentence without any bench of judges,

a condemnation without any defence having been made. Estimate the money to be got by all these transactions, and then suppose that Apollonius alone was an actual victim to these atrocities, but that all the rest, as many as they were, delivered themselves from these sufferings by money. Lastly, there were darkness, chains, imprisonment, punishment within the prison, seclusion from the sight of his parents and of his children, a denial of the free air and common light of heaven; but these things, which a man might freely give his life to escape, I am unable to estimate by the standard of money. From all these things did Apollonius after a long time ransom himself, when he was worn out with suffering and misery; but still he taught the rest to meet that man's wickedness and avarice beforehand. Unless you think that a wealthy man was selected for so incredible an accusation without any object of gain; or that, again, he was on a sudden released from prison without any corresponding reason; or that this method of plundering was used and tried in the case of that man alone, and that terror was not, by means of his example, held out to and struck into every rich man in Sicily.

X. I wish, O judges, to be prompted by him, since I am speaking of his military renown, if by accident I pass over anything. For I seem to myself to have spoken of all his exploits which are connected with his suspicion of a servile war; at all events I have not omitted anything intentionally. You are in possession of the man's wisdom, and diligence, and vigilance; and of his guardianship and defence of the province. The main thing is, as there are many classes of generals, for you to know to what class he belongs. But that, in the present dearth of brave men, you may not be ignorant of such a commander as he is, know,—I beg you, O judges, to be aware, that his is not the wisdom of Quintus Maximus, nor the promptness of action belonging to that great man the elder Africanus, nor the singular prudence of the Africanus of later times, nor the method and discipline of Paulus Æmilius, nor the vigour and courage of Caius Marcus; but that he is to be esteemed and taken care of as belonging to quite a different class of generals. In the first place, see how easy and pleasant to himself Verres by his own ingenuity and wisdom made the labour of marches, which is a labour of the greatest importance in all military affairs, and most especially

necessary in Sicily. First, in the winter season he devises for himself this admirable remedy against the severity of the cold and the violence of storms and floods ; he selected the city of Syracuse, the situation of which and the nature of its soil and atmosphere are said to be such that there never yet was a day of such violent and turbulent storms, that men could not see the sun at some time or other in the day. Here that gallant general was quartered in the winter months, so securely that it was not easy to see him, I will not say out of the house, but even out of bed. So the shortness of the day was consumed in banquets, the length of the night in adulteries and debaucheries. But when it began to be spring, the beginning of which he was not used to date from the west wind, or from any star, but he thought that spring was beginning when he had seen the rose, then he devoted himself to labour and to marches ; and in these he proved himself so patient and active that no one ever once saw him sitting on a horse.

XI. For, as was the custom of the kings of Bithynia, he was borne on a litter carried by eight men, in which was a cushion, very beautiful, of Melitan manufacture, stuffed with roses. And he himself had one chaplet on his head, another on his neck, and kept putting a network bag to his nose, made of the finest thread, with minute interstices, full of roses. Having performed his march in this manner, when he came to any town he was carried in the same litter up to his chamber. Thither came the magistrates of the Sicilians, thither came the Roman knights, as you have heard many of them state on their oaths ; there disputes were secretly communicated to him ; and from thence, a little while afterwards, decrees were openly brought down. Then, when for a while he had dispensed the laws for bribery, and not out of considerations of justice, he thought that now the rest of his time was due to Venus and to Bacchus. And when speaking of this, I must not omit the admirable and singular diligence of this great general. For know that there is no town in all Sicily of those in which the prætors are accustomed to stay and hold their court, in which there was not some woman selected for him out of some respectable family, to gratify his lust. Some of them were even openly present at his banquets. If there were some a little modest, they used to come at the proper time, and avoided the light of day, and the crowd.

And these banquets were celebrated, not with the orderly silence of the banquets of prætors and generals of the Roman people, nor with that modesty which is usually found at the entertainments of magistrates, but with the most excessive noise and licence of conversation—sometimes even affairs proceeded to blows and fighting. For that strict and diligent prætor, who had never obeyed the laws of the Roman people, observed most carefully those rules which are laid down for drinking parties. And accordingly the ends of these banquets were such that men were often carried out from the feast as from a battle; others were left on the ground as dead; numbers lay prostrate without sense or feeling, so that any one who beheld the scene would have supposed that he was looking not on a banquet of a prætor, but on the battle of Cannæ.

XII. But when the middle of summer began to be felt, the time that all the prætors in Sicily have been accustomed to devote to their journeys, because they think that the best time for travelling over the province when the corn is on the threshing-floor, because at that time all the members of a household are collected together, and the number of a person's slaves is seen, and the work that is done is most easily observed; the abundance of the harvest invites travel and the season of the year is no obstacle to it; then, I say, when all other prætors are used to travel about, that general of a new sort pitched himself a permanent camp in the most beautiful spot in Syracuse. For at the very entrance and mouth of the harbour, where first the bay begins to curve from the shore of the open sea towards the city, he pitched tents of fine linen curtains; thither he migrated from the prætorian palace which had belonged to king Hiero, and lived here so that during the whole summer no one ever saw him out of his tent. And to that tent no one had access unless he was either a boon companion, or a minister of his lust. Hither came all the women with whom he had any intrigue, and of these it is incredible how great a number there was at Syracuse. Hither came men worthy of that man's friendship, worthy associates in that course of life and those banquets. Among such men and such women as these, his son, now grown up, spent his time; in order that if nature removed him at all from the likeness to his father, still use

and constant training might make him resemble him. That Tertia whom I have spoken of before, having been tempted by trick and artifice to leave her Rhodian flute-player and to come hither, is reported to have caused great disturbance in that camp; as the wife of Cleomenes the Syracusan, a woman of noble birth, and the wife of Æschrio, a woman of very respectable patronage, were very indignant that the daughter of Isidorus the buffoon should be admitted into their company. But that Hannibal, who thought that in his camp there ought to be no rivalry of birth, but only of merit, was so much in love with this Tertia, that he carried her with him out of the province. ✓

XIII. And all that time, while that man, clad in a purple cloak and a tunic reaching to his ancles, was revelling in banquets with women, men were not offended, nor in the least vexed that the magistrate was absent from the forum, that the laws were not administered, that the courts of justice were not held; that all that shore resounded with women's vices, and music and songs. They were not, I say, at all vexed at there being a total silence in the forum, no pleading, and no law. For it was not law or the court of justice that seemed to be absent from the forum, but violence and cruelty, and the bitter and shameful robbery of good men. Do you then, O Hortensius, defend this man on the ground of his having been a general? Do you endeavour to conceal his thefts, his rapine, his cupidity, his cruelty, his pride, his wickedness, his audacity, by dwelling on the greatness of his exploits and his renown as a commander? No doubt I have cause to fear here, that at the end of your defence you may have recourse to the old conduct of Antonius, and to his mode of ending a speech; that Verres may be brought forward, his breast bared, that the Roman people may see his scars, inflicted by the bites of women, traces of lust and profligacy. May the gods grant that you may venture to make mention of military affairs and of war. For all his ancient military service shall be made known, in order that you may be aware, not only what he has been as a commander, but also how he behaved as a soldier in his campaigns. That first campaign of his shall be brought up again, in which he was, as he says himself, subservient to others, not their master. The camp of that gambler of

Placentia shall be brought up again, where, though he was assiduous in his attendance, he still lost his pay. Many of his losses in his campaigns shall be recounted, which were made up for and retrieved by the most infamous expedients. But afterwards, when he had become hardened by a long course of such infamy,—when he had sated others, not himself,—why need I relate what sort of man he turned out? what carefully guarded defences of modesty and chastity he broke down by violence and audacity? or why should I connect the disgrace of any one else with his profligacy? I will not do so, O judges. I will pass over all old stories; I will only mention two recent achievements of his, without fixing infamy on any one else; and by those you will be able to conjecture the rest. One of them is, that it was so notorious to every one, that during the consulship of Lucius Lucullus and Marcus Cotta, no one ever came up from any municipal town to Rome on any law business, who was so ill-informed of what was going on as not to know that all the laws of the Roman people were regulated by the will and pleasure of Chelidon the prostitute. The other is that, after he had left the city in the robe of war,—after he had pronounced the solemn vows for the success of his administration, and for the common welfare of the republic, he was accustomed, for the sake of committing adultery, to be brought back into the city, at night, in a litter, to a woman who, though the wife of one man, was common to all men, contrary to law, contrary to what was required by the auspices, contrary to everything which is held sacred among gods and men.

XIV. O ye immortal gods! what a difference is there between the minds and ideas of men! So may your good opinion and that of the Roman people approve of my intentions, and sanction my hopes for the rest of my life, as I have received those offices with which the Roman people has as yet entrusted me with the feeling that I was bound to a conscientious discharge of every possible duty. I was appointed quaestor with the feeling that that honour was not given to me so much as lent and entrusted to me. I obtained the quaestorship in the province of Sicily, and considered that every man's eyes were turned upon me alone. So that I thought that I and my quaestorship were being exhibited on some theatre open to the

whole world ; so that I denied myself all those things which seem to be indulgences, not merely to those irregular passions, but even those which are coveted by nature itself and by necessity. Now I am ædile elect, I consider what it is that I have received from the Roman people ; I consider that I am bound to celebrate holy games with the most solemn ceremonies to Ceres, to Bacchus, and to Libera ; that I am bound to render Flora propitious to the Roman nation and people by the splendour of her games ; that it is my office to celebrate those most ancient games, which were the first that were ever called Roman games, with the greatest dignity and with all possible religious observance, in honour of Juno, Jupiter, and Minerva ; that the charge of protecting all the sacred buildings and the whole city is entrusted to me ; that as a recompense for all that labour and anxiety these honours are granted to me,—an honourable precedence in delivering my opinion in the senate ; a toga prætexta ; a curule chair ; a right of transmitting my image to the recollection of my posterity. I wish, O judges, that all the gods may be propitious to me, as I do not receive by any means so much pleasure from all these things, (though the honours conferred on me by the people are most acceptable to me,) as I feel anxiety, and as I will take pains, that this ædileship may not seem to have been given to some one of the candidates, because it could not be helped, but to have been conferred on me because it was proper that it should be, and to have been conferred by the deliberate judgment of the people.

XV. You, when you were appointed prætor, by whatever means it was brought about,—for I leave out and pass over everything that was done at that time,—but when you were appointed, as I have said, were you not roused by the very voice of the crier, who made such frequent announcements that you had been invested with that honour by the centimes of the seniors and juniors, to think that some part of the republic had been entrusted to you ? that for that one year you must do without the house of a prostitute ? When it fell to you by lot to preside in the court of justice, did you never consider what an important affair, what a burden you had imposed on you ? Did it never once occur to you, if by any chance you were able to awaken yourself, that that province, which it was difficult for a man to administer properly

even if endowed with the greatest wisdom and the greatest integrity, had fallen to the lot of the greatest stupidity and worthlessness? Therefore, you were not only unwilling to drive Chelidon from your house during your prætorship, but you even transported your whole prætorship to Chelidon's house. The province followed; in which it never occurred to you that the fasces and axes, and such absolute authority, and such dignity, and every sort of decoration, was not given to you in order, by the power and authority derived from these things, to break down all the barriers of law and modesty and duty, and to consider every man's property as your own booty; so that no man's estate could be safe, no man's house closed; no man's life protected, no woman's chastity fortified, against your cupidity and audacity; in which you behaved yourself in such a way that, being detected in everything, you take refuge in an imaginary war of runaway slaves; by which you now perceive, that not only no defence is procured for you, but that an immense body of accusations is raised up against you; unless, indeed, you are going to speak of the relics of the war in Italy, and the disaster of Temsa.<sup>1</sup> But when your fortune recently conducted you to that place, at a most seasonable time, if you had any courage, or any energy, you were found to be the same man that you had ever been.

XVI. When the men of Valentia had come to you, and when a noble and an eloquent man, Marcus Marius, was addressing you on their behalf, begging you to undertake the business, and, as the power and the name of prætor belonged to you, to act as their chief and leader in extinguishing that small band that was at Temsa, you not only shunned that task, but at that very time, while you were on the shore, that dear Tertia of yours, whom you were carrying with you, was there in the sight of all men. And to the deputies from Valentia, such an illustrious and noble municipality, you gave no answer at all in matters of such moment, while you were still in your dark-coloured tunic and cloak. What can you, O judges, suppose that this man did while on his journey? what can you suppose he did in the province itself?

<sup>1</sup> Temsa is a town of the Bruttii, whither some of the relics of Spartacus's army had fled. Verres had passed through it, or close to it, on his return from Sicily.



who, when he was on his way from his province, not to celebrate a triumph, but to be put on his trial, did not avoid a scandal which could not have been accompanied by any pleasure. Oh! the noble murmur of the crowd in the temple of Bellona! You recollect, O judges, when it was getting towards evening, and when mention had been made a short time before of this disaster at Temsa, when no one was found who could be sent into those districts with a military command, that some one said that Verres was not far from Temsa. You recollect how universally every one murmured; how openly the chief men repudiated the suggestion. And does the man who has been convicted of so many accusations by so many witnesses, now place any hope in the votes of those judges, who have already openly condemned him, even before his cause was heard?

XVII. Be it so. He has gained no credit either from any war of the runaway slaves, or from the suspicion of such a war; because there has neither been any such war, nor danger of any such war in Sicily; nor were any precautions taken by him to prevent such a war. But, at all events, against any war of pirates he had a fleet well equipped, and he exhibited extraordinary energy in that matter. And, therefore, while he was prætor, the province was admirably defended. I will speak of the war with the pirates and of the Sicilian fleet, when I have first of all solemnly stated, that with respect to this matter alone, he committed all his most enormous crimes,—crimes of avarice, of treason, of insanity, of lust and of cruelty. I beg of you to give your most diligent attention, as you have hitherto given it, while I briefly detail the events that took place.

In the first place, I say, that the naval affairs were managed, not with the view of defending the province, but of acquiring money under pretence of providing a fleet. Though this had been the custom of former prætors, to impose a contribution of ships and of a fixed number of sailors and soldiers on each city, yet you imposed no contribution on the very important and wealthy city of the Mamertines. What money the Mamertines gave you secretly for that indulgence, will be seen hereafter; we will ascertain that from their own letters and witnesses. But I assert, that a merchant vessel of the largest size, like a trireme, very beautiful, and highly orna-

mented, was openly built at the public expense, with the knowledge of all Sicily, and given and presented to you by the magistrates and senate of the Mamertines. This ship, laden with Sicilian booty, itself being also a part of that booty, put into Velia, at the same time that he himself left the province, laden with many articles, and especially with such as he did not like to send to Rome along with the rest of the fruits of his robberies before he arrived himself, because they were the most valuable, and those which he was most fond of. I myself have lately seen that vessel at Velia, O judges, and many other men have seen it too; a very beautiful and highly ornamented ship, which, indeed, seemed to all who beheld her, to be now looking for the banishment, and to be waiting for the departure of her owner.

XVIII. What answer will you make to me now? Unless, perhaps, you say what, although it cannot possibly be admitted as an excuse, yet must be urged in a trial for extortion, that that ship was built with your own money. Dare, at least, to say this which is necessary. Do not be afraid, O Hortensius, of my asking how it became lawful for a senator to build a ship? Those are old and dead laws, as you are accustomed to call them, which forbid it. There was such a republic here, once, O judges; there was such strictness in the tribunals, that an accuser would have thought such a transaction worthy to be classed among the most serious crimes. For what did you want of a ship? when, if you were going anywhere on account of the state, ships were provided for you at the public expense, both to convey you, and to guard you? But it is not possible for you to go anywhere on your own private account, nor to send for articles across the sea from those countries in which it is not lawful for you to have any possessions, or any dealings. Then, why have you prepared anything contrary to the laws? This charge would have had weight in the ancient severity and dignity of the republic. Now, I not only do not accuse you on account of this offence, but I do not even reprove you with an ordinary reprimand. Lastly, did you never think that this would be discreditable to you? did you never think it would be ground for an accusation, or cause for unpopularity, to have a transport openly built for you, in a most frequented place in that province in which you had the supreme command? What did you sup-

pose that they said who saw it? What did you suppose that they thought who heard of it? Did they think that you were going to take that vessel to Italy, empty? that you were going to let it out as a sailing boat, when you got to Rome? No one could even believe that you had in Italy any farm on the coast, and that you were preparing a merchant vessel for the purpose of moving your crops. Did you wish every man's conversation to be such as for men to say openly that you were preparing that ship to carry all your plunder from Sicily, and to go to and fro for the booty which you had left behind? But, however, I give up and grant the whole of this, if you say that the vessel was built with your money. But, O most demented of men, are you not aware that this ground was cut from under your feet by those very friends of yours, the Mamertines themselves, in the previous pleading? For Heius, the chief man of the city,—the chief man of that deputation which was sent to utter a panegyric on you, said that the ship had been built for you by the public labour of the Mamertines, and that a Mamertine Senator had been appointed by public authority to superintend the building of it. The only thing that remains is the materials. And this you yourself compelled the Rhegians to furnish at the public expense, as they say themselves (not that you can deny it), because the Mamertines have no proper materials.

XIX. If both the materials of which the vessel is built, and if those who built it, were provided by your authority, not at your expense, what, then, is the secret thing which you say was paid for with your money? Oh! but the Mamertines have no entries respecting it in their public accounts. In the first place, I can understand that it may be possible that they did not disburse any money out of the treasury. In fact, even the Capitol, as it was built in the time of our ancestors, was able to be built and completed by public authority, but without any public payment, workmen being pressed into the service, and a fair quota of work being exacted from each person respectively. In the next place, I see this also, (which I will prove when I produce my witnesses, from the accounts of the Mamertines themselves,) that a great deal of money was spent by that man which was entered as paid for imaginary contracts for works that never existed. For it is not at all strange that the Mamertines should in

their accounts have shown a regard for that man's safety, from whom they had received the greatest benefits, and whom they had known to be much more friendly to them than he was to the Roman people. But if it is any argument that the Mamertines did not give you money, because they have not got it down in their accounts, let it be an argument also that the ship cost you nothing, because you have no entry to produce of having bought it, or having made a contract with any one to build it for you.

Oh ! but you did not command the Mamertines to furnish a ship, because they are one of the confederate cities. Thank God, we have a man trained by the hands of the *Fetiales* ;<sup>1</sup> a man above all others pious and careful in all that belongs to public religion. Let all the men who have been prætors before you be given up to the Mamertines, because they have commanded them to furnish ships contrary to the provisions of the treaty. But still you, O you pious and scrupulous man, how was it that you commanded the people of Tauromenium, which is also a confederate city, to furnish a ship ? Will you make any one believe that, while the case of both the states was exactly the same, the law that you administered, and the condition in which you left each, was so different, without money being the cause of the difference ? What, if I prove, O judges, that these two treaties with the two states were of such a nature, that in the case of the people of Tauromenium it was expressly provided for and guarded against in the treaty, "that they were not bound to furnish a vessel ;" but that in the case of the Mamertines it was set down and written in the treaty itself, "that they were bound to furnish a vessel ;" but that Verres, in opposition to both treaties, compelled the Tauromenians to furnish one, and excused the Mamertines ? Can it, then, be doubtful to any one that, while Verres was prætor, that merchant-

<sup>1</sup> The *Fetiales* were a college of Roman priests, who acted as the guardians of the public faith ; it was their province to determine the circumstances under which satisfaction was to be demanded from, or hostilities declared against any foreign state. They were the especial arbiters of peace, of war, and of treaties. Their number was probably twenty. They were selected from the most noble families, and their office was held for life. The name is of uncertain derivation.—*Vide* Smith, *Dict. Ant.* p. 416, in voce.

vessel was a greater assistance to the Mamertines than the treaty was to the Tauromenians? Let the treaties be read.

[*The treaties of the Mamertines and the Tauromenians with the Roman people are read.*]

XX. By that act therefore, of kindness, as you call it—of corruption and dishonesty, as the case itself proves,—you detracted from the majesty of the republic, you diminished the reinforcements of the Roman people—you diminished their resources, acquired by the valour and wisdom of their ancestors; you destroyed their imperial rights, and the terms on which the allies became such, and all recollection of the treaty. They who by the express words of the treaty were bound to send at their own expense and risk a ship properly armed and equipped with everything necessary, even as far as the ocean if we ordered them to do so, those men bought from you for money a release from the terms of the treaty, and a release from the rights of sovereignty which we had over them, so as to be excused from even sailing in that narrow sea before their own houses and homes, from defending their own walls and harbours. How much labour, and trouble, and money, do you suppose the Mamertines at the time of making this treaty would willingly have devoted to the object of preventing this bireme from being mentioned in it, if they could by any possibility have obtained such a favour from our ancestors? For when this heavy burden was imposed on the city, there was contained somehow or other in that treaty of alliance some badge, as it were, of slavery. That which then, when their services were recent, before the matter was finally determined, when the Roman people were in no difficulties, they could not obtain by treaty from our ancestors; that now, when they have done us no new service, after so many years,—now that it has been enforced every year by our right of sovereignty, and has been invariably observed—now, I say, when we are in great want of vessels, they have obtained from Caius Verres by bribery.

Oh! but this is all that they have gained, exemption from furnishing a ship! Have the Mamertines for the last three years furnished one sailor, one soldier, to serve either in fleet or in garrison, all the time you have been prætor?

XI. Lastly, when according to the resolution of the senate,

and also according to the Terentian and Cassian law, corn was to be bought in equal proportions from all the cities of Sicily, from that light burden also, which they shared too with all the other cities, you relieved the Mamertines.—You will say that the Mamertines do not owe corn. How do not owe corn? Do you mean to say they were not bound to sell us corn? For this corn was not a contribution to be exacted, but a supply to be purchased. By your permission, then, by your interpretation of the treaty, the Mamertines were not bound to assist the Roman people, even by supplying their markets, and furnishing them with provisions. And what city, then, was bound to supply these things? As for those who cultivate the public domains, it is settled what they are bound to furnish by the Censorian law. Why did you exact from them anything besides that in another class of contribution? What? Do those who are liable to the payment of tenths owe anything more than a single tenth, according to the law of Hiero? Why have you fixed in their case also how much corn they were to be bound to sell to us, that being another description of contribution? Those who are exempt undoubtedly owe nothing. But you not only exacted this from them, but even by way of making them give more than they possibly could, you added to their burden those sixty thousand modii from which you excused the Mamertines. And this is not what I say, that this was not rightly exacted from the others; what I say is, that it was a scandalous thing to excuse the Mamertines, whose case was exactly the same, and from whom all previous prætors had exacted the same contribution that they did from the rest, and had paid them for it according to the resolution of the senate, and the law. And in order to drive in this indulgence with a big nail, as one may say, he takes cognisance of the cause of the Mamertines while sitting on the bench with his assessors, and pronounces judgment, that he, according to the decision of the bench, does not demand any corn from the Mamertines. Listen to the decree of the mercenary prætor from his own note-book; and take notice how great his gravity is in framing a decree, how great his dignity is in pronouncing it. Read the next memorandum of his decrees.

[*The decree, extracted from Verres's note-book, is read.*]

He says, "*that he does this willingly,*" and therefore he

makes the entry in his book. What then? suppose you had not used this word "*willingly*," should we, forsooth, have supposed that you made this profit unwillingly? "And by the advice of the bench;" you have heard a fair list of the assessors read to you, O judges. Did it seem to you, when you heard their names, that a list of assessors to a prætor was being read, or a roll of the troop and company of a most infamous bandit? Here are interpreters of treaties, settlers of the terms of alliances, authorities as to religious obligations! Corn was never bought in Sicily by public order, without the Mamertines being ordered to furnish their just proportion, till that fellow appointed this select and admirable bench of his, in order to get money from them, and to act up to his invariable character. Therefore, that decree had just the weight that the authority of that man ought to have, who sold a decree to those men from whom it had been his duty to buy corn. For Lucius Metellus, the moment he arrived as his successor, required corn of the Mamertines, according to the regulations and appointment of Caius Sacerdos and Sextus Peducæus.

XXII. Then the Mamertines perceived that they could not longer retain the privilege which they had bought from its unprincipled author. Come now, you, who were desirous to be thought such a scrupulous interpreter of treaties, tell us why you compelled the Tauromenians and the Netians to furnish corn; for both of those are confederate cities. And the Netians were not wanting to themselves, for as soon as you pronounced your decision that you willingly excused the Mamertines, they came before you, and proved to you that their case under the treaty was exactly the same. You could not make a different decree in a case which was identical with the other. You pronounce that the Netians are not bound to furnish corn, and still you exact it from them. Give me the papers of this same prætor referring to his decrees, and to the corn that was ordered to be supplied, and to the wheat that was bought.

[*The papers of the prætor referring to his decrees, to the corn ordered to be supplied, and to the wheat purchased, are read.*]

In a case of such enormous and shameful inconsistency, what can we suspect, O judges, rather than that which is

inevitable ; either that money was not given to him by the Netians when he demanded it, or else that the Mamertines were given to understand that they had disposed of all their bribes and presents very advantageously, when others, whose case was identical with theirs, could not obtain the same privileges ?

Will he here again venture to make mention to me of the panegyric of the Mamertines ? for who is there of you, O judges, who is not aware how many weapons that furnishes against him ? In the first place, as in courts of justice it is more respectable for a man who cannot produce ten witnesses to speak to his character, to produce none at all, than not to complete the number made as it were legitimate by usage ; so there are a great many cities in Sicily over which you were governor for three years ; almost all the rest accuse you ; a few insignificant ones, kept back by fear, say nothing ; one speaks in your favour. What does all this show except that you are aware how advantageous genuine evidence to a person's character is ; but that, nevertheless, your administration of the province was such that you are forced of necessity to do without that advantage ?

In the next place, as I said before on another occasion, what sort of a panegyric is that, when the chief men of the deputation commissioned to utter it, stated, both that a ship had been built for you at the public expense, and also that they themselves had been plundered and pillaged by you in respect of their private property ? Lastly, what else is it that these people do, when they are the only people in all Sicily who praise you, beyond proving to us that you gave them everything of which you robbed our republic ? What colony is there in Italy in possession of such privileges, what municipality is there enjoying such immunities, as to have had for all these years such a profitable exemption from all burdens, as the city of the Mamertines has had for three years ? They alone have not given what they were bound to give according to the treaties ; they alone, as long as that man was prætor, enjoyed immunity from all burdens ; they alone under that man's authority lived in such a condition that they gave nothing to the Roman people, and refused nothing to Verres.

XXIII. But to return to the fleet, from which topic I have been digressing ; you accepted a ship from the Mamertines



contrary to the laws ; you granted them relaxation contrary to the treaties ; so that you behaved like a rogue twice in the case of one city, as you both granted indulgences which you had no right to grant, and accepted what it was not lawful for you to accept. You ought to have exacted a ship from them fit to sail against robbers, not to carry off the produce of your robberies ; one which might have defended the province from being despoiled, not one that was to bear away the fresh spoils of the province. The Mamertines gave you both a city to which you might carry all the plunder you amassed from all quarters, and also a ship, in which you might take it away. That town was a receptacle for your plunder, those men were the witnesses to and guardians of your plunder ; they supplied to you both a repository for your thefts, and a conveyance for them. In consequence, even when you had lost a fleet by your own avarice and worthlessness, you did not venture to require a ship of the Mamertines, at a time when our want of ships was so excessive, and the distress of the province so great, that, even if it had been necessary to beg as supplicants for a ship, they would have granted it. But all your power either of commanding a vessel to be furnished, or of begging for one, was crippled, not by the bireme supplied to the Roman people, but by that splendid merchant vessel given to the prætor. That was the price of your authority, of the reinforcement they were bound to supply, of exemption from the requirements of law, and usage, and of the treaty.

You have now the case of the trusty assistance of one city lost to us and sold. Now listen to a new system of robbery first invented by Verres.

XXIV. Each city was always accustomed to give to its admiral the money necessary for the expense of the fleet, for provisions, for pay, and for all such things. The admiral did not dare to give the sailors any ground for accusing him, and was, besides, bound to render an account of the money to his fellow-citizens. In the whole business all the trouble and all the risk was his. This, I say, was the regular course not only in Sicily, but in every province, even in the case of the pay and expense of the Latin allies, at the time when we were accustomed to employ their assistance. Verres was the first man, ever since our dominion was established, who ordered that all that money should be paid to him by the cities, in

order that whoever he chose to appoint might have the handling of that money. Who can doubt why you were the first man to change the ancient custom of all your predecessors, to disregard the great advantage of having the money pass through the hands of others, and to undertake a work of such difficulty, so liable to accusation,—a task of such delicacy, inseparable from suspicion? After that, other sources of gain are established arising from this one article of the navy; just listen to their number, O judges;—he receives money from the cities to excuse them from furnishing sailors; the sailors that are furnished he releases for a bribe; he makes a profit of the whole of the pay of those who are thus released; he does not pay the rest all that he ought to pay. All this you shall have proved to you by the evidence of the cities. Read the evidence of the cities.

*[The evidence of the cities is read.]*

XXV. Did you ever hear of such a man? Did you ever hear, O judges, of such impudence? of such audacity? to impose on the cities the payment of a sum of money in proportion to the number of soldiers, and to fix a regular price, six hundred sesterces, for the discharge of each sailor! and as those who paid that sum were released from service for the whole summer, Verres pocketed all that he received both for their pay and for their maintenance. And by this means he made a double profit of the discharge of one person. And this most insane of men, at a time of frequent invasion of pirates, and of imminent danger to the province, did this so openly, that the pirates themselves were aware of it, and the whole province was a witness to it.

When, owing to this man's inordinate avarice, there was a fleet indeed in name in Sicily, but in reality empty ships, fit only to carry plunder for the prætor, not to strike terror into pirates; nevertheless, while Publius Cæsetius and Publius Tadius were sailing about with these ten half-manned ships, they, I will not say took, but led away with them one ship, laden with the spoils of the pirates, evidently overwhelmed and sinking with the burden of its freight. That vessel was full of a number of most beautiful quilts, full of quantities of well-wrought plate, and of coined money; full of embroidered robes. This one vessel was not taken by our fleet, but was found at Megaris, a place not far from Syracuse. And when

the news was brought to him, although he was lying in his tent on the shore, with a lot of women, drunk, still he roused himself, and immediately sent to the quæstor and to his own lieutenant many men to act as guards, in order that everything might be brought to him to see in an uninjured state, as soon as possible. The vessel is brought to Syracuse. All expect that the pirates will be punished. He, as if it was not a case of pirates being taken, but of a booty being brought to him, considers all the prisoners who were old or ugly as enemies; those who had any beauty, or youth, or skill in anything, he takes away: some he distributed among his clerks, his retinue, and his son; six skilful musicians he sends to Rome as a present to some friend of his. All that night is spent in unloading the ship. No one sees the captain of the pirate vessel, who ought to have been executed. And to this very day every one believes, (how much truth there is in the belief, you also may be able to conjecture,) that Verrès secretly took money of the pirates for the release of the captain of the pirates.

XXVI. It is only a conjecture; but no one can be a good judge who is not influenced by such certain grounds of suspicion. You know the man, you know the custom of all men,—how gladly any one who has taken a chief of pirates or of the enemy, allows him to be seen openly by all men. But of all the body of citizens and settlers at Syracuse, I never saw one man, O judges, who said that he had seen that captain of the pirates who had been taken; though all men, as is the regular custom, flocked to the prison, asked for him, and were anxious to see him. What happened to make that man be kept so carefully out of sight, that no one was ever able to get a glimpse of him, even by accident? Though all the seafaring men at Syracuse, who had often heard of the name of that captain, who had often been alarmed by him, wished to feed their eyes on, and to gratify their minds with his torture and execution, yet no one was allowed even to see him. One man, Publius Servilius, took more captains of pirates alive than all our commanders put together had done before. Was any one at any time denied the enjoyment of being allowed to see a captive pirate? On the contrary: wherever Servilius went he afforded every one that most delightful spectacle, of pirates taken prisoners and in chains.

Therefore, people everywhere ran to meet him, so that they assembled not only in the towns through which the pirates were led, but from all neighbouring towns also, for the purpose of seeing them. And why was it that that triumph was of all triumphs the most acceptable and the most delightful to the Roman people? Because nothing is sweeter than victory. But there is no more certain evidence of victory than to see those whom you have often been afraid of, led in chains to execution. Why did you not act in this manner? Why was that pirate so concealed as if it were impiety to behold him? Why did you not execute him? For what object did you reserve him? Have you ever heard of any captain of pirates having been taken prisoner before, who was not executed? Tell me one original whose conduct you imitated; tell me one precedent. You kept the captain of the pirates alive in order, I suppose, to lead him in your triumph in front of your chariot. For, indeed, there was nothing wanting but for the naval triumph to be decreed to you on the occasion of a most beautiful fleet of the Roman people having been lost, and the province plundered.

XXVII. Come now—you thought it better that the captain of the pirates should be kept in custody, according to a novel practice, than that he should be put to death according to universal precedent. What then is that custody? Among what people? Where is he kept? You have all heard of the Syracusan stone-quarries. Many of you are acquainted with them. It is a vast work and splendid; the work of the old kings and tyrants. The whole of it is cut out of rock excavated to a marvellous depth, and carved out by the labour of great multitudes of men. Nothing can either be made or imagined so closed against all escape, so hedged in on all sides, so safe for keeping prisoners in. Into these quarries men are commanded to be brought even from other cities in Sicily, if they are commanded by the public authorities to be kept in custody. Because he had imprisoned there many Roman citizens who were his prisoners, and because he ordered the other pirates to be put there too, he was aware that if he committed this counterfeit captain of the pirates to the same custody, a great many men in those quarries would inquire for the real captain. And therefore he does not venture to commit the man to this best of all and safest of all places of confinement. In

fact he is afraid of the whole of Syracuse. He sends the man away. Where to? Perhaps to Lilybæum. I see; he was not then so entirely afraid of the seafaring men? By no means, O judges. To Panormus then? I understand; although indeed, since he was taken within the Syracusan district, he ought, at all events, to have been kept in prison at Syracuse, if he was not to be executed there. Not at Panormus even. What then? where do you suppose it was? He sends him away to men the furthest removed from all fear or suspicion of pirates, as unconnected as possible with all navigation or maritime affairs—to the Centuripans, a thoroughly inland people, complete farmers, who would never have been alarmed at the name of a naval pirate, but who, while you were prætor, had lived in dread of that chief of all land pirates, Apronius. And, that every one might easily see that Verres's object was, that that counterfeit might easily and cheerfully pretend to be what he was not, he enjoins the Centuripans to take care that he is supplied as comfortably and liberally as possible with food and with all things.

XXVIII. In the meantime, the Syracusans, acute and humane men, who were capable not only of seeing what was evident, but also of conjecturing what was hidden, kept an account every day of the pirates who were put to death; how many there ought to be they calculated from the size of the vessel itself which had been taken, and from the number of oars. He, because he had removed and taken away all who had any skill in anything, or any beauty, suspected that there would be an outcry if he had all the pirates fastened to the stake at once, as is the usual custom, because so many more had been taken away than were left: although on this account he had determined to bring them out in different parties, at different times, still in the whole city there was no one who did not keep a strict account and list of them; and they did not only wish to see the rest, but they openly demanded and claimed it. As there was a great number wanting, that most infamous man began to substitute, in the room of those of the pirates whom he had taken into his own house, the Roman citizens whom he had previously thrown into prison; some of whom he accused of having been soldiers of Sertorius, and said that they had been driven on shore in Sicily, while flying from Spain; others, who had been taken by pirates,

while they were engaged in commerce, or else sailing with some other object, he accused of having been with the pirates of their own free will : and therefore some Roman citizens, with their heads muffled up, that they might not be recognised, were taken from prison to the fatal stake and to execution ; others, though they were recognised by many Roman citizens, and though all attempted to defend them, were put to death. But of their most shameful death and most cruel tortures I will speak when I begin to discuss this topic ; and I will speak with such feelings, that, if in the course of that complaint which I shall make of that man's cruelty, and of the most scandalous execution of Roman citizens, not only my strength, but even my life should fail me, I should think it delightful and honourable. These then are his exploits, this is his splendid victory ; a piratical galley was captured, the captain was released, the musicians were sent to Rome ; those with any good looks, any youth, or any skill, were taken home by him ; Roman citizens were tortured and executed in their room, and to make up their number ; all the store of robes was taken away, all the silver and gold was taken by him and appropriated to his own use.

XXIX. But how did he defend himself at the former pleading ? He who had been silent for so many days, on a sudden sprang up at the evidence of Marcus Annius, a most illustrious man, when he said that a Roman citizen had been executed, and that the captain of the pirates had not. Being roused by the consciousness of his wickedness, and by the frenzy which was inspired by his crimes, he said that, because he knew that he should be accused of having taken money, and of not having executed the real captain of the pirates, he had on that account not executed him, and he said that two captains of pirates were now in confinement in his house. See the clemency, or rather the marvellous and unexampled patience of the Roman people ! Annius, a Roman knight, says that a Roman citizen was put to death by the hand of the executioner. You say nothing. He says that the captain of the pirates was not executed. You admit it. At that a groan and outcry arises from all the assembly ; though nevertheless the Roman people checked themselves, and forbore to inflict present punishment on you, and left you in safety for the present, being reserved for the severity of the judges.

You, who knew that you should be accused, how did you know it? how came you ever to suspect it? You had no enemy. Even if you had, still you had not lived in such a way as to have any fear of a court of justice before your eyes. Did conscience, as often happens, make you timid and suspicious? Can you, then, who, when you were in command, were even then in fear of tribunals and accusations, now that you are on your trial as a criminal, and that the case is proved against you by so many witnesses,—can you, I say, doubt of your condemnation? But if you were afraid of this accusation,—that some one might say that you had substituted some one else, whom you had caused to be executed for the captain of the pirates, did you think that it would be a stronger argument in your defence, to produce among strangers a long time after, (because I required and compelled you to do so,) a man who you said was the captain of the pirates; or to execute him, while the affair was still of recent date, at Syracuse, among people who knew him well, in the sight of almost all Sicily? See how great a difference it makes which was done. In the one case there could have been no blame attached to you; in the other you have no defence. And accordingly, all men have always done the one thing; but I can find no one before you yourself, who has ever done the other. You detained the pirate alive. Till when? As long as you were in command. Why did you do so? On what account? According to what precedent? Why did you detain him so long? Why, I say, while the Roman citizens who were taken in the pirate's company were immediately put to death, did you give the pirates themselves so long a lease of life? However, so be it. Let your conduct be irresponsible all the time that you were prætor. Did you still, when you became a private man, and when you became defendant—ay, and when you were all but condemned,—did you still, I say, detain the captain of our enemies in your private house? One month, a second month, almost a year, in fact, after they were taken, were the pirates in your house; where they would be still, if it had not been for me, that is to say, if it had not been for Marcus Acilius Glabrio, the prætor, who, at my demand, ordered them to be brought up and to be committed to prison.

XXX. What is the law in such a case? What is the

general custom? What are the precedents? Can any private man in the whole world detain within the walls of his own house the most bitter and unceasing enemy of the Roman people or, I should rather say, the common enemy of every race and nation? What more shall I say? What would you say, if the very day before you were compelled by me to confess that, though you had put Roman citizens to death, the pirate captain was alive and in your house,—if, I say, the very day before, he had escaped from your house, and had been able to collect an army against the Roman people? Would you say, “He dwelt with me, he was in my house; in order the more easily to refute the accusations of my enemies, I reserved this man alive and in safety for my trial?” Is it so? Will you defend yourself from danger, at the risk of the whole community? Will you regulate the time of the punishments which are due to conquered enemies, by what is convenient for yourself, not by what is expedient for the Roman people? Shall an enemy of the Roman people be kept in private custody? But even those who have triumphs, and who on that account keep the generals of the enemy alive a longer time, in order that, while they are led in triumph, the Roman people may enjoy an ennobling spectacle, and a splendid fruit of victory; nevertheless, when they begin to turn their chariot from the forum towards the Capitol, order them to be taken back to prison, and the same day brings to the conquerors the end of their authority, and to the conquered the end of their lives. And now, can I suppose that any one doubts that you would never have allowed (especially as you made sure, as you say, that a prosecution would be instituted against you) that pirate to escape execution, and to live to increase your danger which was ever before your eyes? For indeed, suppose he had died, whom could you (who say that you were afraid of a prosecution) have convinced of it? When it was notorious that the captain of the pirates had been seen by no one at Syracuse, and that all desired to see him; when no one had any doubt that he had been released by you for a sum of money; when it was a common topic of conversation that some one had been substituted in his place, who you wished to make believe was the man; when you yourself had confessed that you had, for so long a time before, been afraid of that accu-



sation ; if you had said that he had died, who would have believed you ? Now, when you produce this man of yours, whoever he may be, still you see that you are laughed at. What would you have done if he had escaped ? if he had broken his bonds, as Nico, that most celebrated pirate did, who was afterwards retaken by Publius Servilius, with the same good fortune as he had originally taken him with ; what would you have said then ? But the case was this.—If once that real captain of the pirates was put to death, you would not get that money. If this counterfeit one had died or had escaped, it would not have been difficult to substitute another in the room of one who was himself only a substitute. I have said more than I intended of that pirate captain ; and yet I have passed over those things which are the most certain proofs of this crime. For I wish the whole of this accusation to remain untouched for the present. There is a certain place for its discussion, a certain law to be mentioned in connexion with it, a certain tribunal for whose judgment it is reserved.

XXXI. Though enriched with all this booty, with these slaves, with this silver plate, and these robes, he was still no more diligent than before in equipping the fleet, in recalling and provisioning the troops ; though that would not only have tended to the safety of the province, but might have been even profitable to himself. For in the height of summer, when all other prætors have been accustomed to visit all the province, and to travel about, or to sail about,—at a time when there was such fear of and such danger from the pirates ; at that time he was not content, for the purpose of his luxury and lust, with his own kingly palace which had belonged to king Hiero, and which the prætors are in the habit of using. He ordered, as I have stated already, tents, such as he was wont to use at the summer season, erected of fine linen curtains, to be pitched on the sea-shore ; on that part of the shore which is within the island of Syracuse, behind the fountain of Arethusa ; close to the entrance and mouth of the harbour, in a very pleasant situation, and one far enough removed from overlookers. Here the prætor of the Roman people, the guardian and defender of the province, lived for sixty days of the summer in such a style that he had banquets of women every day, while no man was admitted

except himself and his youthful son. Although, indeed, I might have made no exception, but might have said that there was no man there at all, as there were only these two. Sometimes also his freedman Timarchides was admitted. But the women were all wives of citizens, of noble birth, except one, the daughter of an actor named Isidorus, whom he, out of love, had seduced away from a Rhodian flute-player. There was a woman called Pippa, the wife of Æschrio the Syracusan, concerning which woman many verses, which were made on Verres's fondness for her, are quoted over all Sicily. There was a woman too, called Nice, with a very beautiful face, as it is said, the wife of Cleomenes the Syracusan. Cleomenes, her husband, was greatly attached to her, but still he had neither the power nor the courage to oppose the lust of the prætor; and at the same time he was bound to him by many presents and many good offices. But at that time Verres, though you well know how great his impudence is, still could not, as her husband was at Syracuse, be quite easy in his mind at keeping her with him so many days on the sea-shore. Accordingly, he contrives a very singular plan. He gives the command of the fleet, which his lieutenant had had, to Cleomenes. He orders Cleomenes, a Syracusan, to command a fleet of the Roman people. He does this, in order that he might not only be absent from home all the time that he was at sea, but that he might be so willingly, being placed in a post of great honour and profit; and that he himself in the meantime, the husband being sent away to a distance, might have her with him,—I will not say more easily than before, for who ever opposed his lust? but with a rather more tranquil mind, as he had got rid of him, not as a husband but as a rival.—Cleomenes, a Syracusan, takes the command of a fleet of our allies and friends.

XXXII. What topic of accusation or complaint shall I urge first, O judges? That the power, and honour, and authority of a lieutenant, of a quæstor, ay, even of a prætor, was given to a Sicilian? If you were so occupied with feasts and women as to be prevented from taking the command yourself, where were your quæstors? where were your lieutenants? where was the corn valued at three denarii? where were the mules? where were the tents? where were all the numerous and splendid badges of honour conferred and

bestowed by the senate and people of Rome on their magistrates and lieutenants? Lastly, where were your prefects and tribunes? If there was no Roman citizen worthy of that employment, what had become of the cities which had always remained true to the alliance and friendship of the Roman people? What had become of the city of Segesta? of the city of Centuripa? which both by old services, by good faith, by antiquity of alliance, and even by relationship, are connected with the name of the Roman people. O ye immortal gods! what shall we say, when Cleomenes, a Syracusan, is ordered to command the soldiers, and the ships, and the officers of these very cities? Has not Verres by such an action taken away all the honour due to worth, to justice, and to old services? Have we ever once waged war in Sicily, that we have not had the Centuripans for our friends, and the Syracusans for our enemies? And I am speaking now only by way of recollection of past time, not as meaning insult to that city. And therefore that most illustrious man and consummate general, Marcus Marcellus, by whose valour Syracuse was taken, by whose clemency it was preserved, forbade any Syracusan to dwell in that part of the city which is called the Island. To this day, I say, it is contrary to law for any Syracusan to dwell in that part of the city. For it is a place which even a very few men can defend. And therefore he would not entrust it to any but the most faithful men; and he had another reason too, because in that part of the city there is access to ships from the open sea. Therefore he did not think fit to entrust the keys of the place to those who had often excluded our armies. See now how great is the difference between your lust and the authority of our ancestors; between your love and frenzy, and their wisdom and prudence. They took away from the Syracusans all access to the shore; you have given them the command of the sea. They would not allow a Syracusan to dwell in that part of the city which ships could approach; you appointed a Syracusan to command the fleet and the ships. You gave those men a part of our sovereignty, from whom they took a part of their own city; and you ordered those allies of ours to be obedient to the Syracusans, to whose aid it is owing that the Syracusans are obedient to us.

XXXIII. Cleomenes leaves the harbour in a Centuripan

trireme. A Segestan vessel comes next ; then a Tyndaritan ship ; then one from Herbita, one from Heraclia, one from Apollonia, one from Haluntium ; a fine fleet to look at, but helpless and useless because of the discharge of its fighting men, and of its rowers. That diligent prætor surveyed the fleet under his orders, as long as it was passing by his scene of profligate revelry. And he too, who for many days had not been seen, then for a short time afforded the sailors a sight of himself. The prætor of the Roman people stood in his slippers, clad in a purple cloak, and a tunic reaching down to his ankles, leaning on a prostitute on the shore. And since that time, many Sicilians and Roman citizens have often seen him in this very dress. After the fleet had proceeded a little way, and had arrived, after five days' sailing, at Pachynum, the sailors, being compelled by hunger, gather the roots of the wild palm, of which there was a great quantity in that neighbourhood, as there is in most parts of Sicily, and support themselves in a miserable and wretched way on these. But Cleomenes, who considered himself another Verres, not only in luxury and worthlessness, but in power also, spent, like him, all his days in drinking in a tent which he had pitched on the sea-shore.

XXXIV. But all of a sudden, while Cleomenes was drunk, and all his crews famishing, news is brought that a fleet of pirates is in the harbour of Odyssea ; for that is the name of the place. But our fleet was in the harbour of Pachynum. But Cleomenes, because there was a garrison of troops (in name, if not in reality) in that place, fancied that, with the soldiers he drew from thence, he might make up his proper complement of sailors and rowers. The same system was found to have been put in practice by that most covetous man with respect to the troops, that had been adopted towards the fleet, for only a few remained, and the rest had been discharged. Cleomenes, as commander-in-chief, in a Centuripan quadrireme ordered the mast to be erected, the sails to be set, the anchor to be weighed, and made signal for the rest of the ships to follow him. This Centuripan vessel was an extraordinarily fast sailer ; for, while Verres was prætor, no one had any opportunity of knowing what each ship could do with oars ; although in order to do honour and to show favour to Cleomenes, there was a much smaller deficiency of rowers

and soldiers in that quadrireme. The quadrireme, almost flying, had already got out of sight, while the other ships were still hard at work in their original station. However, those who were left behind displayed a good deal of courage. Although they were few in numbers, still they cried out, that whatever might be the event, they were willing to fight; and they preferred losing by the sword the little life and strength that hunger had left them. And if Cleomenes had not run away so long before, there would have been some means of making resistance, for that ship was the only one with a deck, and was large enough to have been a bulwark to the rest, and if it had been engaged in battle with the pirates, it would have looked like a city among those piratical galleys; but at that time the sailors being helpless, and deserted by their commander and prefect of the fleet, began of necessity to hold the same course that he had held; accordingly they all sailed towards Elorum, as Cleomenes had done; but they indeed were not so much flying from the attack of the pirates as following their commander. Then as each was last in flight, he was first in danger, for the pirates came upon the last ships first, and so the Haluntian vessel is taken first, which was commanded by an Haluntian of noble birth, Philarchus by name, whom the Locrians afterwards ransomed at the public expense from those pirates, and from whom, on his oath, you at the former pleading learnt the whole of the circumstances and their cause. The Apollonian vessel is taken next, and Anthropinus, its captain, is slain.

XXXV. While all this was going on, in the meantime Cleomenes had already arrived at Elorum, already he had hastened on land from the ship, and had left the quadrireme tossing about in the surf. The rest of the captains of ships, when the commander-in-chief had landed, as they had no possible means either of resisting or of escaping by sea, ran their ships ashore at Elorum, and followed Cleomenes. Then Heracleo, the captain of the pirates, being suddenly victorious, beyond all his hopes, not through any valour of his own, but owing to the avarice and worthlessness of Verres, as soon as evening came on, ordered a most beautiful fleet belonging to the Roman people, having been driven on shore and abandoned, to be set fire to and burnt. O what a miserable and bitter time for the province of Sicily! O what an event, calamitous and fatal to many innocent people! O what unexim-

pled worthlessness and infamy of that man ! On one and the same night, the prætor was burning with the flame of the most disgraceful love, a fleet of the Roman people with the fire of pirates. It was a stormy night when the news of this terrible disaster was brought to Syracuse—men run to the prætor's house, to which his women had conducted him back a little while before from his splendid banquet, with songs and music. Cleomenes, although it was night, still does not dare to show himself in public. He shuts himself up in his house, but his wife was not there to console her husband in his misfortunes. But the discipline of this noble commander-in-chief was so strict in his own house, that though the event was so important, the news so serious, still no one could be admitted ; no one dared either to wake him if asleep, or to address him if awake. But now, when the affair had become known to everybody, a vast multitude was collecting in every part of the city ; for the arrival of the pirates was not given notice of, as had formerly been the custom, by a fire raised on a watch-tower, or a hill, but both the disaster that had already been sustained, and the danger that was impending, were notified by the conflagration of the fleet itself.

XXXVI. When the prætor was inquired for, and when it was plain that no one had told him the news, a rush of people towards his house takes place with great impetuosity and loud cries. Then, he himself, being roused, comes forth ; he hears the whole news from Timarchides ; he takes his military cloak. It was now nearly dawn. He comes forth into the middle of the crowd, bewildered with wine, and sleep, and debauchery. He is received by all with such a shout that it seemed to bring before his eyes a resemblance to the dangers of Lampsacus.<sup>1</sup> But this present appeared greater than that, because, though both the mobs hated him equally, the numbers here were much greater. People began to talk to one another of his tent on the shore, of his flagitious banquets ; the names of his women were called out by the crowd ; men asked him openly where he had been, and what he had been doing for so many days together, during which no one had seen him. Then they demanded Cleomenes, who had been appointed commander-in-chief by him ; and nothing was ever nearer happening than the transference of the precedent of

• See the first book of this second pleading, c. 26.

Utica in the case of Hadrian<sup>1</sup> to Syracuse ; so that two graves of two most infamous governors would have been contained in two provinces. However, regard was had by the multitude to the time, regard was had to the impending danger, regard was had, too, to their common dignity and character, because the body of settlers of Roman citizens at Syracuse is such as to be considered the most dignified body, not only in that province, but even in this republic. They all encourage one another, while he is still half asleep and stupified ; they take arms ; they fill the whole forum and the island, which is a considerable portion of the whole city. The pirates having remained at Elorum that single night, left our ships still smoking, and began to sail to Syracuse ; for as they, forsooth, had often heard that nothing could be finer than the fortifications and harbour of Syracuse, they had made up their minds that if they did not see them while Verres was prætor, they should never see them at all.

XXXVII. And first of all they came to those summer quarters of the prætor, landing at that very part of the shore where he, having pitched his tents, had set up his camp of luxury while all this was going on. But when they found the place empty, and understood that the prætor had removed his quarters from that place, they immediately, without any fear, began to penetrate to the harbour itself. When I say into the harbour, O judges, (for I must explain myself carefully for the sake of those who are unacquainted with the place,) I mean that the pirates came into the city, and into the most central parts of the city ; for that town is not closed in by the harbour, but the harbour itself is surrounded and closed in by the town ; so that it is not only the innermost walls that are washed by the sea, but the harbour, if I may so say, flows into the very bosom of the city. Here, while you were prætor, Heracleo, the captain of the pirates, with four small galleys, sailed about at his pleasure. O ye immortal gods ! a piratical galley, while the representative of the Roman people, its name and its forces were all in Syracuse, came up to the very forum, and to all the quays of the city. Those most glorious fleets of the Carthaginians, when they were at the very height of their naval power, though they often made

<sup>1</sup> See the 27th chapter of the first book of the second pleading against Verres.

the attempt in many wars, were never able to advance so far. Even the naval glory of the Roman people, invincible as it was till your prætorship, in all the Punic and Sicilian wars never penetrated so far. The situation of the place is such that the Syracusans usually saw their enemies armed and victorious within their walls, in the city, and in the forum, before they saw any enemy's ship in their harbour. Here, while you were prætor, galleys of pirates sailed about, where previously the only fleet that had ever entered in the history of the world, was the Athenian fleet of three hundred ships, which forced its way in by its weight and its numbers; and that fleet was in that very harbour defeated and destroyed, owing to the natural character of the place and harbour. Here first was the power of that splendid city defeated, weakened, and impaired. In this harbour, shipwreck was made of the nobleness and dominion and glory of Athens.<sup>1</sup>

XXXVIII. Did a pirate penetrate to that part of the city which he could not approach without leaving a great part of the city not only on his flanks but in his rear? He passed by the whole island, which is at Syracuse a very considerable part of the city, having its own distinct name, and separate walls; in which part, as I said before, our ancestors forbade any Syracusan to dwell, because they knew that the harbour would be in the power of whatever people were occupying that district of the city. And how did he wander through it? He threw down around him the roots of the wild palms which he had found in our ships, in order that all men might become acquainted with the dishonesty of Verres, and the disaster of Sicily. O that Sicilian soldiers, children of those cultivators of the soil whose fathers produced such crops of corn by their labour that they were able to supply the Roman people and the whole of Italy,—that they, born in the island of Ceres, where corn is said to have been first discovered, should have been driven to use such food as their ancestors, by the discovery of corn, had delivered all other nations from! While you were prætor the Sicilian soldiers were fed on the roots of wild palms, pirates on Sicilian corn. O miserable and bitter spectacle! that the glory of the city and the name of the Roman people should be a laughing-stock; that in the face of all that body of inhabitants and all

<sup>1</sup> See the seventh book of Thucydides.



that multitude of people, a pirate in a piratical galley should celebrate a triumph in the harbour of Syracuse over a fleet of the Roman people, while the oars of the pirates were actually besprinkling the eyes of that most worthless and cowardly prætor.

After the pirates had left the harbour, not because of any alarm, but because they were weary of staying there, these men began to inquire the cause of so great a disaster. All began to say, and to argue openly, that it was by no means strange, that when the soldiers and the crews had been dismissed, and the rest had been destroyed by want and famine, while the prætor was spending all his time in drinking with his women, such a disgrace and calamity should have fallen upon them. And all the reproaches which they heaped upon him, all the infamy that they attributed to him, was confirmed by the statements of those men who had been appointed by their own cities to command their ships; the rest of whom had fled to Syracuse after the loss of the fleet. Each of them stated how many men they knew had been discharged out of their respective ships. The matter was clear, and his avarice was proved not only by arguments, but also by undeniable witnesses.

XXXIX. The man is informed that nothing is done in the forum and in the assembly all that day, except putting questions to the naval captains how the fleet was lost. That they made answer, and informed every one that it was owing to the discharge of the rowers, the want of food of the rest, the cowardice and desertion of Cleomenes. And when he heard this, he began to form this design. He had long since made up his mind that a prosecution would be instituted against him, long before this happened, as you have heard him say himself at the former pleading. He saw that if those naval captains were produced as witnesses against him, he should not be able to stand against so serious an accusation. He forms at first a plan, foolish indeed, but still merciful. He orders Cleomenes and the naval captains to be summoned before him. They come. He accuses them of having held this language about himself; he begs them to cease from holding it; and begs every one there to say that he had had in his ship as large a crew as he ought to have had, and that none had been discharged. They promise him to do what-

ever he wished. He does not delay. He immediately summons his friends. He then asks of all the captains separately how many sailors each had had on board his ship. Each of them answers as he had been enjoined to. He makes an entry of their answers in his journal. He seals it up, prudent man that he is, with the seals of his friends; in order forsooth, to use this evidence against this charge, if ever it should be necessary. I imagine that senseless man must have been laughed at by his own counsellors, and warned that these documents would do him no good; that if the charge were made, there would be even more suspicion owing to these extraordinary precautions of the prætor. He had already behaved with such folly in many cases, as even publicly to order whatever he pleased to be expunged out of, or entered in the records of different cities. All which things he now finds out are of no use to him, since he is convicted by documents, and witnesses, and authorities which are all undeniable.

XL. When he sees that their confession, and all the evidence which he has manufactured, and his journals, will be of no use to him, he then adopts the design, not of a worthless prætor, (for even that might have been endured,) but an inhuman and senseless tyrant. He determines, that if he wishes to palliate that accusation, (for he did not suppose that he could get rid of it altogether,) all the naval captains, the witnesses of his wickedness, must be put to death. The next consideration was,—“What am I to do with Cleomenes? Can I put those men to death whom I placed under his command, and spare him whom I placed in command and authority over them? Can I punish those men who followed Cleomenes, and pardon Cleomenes who bade them fly with him, and follow him? Can I be severe to those men who had vessels not only devoid of crews, but devoid of decks, and be merciful to him who was the only man who had a decked ship, and whose ship, too, was not stripped bare like those of the others?” Cleomenes must die too. What signify his promises? what do the curses that he will heap on him? what do the pledges of friendship and mutual embraces? what does that comradeship in the service of a woman on that most luxurious sea-shore signify? It was utterly impossible that Cleomenes could be spared. He summons Cleo-

menes. He tells him that he has made up his mind to execute all the naval captains; that considerations of his own personal danger required such a step. "I will spare you alone, and I will endure the blame of all that disaster myself, and all possible reproaches for my inconsistency, rather than act cruelly to you on the one hand, or, on the other hand, leave so many and such important witnesses against me in safety and in life." Cleomenes thanks him; approves of his intention; and says that that is what must be done. But he reminds him, of what he had forgotten, that it will not be possible for him to put Phalargus the Centuripan, one of the naval captains, to death, because he had been with him himself in the Centuripan quadrireme. What, then, is he to do? Shall that man, of such a city as that, a most noble youth, be left to be a witness? At present, says Cleomenes, for it must be so; but afterwards we will take care that it shall be put out of his power to injure us.

XLI. After all this was settled and determined, Verres immediately advances from his prætorian house, inflamed with wickedness, frenzy, and cruelty. He comes into the forum. He orders the naval captains to be summoned. They immediately come with all speed, as men who were afraid of nothing, and suspected nothing. He orders those unhappy and innocent men to be loaded with chains. They began to invoke the good faith of the prætor, and to ask why he did so? Then he says that this is the reason,—because they had betrayed the fleet to the pirates. There is a great outcry, and great astonishment on the part of the people, that there should be so much impudence and audacity in the man as to attribute to others the origin of a calamity which had happened entirely owing to his own avarice; or to bring against others a charge of treason, when he himself was thought to be a partner of the pirates; and lastly, they marvelled at this charge not being originated till fifteen days after the fleet had been lost. While these things were happening, inquiry was made where Cleomenes was; not that any one thought him, such as he was, worthy of any punishment for that disaster; for what could Cleomenes have done, (for it is not in my nature to accuse any one falsely,)—what, I say, could Cleomenes have done of any consequence, when his ships had been dismantled by the avarice of Verres? And they see him sit-

ting by the side of the prætor, and whispering familiarly in his ear, as he was accustomed to do. But then it did seem a most scandalous thing to every one, that most honourable men, chosen by their own cities, should be put in chains and in prison, but that Cleomenes, on account of his partnership with him in debauchery and infamy, should be the prætor's most familiar friend. However, an accuser is produced against them, a certain Nævius Turpio, who, when Caius Sacerdos was prætor, had been convicted of an assault; a very suitable tool for the audacity of Verres; a man whom he had frequently employed in matters connected with the tenths, in capital prosecutions, and in every sort of false accusation, as a scout and emissary.

XLII. The parents and relations of these unfortunate young men came to Syracuse, being aroused by the sudden news of this misfortune. They see their children loaded with chains, bearing on their necks and shoulders the punishment due to the avarice of Verres. They come forward, they defend them, they raise an outcry; they implore your good faith which at no time and no place had ever any existence. The father of one came forward, Dexis the Tyndaritan; a man of the noblest family, connected by ties of hospitality with you yourself; at whose house you had been, whom you had called your friend. When you saw him, a man of such high rank in such distress, could not his tears, could not his old age, could not the claims of hospitality and the name of friend recal you back from your wickedness to some degree of humanity? But why do I speak of the claims of hospitality with reference to so inhuman a monster? He who entered Sthenius of Thermæ, his own connexion, whose house, while received in it in hospitality, he had plundered and stripped, in the list of criminals in his absence, and who, without allowing him to make any defence, condemned him to death; are we now to expect the claims and duties of hospitality from him? Are we dealing with a cruel man, or with a savage and inhuman monster? Could not the tears of a father for the danger of his innocent son move you? As you had left your father at home, and kept your son with you, did neither your son who was present remind you of the affection of children, nor your father who was absent call to your recollection the indulgence of a father? Your friend Aristeus, the son of

Dexion, was in chains. Why was this? He had betrayed the fleet. For what bribe? He had deserted the army. What had Cleomenes done? He had done nothing at all. Yet you had presented him with a golden crown for his valour. He had discharged the sailors. But you had received from them all the price of their discharge. Another father, from another district, was Eubulida of Herlita: a man of great reputation in his city, and of high birth; who, because he had injured Cleomenes in defending his son, had been left nearly destitute. But what was there which any one could say or allege in his defence? They are not allowed to name Cleomenes. But the cause compels them to do so. You shall die if you do name him, (for he never threatened any one with trifling punishment.) But there were no rowers. What! are you accusing the prætor? Break his neck. If one is not allowed to name either the prætor, or the rival of the prætor, when the whole case turns on the conduct of these two men, what is to be done?

XLIII. Heraclius of Segesta also pleads his cause; a man of the very noblest descent in his own city. Listen, O judges, as your humanity requires of you, for you will hear of great cruelties and injuries inflicted on the allies. Know then that the case of Heraclius was this:—that on account of a severe complaint in his eyes he had not gone to sea at all; but by his order who had the command, he had remained in his quarters at Syracuse. He certainly never betrayed the fleet; he did not run away in a fright; he did not desert the army; if he had, he might have been punished when the fleet was setting out from Syracuse. But he was in just the same condition as if he had been detected in some manifest crime; though no charge at all could be brought against him, not ever so falsely. Among these naval captains was a citizen of Heraclia, of the name of Junius, (for they have some Latin names of that sort,) a man, as long as he lived, illustrious in his own city, and after his death celebrated over all Sicily. In that man there was courage enough, not only to attack Verres, for that indeed, as he saw that he was sure to die, he was aware that he could do without any danger; but when his death was settled, while his mother was sitting in his prison, night and day weeping, he wrote out the defence which his cause required; and now there is no one in all Sicily who is

not in possession of that defence, who does not read it, who is not constantly reminded by that oration, of your wickedness and cruelty. In it he states how many sailors he received from his city; how many Verres discharged, and for how much he discharged each of them; how many he had left. He makes similar statements with respect to the other ships, and when he uttered these statements before you, he was scourged on the eyes. But when death was staring him in the face, he could easily endure pain of body; he cried out, what he has left also in writing, "That it was an infamous thing that the tears of an unchaste woman on behalf of the safety of Cleomenes should have more influence with you, than those of his mother for his life." Afterwards I see that this also is stated, which, if the Roman people has formed a correct estimate of your characters, O judges, he, at the very hour of death, truly prophesied of you,—“That it was not possible for Verres to efface his own crimes by murdering the witnesses; that he, in the shades below, should be a still more serious witness against him, in the opinion of sensible judges, than if he were produced alive in a court of justice; for that then, if he were alive he would only be a witness to prove his avarice; but now, when he had been put to death, he should be a witness of his wickedness, and audacity, and cruelty.” What follows is very fine,—“That, when your cause came to be tried, it would not be only the bands of witnesses, but the punishments inflicted on the innocent, and the furies that haunt the wicked, that would attend your trial; that he thought his own misfortune the lighter, because he had seen before now the edge of your axes, and the countenance and hand of Sextus your executioner, when in an assembly of Roman citizens, Roman citizens were publicly executed by your command.” Not to dwell too long on this, Junius used most freely that liberty which you have given the allies, even at the moment of bitter punishment, such as was only fit for slaves.

XLIV. He condemns them all, with the approval of his assessors. And yet, in so important an affair, in a cause in which so many men and so many citizens were concerned, he neither sent for Publius Vettius, his quæstor, to take his advice; nor for Publius Cervius, an admirable man, his lieutenant, who, because he had been lieutenant in Sicily, while he was prætor was the first man rejected by him as a judge; but he con-

demns them all in conformity with the opinion expressed by a lot of robbers, that is, by his own retinue. On this all the Sicilians, our most faithful and most ancient allies, who have had the greatest kindnesses conferred on them by our ancestors, were greatly agitated, and alarmed at their own danger, and at the peril of all their fortunes. That that noted clemency and mildness of our dominion should have been changed into such cruelty and inhumanity ! That so many men should be condemned at one time for no crime ! That that infamous prætor should seek for a defence for his own robberies by the most shameful murder of innocent men ! Nothing, O judges, appears possible to be added to such wickedness, insanity, and barbarity—and it is true that nothing can ; for if it be compared with the iniquity of other men it will greatly surpass it all. But he is his own rival ; his object is always to outdo his last crime by some new wickedness. I had said that Phalargus the Centuripan was made an exception by Cleomenes, because he had sailed in his quadrireme. Still because that young man was alarmed, as he saw that his case was identical with that of those men who had been put to death, though perfectly innocent ; Timarchides came to him, and tells him that he is in no danger at all of being put to death, but warns him to take care lest he should be sentenced to be scourged. To make my story short, you heard the young man himself say, that because of his fear of being scourged he paid money to Timarchides. These are but light crimes in such a criminal as this. A naval captain of a most noble city ransoms himself from the danger of being scourged with a bribe—it was a human weakness. Another gave money to save himself from being condemned—it is a common thing. The Roman people does not wish Verres to be prosecuted on obsolete accusations ; it demands new charges against him ; it requires something which it has not heard before ; it thinks that it is not a prætor of Sicily, but some most cruel tyrant that is being brought before the court.

XLV. The condemned men are consigned to prison. They are sentenced to execution. Even the wretched parents of the naval captains are punished ; they are prevented from visiting their sons ; they are prevented from supplying their own children with food and raiment. These very fathers, whom you see here, lay on the threshold, and the wretched

mothers spent their nights at the door of the prison, denied the parting embrace of their children, though they prayed for nothing but to be allowed to receive their sons' dying breath. The porter of the prison, the executioner of the prætor, was there ; the death and terror of both allies and citizens ; the lictor Sextius, to whom every groan and every agony of every one was a certain gain.—“To visit him, you must give so much ; to be allowed to take him food into the prison, so much.” No one refused. “What now, what will you give me to put your son to death at one blow of my axe ? to save him from longer torture ? to spare him repeated blows ? to take care that he shall give up the ghost without any sense of pain or torture ?” Even for this object money was given to the lictor. Oh great and intolerable agony ! oh terrible and bitter ill-fortune ! Parents were compelled to purchase, not the life of their children, but a swiftness of execution for them. And the young men themselves also negotiated with Sextius about the same execution, and about that one blow ; and at last, children entreated their parents to give money to the lictor for the sake of shortening their sufferings. Many and terrible sufferings have been invented for parents and relations ; many—still death is the last of all. It shall not be. Is there any further advance that cruelty can make ? One shall be found—for, when their children have been executed and slain, their bodies shall be exposed to wild beasts. If this is a miserable thing for a parent to endure, let him pay money for leave to bury him. You heard Onasus the Segestan, a man of noble birth, say that he had paid money to Timarchides for leave to bury the naval captain, Heraclius. And this (that you may not be able to say, “Yes, the fathers come, angry at the loss of their sons,”) is stated by a man of the highest consideration, a man of the noblest birth ; and he does not state it with respect to any son of his own. And as to this, who was there at Syracuse at that time, who did not hear, and who does not know that these bargains for permission to bury were made with Timarchides by the living relations of those who had been put to death ? Did they not speak openly with Timarchides ? Were not all the relations of all the men present ? Were not the funerals of living men openly bargained for ? And then, when all those matters were settled and arranged, the men are brought out of prison and tied to the stake.



XLVI. Who at that time was so cruel and hard-hearted, who was so inhuman, except you alone, as not to be moved by their youth, their high birth, and their misfortunes? Who was there who did not weep? who did not feel their calamity, as if he thought that it was not the fortune of others alone, but the common safety of all that was at stake? They are executed. You rejoice and triumph at the universal misery; you are delighted that the witnesses of your avarice are put out of the way: you were mistaken, O Verres, you were greatly mistaken, when you thought that you could wash out the stains of your thefts and iniquities in the blood of our innocent allies. You were borne on headlong in your frenzy, when you thought that you could heal the wounds of your avarice by applying remedies of inhumanity. In truth, although those who were the witnesses of your wickedness are dead, yet their relations are wanting neither to you nor to them; yet, out of that very body of naval captains some are alive, and are present here; whom, as it seems to me, fortune saved out of that punishment of innocent men, for this trial. Philarchus the Haluntian is present, who, because he did not flee with Cleomenes, was overwhelmed by the pirates, and taken prisoner; whose misfortune was his safety, who, if he had not been taken prisoner by the pirates, would have fallen into the power of this partner of pirates. He will give his evidence, concerning the discharge of the sailors, the want of provisions, and the flight of Cleomenes. Phalargus the Centuripan is present, born in a most honourable city, and in a most honourable rank. He tells you the same thing; he differs from the other in no particular.

In the name of the immortal gods, O judges, with what feelings are you sitting there? or with what feelings are you hearing these things? Am I out of my mind, and am I grieving more than I ought amid such disasters and distresses of our allies? or does this most bitter torture and agony of innocent men affect you also with an equal sense or pain? For when I say that a Herbitan, that a Heracleian was put to death, I see before my eyes all the indignity of that misfortune.

XLVII. That the citizens of those states, that the population of those lands, by whom and by whose care and labour an immense quantity of corn is procured every year for the

Roman people, who were brought up and educated by their parents in the hope of our paternal rule, and of our justice, should have been reserved for the nefarious inhumanity of Caius Verres, and for his fatal axe ! When the thought of that unhappy Tyndaritan, and of that Segestan, comes across me, then I consider at the same time the rights of the cities, and their duties. Those cities which Publius Africanus thought fit to be adorned with the spoils of the enemy, those Caius Verres has stripped, not only of those ornaments, but even of their noblest citizens, by the most abominable wickedness. See what the people of Tyndaris will willingly state. "We were not among the seventeen tribes of Sicily. We, in all the Punic and Sicilian wars, always adhered to the friendship and alliance of the Roman people ; all possible aid in war, all attention and service in peace, has been at all times rendered by us to the Roman people." Much, however, did their rights avail them, under that man's authority and government ! Scipio once led your sailors against Carthage ; but now Cleomenes leads ships that are almost dismantled against pirates. "Africanus," says he, "shared with you the spoils of the enemy, and the reward of glory ; but now, you, having been plundered by me, having had your vessel taken away by the pirates, are considered in the number and class of enemies." What more shall I say ? what advantages did that relationship of the Segestans to us, not only stated in old papers, and commemorated in words, but adopted and proved by many good offices of theirs towards us, bring to them under the government of that man ? Just this much, O judges, that a young man of the highest rank was torn from his father's bosom, an innocent son from his mother's embrace, and given to that man's executioner, Sextius. That city to which our ancestors gave most extensive and valuable lands, which they exempted from tribute ; this city, with all the weight of its relationship to us, of its loyalty, and of its ancient alliance with us, could not obtain even this privilege, of being allowed to avert by its prayers the death and execution of one most honourable and most innocent citizen.

XLVIII. Whither shall the allies flee for refuge ? Whose help shall they implore ? by what hope shall they still be retained in the desire to live, if you abandon them ? Shall they come to the senate and beg them to punish Verres ?

That is not a usual course ; it is not in accordance with the duty of the senate. Shall they betake themselves to the Roman people ? The people will easily find an excuse ; for they will say that they have established a law for the sake of the allies, and that they have appointed you as guardians and vindicators of that law. This then is the only place to which they can flee ; this is the harbour, this is the citadel, this is the altar of the allies ; to which indeed they do not at present betake themselves with the same views as they formerly used to entertain in seeking to recover their property. They are not seeking to recover silver, nor gold, nor robes, nor slaves, nor ornaments which have been carried off from their cities and their temples ;—they fear, like ignorant men, that the Roman people now allows such things and permits them to be done. For we have now for many years been suffering, and we are silent when we see that all the money of all the nations has come into the hands of a few men ; which we seem to tolerate and to permit with the more equanimity, because none of these robbers conceals what he is doing ; none of them take the least trouble to keep their covetousness in any obscurity. In our most beautiful and highly decorated city what statue, or what painting is there, which has not been taken and brought away from conquered enemies ? But the villas of those men are adorned and filled with numerous and most beautiful spoils of our most faithful allies. Where do you think is the wealth of foreign nations, which they are all now deprived of, when you see Athens, Pergamos, Cyzicus, Miletus, Chios, Samos, all Asia in short, and Achaia, and Greece, and Sicily, now all contained in a few villas ? But all these things, as I was saying, your allies abandon and are indifferent to now. They took care by their own services and loyalty not to be deprived of their property by the public authority of the Roman people ; though they were unable to resist the covetousness of a few individuals, yet they could in some degree satiate it ; but now not only is all their power of resisting taken away, but also all their means also of supplying such demands. Therefore they do not care about their property ; they do not seek to recover their money, though that is nominally the subject of this prosecution ; that they abandon and are indifferent to ;—in this dress in which you see them they now fly to you.

XLIX. Behold, behold, O judges, the miserable and squalid condition of our allies. Sthenius, the Thermitan, whom you see here, with this uncombed hair and mourning robe, though his whole house has been stripped of everything, makes no mention of your robberies, O Verres ; he claims to recover his own safety from you, nothing more. For you, by your lust and wickedness, have removed him entirely from his country, in which he flourished as a leading man, illustrious for his many virtues and distinguished services. This man Dexio, whom you see now present, demands of you, not the public treasures of which you stripped Tyndaris, nor the wealth of which you robbed him as a private individual, but, wretched that he is, he demands of you his most virtuous, his most innocent, his only son. He does not want to carry back home a sum of money obtained from you as damages, but he seeks out of your calamity some consolation for the ashes and bones of his son. This other man here, the aged Eubulida, has not, at the close of life, undertaken such fatigue and so long a journey, to recover any of his property, but to see you condemned with the same eyes that beheld the bleeding neck of his own son. If it had not been for Lucius Metellus, O judges, the mothers of those men, their wives and sisters, were on their way hither ; and one of them, when I arrived at Heraclea late at night, came to meet me with all the matrons of that city, and with many torches ; and so, styling me her saviour, calling you her executioner, uttering in an imploring manner the name of her son, she fell down, wretched as she was, at my feet, as if I were able to raise her son from the shades below. In the other cities also the aged mothers, and even the little children of those miserable men did the same thing ; while the helpless age of each class appeared especially to stand in need of my labour and diligence, of your good faith and pity. Therefore, O judges, this complaint was brought to me by Sicily most especially and beyond all other complaints. I have undertaken this task, induced by the tears of others, not by any desire of my own for glory ; in order that false condemnation, and imprisonment, and chains, and axes, and the torture of our allies, and the execution of innocent men, and last of all, that the bodies of the lifeless dead, and the agony of living parents and relations, may not be a source of profit to our magistrates. If, by that man's

condemnation. obtained through your good faith and strict justice, O judges, I remove this fear from Sicily, I shall think enough has been done in discharge of my duty, and enough to satisfy their wishes who have entreated this assistance from me.

L. Wherefore, if by any chance you find one who attempts to defend him from this accusation in the matter of the fleet, let him defend him thus ; let him leave out those common topics which have nothing to do with the business—that I am attributing to him blame which belongs to fortune ; that I am imputing to him disaster as a crime ; that I am accusing him of the loss of a fleet, when, in the uncertain risks of war which are common to both sides, many gallant men have often met with disasters both by land and sea. I am imputing to you nothing in which fortune was concerned ; you have no pretext for bringing up the disasters of others ; you have nothing to do with collecting instances of the misfortunes of many others. I say the ships were dismantled ; I say the rowers and sailors were discharged ; I say the rest had been living on the roots of wild palms ; that a Sicilian was appointed to command a fleet of the Roman people ; a Syracusan to command our allies and friends ; I say that, all that time, and for many preceding days, you were spending your time in drunken revels on the sea-shore with your concubines ; and I produce my informants and witnesses, who prove all these charges. Do I seem to be insulting you in your calamity ; to be cutting you off from your legitimate excuse of blaming fortune ? Do I appear to be attacking and reproaching you for the ordinary chances of war ? Although the men who are indeed accustomed to object to the results of fortune being made a charge against them, are those who have committed themselves to her, and have encountered her perils and vicissitudes. But in that disaster of yours, fortune had no share at all. For men are accustomed to try the fortune of war, and to encounter danger in battles, not in banquets. But in that disaster of yours we cannot say that Mars had any share ; we may say that Venus had. But if it is not right that the disasters of fortune should be imputed to you, why did you not allow her some weight in furnishing excuses and defence for those innocent men ? You must also deprive yourself of the argument, that you are now accused and held

up to odium by me, for having punished and executed men according to the custom of our ancestors. My accusation does not turn on any one's punishment. I do not say that no one ought to have been put to death; I do not say that all fear is to be removed from military service, severity from command, or punishment from guilt. I confess that there are many precedents for severe and terrible punishments inflicted not only on our allies, but even on our citizens and soldiers.

LI. You may therefore omit all such topics as these. I prove that the fault was not in the naval captains, but in you. I accuse you of having discharged the soldiers and rowers for a bribe. The rest of the naval captains say the same. The confederate city of the Neticans bears public testimony to the truth of this charge. The cities of Herbita, of Amestras, of Enna, of Agyrium, of Tyndaris, and the Ionians, all give their public testimony to the same effect. Last of all, your own witness, your own commander, your own host, Cleomenes, says this,—that he had landed on the coast in order to collect soldiers from Pachynum, where there was a garrison of troops, in order to put them on board the fleet; which he certainly would not have done if the ships had had their complement. For the system of ships when fully equipped and fully manned is such that you have no room, I will not say for many more, but for even one single man more. I say, moreover, that those very sailors who were left, were worn out and disabled by famine, and by a want of every necessary. I say, that either all were free from blame, or that if blame must be attributable to some one, the greatest blame must be due to him who had the best ship, the largest crew, and the chief command; or, that if all were to blame, Cleomenes ought not to have been a spectator of the death and torture of those men. I say, besides, that in those executions, to allow of that traffic in tears, of that bargaining for an effective wound and a deadly blow, of that bargaining for the funeral and sepulture of the victims, was impiety. Wherefore, if you will make me any answer at all, say this,—that the fleet was properly equipped and fully manned; that no fighting-men were absent, that no bench was without its rower; that ample corn was supplied to the rowers; that the naval captains are liars; that all those honourable cities are

liars ; that all Sicily is a liar ;—that you were betrayed by Cleomenes, when he said that he had landed on the coast to get soldiers from Pachynum ; that it was courage, and not troops that he needed ;—that Cleomenes, while fighting most gallantly, was abandoned and deserted by these men, and that no money was paid to any one for leave to bury the dead.—If you say this, you shall be convicted of falsehood ; if you say anything else, you will not be refuting what has been stated by me.

LII. Here will you dare to say also, “ Among my judges that one is my intimate friend, that one is a friend of my father ? ” Is it not the case that the more acquainted or connected with you any one is, the more he is ashamed at the charges brought against you ? He is your father’s friend—If your father himself were your judge, what, in the name of the immortal gods, could you do when he said this to you ?—“ You, being in a province as prætor of the Roman people, when you had to carry on a naval war, three years excused the Mamertines from supplying the ship, which by treaty they were bound to supply ; by those same Mamertines a transport of the largest size was built for you at the public expense ; you exacted money from the cities on the pretext of the fleet ; you discharged the rowers for a bribe ; when a pirate vessel had been taken by your quæstor, and by your lieutenant, you removed the captain of the pirates from every one’s sight ; you ventured to put to death men who were called Roman citizens, who were recognised as such by many ; you dared to take to your own house pirates, and to bring the captain of the pirates into the court of justice from your own house. You, in that splendid province, in the sight of our most faithful allies, and of most honourable Roman citizens, lay for many days together on the sea-shore in revelry and debauchery, and that at a time of the greatest alarm and danger to the province. All those days no one could find you at your own house, no one could see you in the forum ; you entertained the mothers of families of our allies and friends at those banquets ; among women of that sort you placed your youthful son, my grandson, in order that his father’s life might furnish examples of iniquity to a time of life which is particularly unsteady and open to temptation ; you, while prætor in your province, were seen in a tunic and

purple cloak ; you, to gratify your passion and lust, took away the command of the fleet from a lieutenant of the Roman people, and gave it to a Syracusan ; your soldiers in the province of Sicily were in want of provisions and of corn ; owing to your luxury and avarice, a fleet belonging to the Roman people was taken and burnt by pirates ; in your prætorship, for the first time since Syracuse was a city, did pirates sail about in that harbour, which no enemy had ever entered ; moreover, you did not seek to cover these numerous and terrible disgraces of yours by any concealment on your part, nor did you seek to make men forget them by keeping silence respecting them, but you even without any cause tore the captains of the ships from the embrace of their parents, who were your own friends and connexions, and hurried them to death and torture ; nor, in witnessing the grief and tears of those parents, did any recollection of my name soften your heart ; the blood of innocent men was not only a pleasure but also a profit to you."

LIII. If your own father were to say this to you, could you entreat pardon from him? could you dare to beg even him to forgive you? Enough has been done by me, O judges, to satisfy the Sicilians, enough to discharge my duty and obligation to them, enough to acquit me of my promise and of the labour which I have undertaken. The remainder of the accusation, O judges, is one which I have not received from any one, but which is, if I may so say, innate in me ; it is one which has not been brought to me, but which is deeply fixed and implanted in all my feelings ; it is one which concerns not the safety of the allies, but the life and existence of Roman citizens, that is to say, of every one of us. And in urging this, do not, O judges, expect to hear any arguments from me, as if the matter were doubtful. Everything which I am going to say about the punishment of Roman citizens, will be so evident and notorious, that I could produce all Sicily as witnesses to prove it. For some insanity, the frequent companion of wickedness and audacity, urged on that man's unrestrained ferocity of disposition and inhuman nature to such frenzy, that he never hesitated, openly, in the presence of the whole body of citizens and settlers, to employ against Roman citizens those punishments which have been instituted only for slaves convicted of crime. Why need I tell you how many men he



has scourged? I will only say that, most briefly, O judges, while that man was prætor there was no discrimination whatever in the infliction of that sort of punishment; and, accordingly, the hands of the lictor were habitually laid on the persons of the Roman citizens, even without any actual order from Verres.

LIV. Can you deny this, O Verres, that in the forum, at Lilybæum, in the presence of a numerous body of inhabitants, Caius Servilius, a Roman citizen, an old trader of the body of settlers at Panormus, was beaten to the ground by rods and scourges before your tribunal, before your very feet? Dare first to deny this, if you can. No one was at Lilybæum who did not see it. No one was in Sicily who did not hear of it. I assert that a Roman citizen fell down before your eyes, exhausted by the scourging of your lictors. For what reason? O ye immortal gods!—though in asking that I am doing injury to the common cause of all the citizens, and to the privilege of citizenship, for I am asking what reason there was in the case of Servilius for this treatment, as if there could be any reason for its being legally inflicted on any Roman citizen. Pardon me this one error, O judges, for I will not in the rest of the cases ask for any reason. He had spoken rather freely of the dishonesty and worthlessness of Verres. And as soon as he was informed of this, he orders the man to Lilybæum to give security in a prosecution instituted against him by one of the slaves of Verres. He gives security. He comes to Lilybæum. Verres begins to compel him, though no one proceeded with any action against him, though no one made any claim on him, to be bound over in the sum of two thousand sesterces, to appear to a charge brought against him by his own lictor, in the formula,—“If he had made any profit by robbery.”—He says that he will appoint judges out of his own retinue. Servilius demurs, and entreats that he may not be proceeded against by a capital prosecution before unjust judges, and where there is no prosecutor. While he is urging this with a loud voice, six of the most vigorous lictors surround him, men in full practice in beating and scourging men; they beat him most furiously with rods; then the lictor who was nearest to him, the man whom I have already often mentioned, Sextus, turning his stick round, began to beat the wretched man violently on the eyes. Therefore, when blood had filled his mouth and eyes, he fell down, and

they, nevertheless, continued to beat him on the sides while lying on the ground, till he said at last he would give security. He, having been treated in this manner, was taken away from the place as dead, and, in a short time afterwards, he died. But that devoted servant of Venus, that man so rich in wit and politeness, erected a silver Cupid out of his property in the temple of Venus. And in this way he misused the fortunes of men to fulfil the nightly vows made by him for the accomplishment of his desires.

LV. For why should I speak separately of all the other punishments inflicted on Roman citizens, rather than generally, and in the lump? That prison which was built at Syracuse, by that most cruel tyrant Dionysius, which is called the stone-quarries, was, under his government, the home of Roman citizens. As any one of them offended his eyes or his mind, he was instantly thrown into the stone-quarries. I see that this appears a scandalous thing to you, O judges; and I had observed that, at the former pleading, when the witnesses stated these things; for you thought that the privileges of freedom ought to be maintained, not only here, where there are tribunes of the people, where there are other magistrates, where there is a forum with many courts of justice, where there is the authority of the senate, where there is the opinion of the Roman people to hold a man in check, where the Roman people itself is present in great numbers; but, in whatever country or nation the privileges of Roman citizens are violated, you, O judges, decide that that violation concerns the common cause of freedom, and of your dignity. Did you, O Verres, dare to confine such a number of Roman citizens in a prison built for foreigners, for wicked men, for pirates, and for enemies? Did no thoughts of this tribunal, or of the public assembly, or of this numerous multitude which I see around me, and which is now regarding you with a most hostile and inimical disposition, occur to your mind? Did not the dignity of the Roman people, though absent, did not the appearance of such a concourse as this ever present itself to your eyes or to your thoughts? Did you never think that you should have to return home to the sight of these men, that you should have to come into the forum of the Roman people, that you should have to submit yourself to the power of the laws and courts of justice?

LVI. But what, O Verres, was that passion of yours for practising cruelty? what was your reason for undertaking so many wicked actions? It was nothing, O judges, except a new and unprecedented system of plundering. For like those men whose histories we have learnt from the poets, who are said to have occupied some bays on the sea-coast, or some promontories, or some precipitous rocks, in order to be able to murder those who had been driven to such places in their vessels, this man also looked down as an enemy over every sea, from every part of Sicily. Every ship that came from Asia, from Syria, from Tyre, from Alexandria, was immediately seized by informers and guards that he could rely upon; their crews were all thrown into the stone-quarries; their freights and merchandise carried up into the prætor's house. After a long interval there was seen to range through Sicily, not another Dionysius, not another Phalaris, (for their island has at one time or another produced many inhuman tyrants,) but a new sort of monster, endowed with all the ancient savage barbarity which is said to have formerly existed in those same districts; for I do not think that either Scylla or Charybdis was such an enemy to sailors, as that man has been in the same waters. And in one respect he is far more to be dreaded than they, because he is girdled with more numerous and more powerful hounds than they were. He is a second Cyclops, far more savage than the first; for Verres had possession of the whole island; Polyphemus is said to have occupied only Ætna and that part of Sicily. But what pretext was alleged at the time by that man for this outrageous cruelty? The same which is now going to be stated in his defence. He used to say whenever any one came to Sicily a little better off than usual, that they were soldiers of Sertorius, and that they were flying from Dianium.<sup>1</sup> They brought him presents to gain his protection from danger; some brought him Tyrian purple, others brought frankincense, perfumes, and linen robes; others gave jewels and pearls; some offered great bribes and Asiatic slaves, so that it was seen by their very goods from what place they came. They were not aware that those very things which they thought that they were employing as aids to ensure their safety, were the causes of their

<sup>1</sup> Dianium was a town in Spain which had been occupied by Sertorius.

danger. For he would say that they had acquired those things by partnership with pirates, he would order the men themselves to be led away to the stone-quarries, he would see that their ships and their freights were diligently taken care of.

LVII. When by these practices his prison had become full of merchants, then those scenes took place which you have heard related by Lucius Suetius, a Roman knight, and a most virtuous man, and by others. The necks of Roman citizens were broken in a most infamous manner in the prison; so that very expression and form of entreaty, "I am a Roman citizen," which has often brought to many, in the most distant countries, succour and assistance, even among the barbarians, only brought to these men a more bitter death and a more immediate execution. What is this, O Verres? What reply are you thinking of making to this? That I am telling lies? that I am inventing things? that I am exaggerating this accusation? Will you dare to say any one of these things to those men who are defending you? Give me, I pray you, the documents of the Syracusans taken from his own bosom, which, methinks, were drawn up according to his will; give me the register of the prison, which is most carefully made up, stating in what day each individual was committed to prison, when he died, how he was executed.

[*The documents of the Syracusans are read.*]

You see that Roman citizens were thrown in crowds into the stone quarries; you see a multitude of your fellow-citizens heaped together in a most unworthy place. Look now for all the traces of their departure from that place, which are to be seen. There are none. Are they all dead of disease? If he were able to urge this in his defence, still such a defence would find credit with no one. But there is a word written in those documents, which that ignorant and profligate man never noticed, and would not have understood if he had. Ἐδικαιώθησαν, it says—that is, according to the Sicilian language, they were punished and put to death.

LVIII. If any king, if any city among foreign nations, if any nation had done anything of this sort to a Roman citizen, should we not avenge that act by a public resolution? should we not prosecute our revenge by war? Could we leave such injury and insult offered the Roman name unavenged and

unpunished? How many wars, and what serious ones do you think that our ancestors undertook, because Roman citizens were said to have been ill-treated, or Roman vessels detained, or Roman merchants plundered? But I am not complaining that men have been detained; I think one might endure their having been plundered; I am impeaching Verres because after their ships, their slaves, and their merchandise had been taken from them, the merchants themselves were thrown into prison—because Roman citizens were imprisoned and executed. If I were saying this among Scythians, not before such a multitude of Roman citizens, not before the most select senators of the city, not in the forum of the Roman people,—if I were relating such numerous and bitter punishments inflicted on Roman citizens, I should move the pity of even those barbarous men. For so great is the dignity of this empire, so great is the honour in which the Roman name is held among all nations, that the exercise of such cruelty towards our citizens seems to be permitted to no one. Can I think that there is any safety or any refuge for you, when I see you hemmed in by the severity of the judges, and entangled as it were in the meshes of a net by the concourse of the Roman people here present? If, indeed, (though I have no idea that that is possible,) you were to escape from these toils, and effect your escape by any way or any method, you will then fall into that still greater net, in which you must be caught and destroyed by me from the elevation in which I stand. For even if I were to grant to him all that he urges in his defence, yet that very defence must turn out not less injurious to him than my true accusation.

For what does he urge in his defence? He says that he arrested men flying from Spain, and put them to death. Who gave you leave to do so? By what right did you do so? Who else did the same thing? How was it lawful for you to do so? We see the forum and the porticoes full of those men, and we are contented to see them there. For the end of civil dissensions, and of the (shall I say) insanity, or destiny, or calamity in which they take their rise, is not so grievous as to make it unlawful for us to preserve the rest of our citizens in safety. That Verres there, that ancient betrayer of his consul, that transferrer<sup>1</sup> of the quæstorship,

<sup>1</sup> See the first book of this second pleading against Verres, c. 37.

that embezzler of the public money, has taken upon himself so much authority in the republic, that he would have inflicted a bitter and cruel death on all those men whom the senate, and the Roman people, and the magistrates allowed to remain in the forum, in the exercise of their rights as voters, in the city and in the republic, if fortune had brought them to any part of Sicily. After Perperna was slain, many of the number of Sertorius's soldiers fled to Cnæus Pompeius, that most illustrious and gallant man. Was there one of them whom he did not preserve safe and unhurt with the greatest kindness? was there one suppliant citizen to whom that invincible right hand was not stretched out as a pledge of his faith, and as a sure token of safety? Was it then so? Was death and torture appointed by you, who had never done one important service to the republic, for those who found a harbour of refuge in that man against whom they had borne arms? See what an admirable defence you have imagined for yourself.

LIX. I had rather, I had rather in truth, that the truth of this defence of yours were proved to these judges and to the Roman people, than the truth of my accusation. I had rather, I say, that you were thought a foe and an enemy to that class of men than to merchants and seafaring men. For the accusation I bring against you impeaches you of excessive avarice: the defence that you make for yourself accuses you of a sort of frenzy, of savage ferocity, of unheard-of cruelty, and of almost a new proscription. But I may not avail myself of such an advantage as that, O judges; I may not; for all Puteoli is here; merchants in crowds have come to this trial, wealthy and honourable men, who will tell you, some that their partners, some that their freedmen were plundered by that man, were thrown into prison, that some were privately murdered in prison, some publicly executed. See now how impartially I will behave to you. When I produce Publius Granus as a witness to state that his freedmen were publicly executed by you, to demand back his ship and his merchandise from you, refute him if you can; I will abandon my own witness and will take your part; I will assist you, I say; prove that those men have been with Sertorius, and that, when flying from Dianium, they were driven to Sicily. There is nothing which I would rather have you prove. For no crime can be ima-

gined or produced against you which is worthy of a greater punishment. I will call back the Roman knight, Lucius Flavius, if you wish; since at the previous pleading, being influenced, as your advocates are in the habit of saying, by some unusual prudence, but, (as all men are aware,) being overpowered by your own conscience, and by the authority of my witnesses, you did not put a question to any single witness. Let Flavius be asked, if you like, who Lucius Herennius was, the man who, he says, was a money-changer at Leptis; who, though he had more than a hundred Roman citizens in the body of settlers at Syracuse, who not only knew him, but defended him with their tears and with entreaties to you, was still publicly executed by you in the sight of all the Syracusans. I am very willing that this witness of mine should also be refuted, and that it should be demonstrated and proved by you that that Herennius had been one of Sertorius's soldiers.

LX. What shall we say of that multitude of those men who were produced with veiled heads among the pirates and prisoners in order to be executed? What was that new diligence of yours, and on what account was it put in operation? Did the loud outcries of Lucius Flavius and the rest about Lucius Herennius influence you? Had the excessive influence of Marcus Annius, a most influential and most honourable man, made you a little more careful and more fearful? who lately stated in his evidence that it was not some stranger, no one knows who, nor any foreigner, but a Roman citizen who was well known to the whole body of inhabitants, who had been born at Syracuse, who had been publicly executed by you. After this loud statement of theirs,—after this had become known by the common conversation and common complaints of all men, he began to be, I will not say more merciful in his punishments, but more careful. He established the rule of bringing out Roman citizens for punishment with their heads muffled up, whom, however, he put to death in the sight of all men, because the citizens (as we have said before) were calculating the number of pirates with too much accuracy. Was this the condition that was established for the Roman people while you were prætor? were these the hopes under which they were to transact their business? was this the danger in which their

lives and condition as freemen were placed? are there not risks enough at the hands of fortune to be encountered of necessity by merchants, unless they are threatened also with these terrors by our magistrates, and in our provinces? Was this the state to which it was decent to reduce that suburban and loyal province of Sicily, full of most valued allies, and of most honourable Roman citizens, which has at all times received with the greatest willingness all Roman citizens within its territories, that those who were sailing from the most distant parts of Syria or Egypt, who had been held in some honour, even among barbarians, on account of their name as Roman citizens, who had escaped from the ambushes of pirates, from the dangers of tempests, should be publicly executed in Sicily when they thought that they had now reached their home?

LXI. For why should I speak of Publius Gavius, a citizen of the municipality of Cosa, O judges? or with what vigour of language, with what gravity of expression, with what grief of mind shall I mention him? But, indeed, that indignation fails me. I must take more care than usual that what I am going to say be worthy of my subject,—worthy of the indignation which I feel. For the charge is of such a nature, that when I was first informed of it I thought I should not avail myself of it. For although I knew that it was entirely true, still I thought that it would not appear credible. Being compelled by the tears of all the Roman citizens who are living as traders in Sicily, being influenced by the testimonies of the men of Valentia, most honourable men, and by those of all the Rhegians, and of many Roman knights who happened at that time to be at Messina, I produced at the previous pleading only just that amount of evidence which might prevent the matter from appearing doubtful to any one. What shall I do now? When I have been speaking for so many hours of one class of offences, and of that man's nefarious cruelty,—when I have now expended nearly all my treasures of words of such a sort as are worthy of that man's wickedness on other matters, and have omitted to take precautions to keep your attention on the stretch by diversifying my accusations, how am I to deal with an affair of the importance that this is? There is, I think, but one method, but one line open to me. I will place the matter plainly



before you, which is of itself of such importance that there is no need of my eloquence—and eloquence, indeed, I have none, but there is no need of any one's eloquence to excite your feelings. This Gavius whom I am speaking of, a citizen of Cosa, when he (among that vast number of Roman citizens who had been treated in the same way) had been thrown by Verres into prison, and somehow or other had escaped secretly out of the stone-quarries, and had come to Messana, being now almost within sight of Italy and of the walls of Rhegium, and being revived, after that fear of death and that darkness, by the light, as it were, of liberty and of the fragrance of the laws, began to talk at Messana, and to complain that he, a Roman citizen, had been thrown into prison. He said that he was now going straight to Rome, and that he would meet Verres on his arrival there.

LXII. The miserable man was not aware that it made no difference whether he said this at Messana, or before the man's face in his own prætorian palace. For, as I have shown you before, that man had selected this city as the assistant in his crimes, the receiver of his thefts, the partner in all his wickedness. Accordingly, Gavius is at once brought before the Mamertine magistrates; and, as it happened, Verres came on that very day to Messana. The matter is brought before him. He is told that the man was a Roman citizen, who was complaining that at Syracuse he had been confined in the stone-quarries, and who, when he was actually embarking on board ship, and uttering violent threats against Verres, had been brought back by them, and reserved in order that he himself might decide what should be done with him. He thanks the men and praises their good-will and diligence in his behalf. He himself, inflamed with wickedness and frenzy, comes into the forum. His eyes glared; cruelty was visible in his whole countenance. All men waited to see what steps he was going to take,—what he was going to do; when all of a sudden he orders the man to be seized, and to be stripped and bound in the middle of the forum, and the rods to be got ready. The miserable man cried out that he was a Roman citizen, a citizen, also, of the municipal town of Cosa,—that he had served with Lucius Pretius, a most illustrious Roman knight, who was living as a trader at Panormus, and from whom Verres might know that he was

speaking the truth. Then Verres says that he has ascertained that he had been sent into Sicily by the leaders of the runaway slaves, in order to act as a spy; a matter as to which there was no witness, no trace, nor even the slightest suspicion in the mind of any one. Then he orders the man to be most violently scourged on all sides. In the middle of the forum of Messana a Roman citizen, O judges, was beaten with rods; while in the mean time no groan was heard, no other expression was heard from that wretched man, amid all his pain, and between the sound of the blows, except these words, "I am a citizen of Rome." He fancied that by this one statement of his citizenship he could ward off all blows, and remove all torture from his person. He not only did not succeed in averting by his entreaties the violence of the rods, but as he kept on repeating his entreaties and the assertion of his citizenship, a cross—a cross, I say—was got ready for that miserable man, who had never witnessed such a stretch of power.

LXIII. O the sweet name of liberty! O the admirable privileges of our citizenship! O Porcian law! O Sempronian laws! O power of the tribunes, bitterly regretted by, and at last restored to the Roman people! Have all our rights fallen so far, that in a province of the Roman people,—in a town of our confederate allies,—a Roman citizen should be bound in the forum, and beaten with rods by a man who only had the fasces and the axes through the kindness of the Roman people? What shall I say? When fire, and red-hot plates, and other instruments of torture were employed? If the bitter entreaties and the miserable cries of that man had no power to restrain you, were you not moved even by the weeping and loud groans of the Roman citizens who were present at that time? Did you dare to drag any one to the cross who said that he was a Roman citizen? I was unwilling, O judges, to press this point so strongly at the former pleading; I was unwilling to do so. For you saw how the feelings of the multitude were excited against him with indignation, and hatred, and fear of their common danger. I, at that time, fixed a limit to my oration, and checked the eagerness of Caius Numitorius, a Roman knight, a man of the highest character, one of my witnesses. And I rejoiced that Glabrie had acted (and he had acted most wisely) as he did in dis-

missing that witness immediately, in the middle of the discussion. In fact he was afraid that the Roman people might seem to have inflicted that punishment on Verres by tumultuary violence, which he was anxious he should only suffer according to the laws and by your judicial sentence. Now since it is made clear beyond a doubt to every one, in what state your case is, and what will become of you, I will deal thus with you: I will prove that that Gavius whom you all of a sudden assert to have been a spy, had been confined by you in the stone-quarries at Syracuse; and I will prove that, not only by the registers of the Syracusans,—lest you should be able to say that, because there is a man named Gavius mentioned in those documents, I have invented this charge, and picked out this name so as to be able to say that this is the man,—but in accordance with your own choice I will produce witnesses, who will state that that identical man was thrown by you into the stone-quarries at Syracuse. I will produce, also, citizens of Cosa, his fellow-citizens and relations, who shall teach you, though it is too late, and who shall also teach the judges, (for it is not too late for them to know them,) that that Publius Gavius whom you crucified was a Roman citizen, and a citizen of the municipality of Cosa, not a spy of runaway slaves.

LXIV. When I have made all these points, which I undertake to prove, abundantly plain to your most intimate friends, then I will also turn my attention to that which is granted me by you. I will say that I am content with that. For what—what, I say, did you yourself lately say, when in an agitated state you escaped from the outcry and violence of the Roman people? Why, that he had only cried out that he was a Roman citizen because he was seeking some respite, but that he was a spy. My witnesses are unimpeachable. For what else does Caius Numitorius say? what else do Marcus and Publius Cottius say, most noble men of the district of Tauromenium? what else does Marcus Luceius say, who had a great business as a money-changer at Rhegium? what else do all the others say? For as yet witnesses have only been produced by me of this class, not men who say that they were acquainted with Gavius, but men who say that they saw him at the time that he was being dragged to the cross, while crying out that he was a Roman citizen. And you, O Verres, say the same

thing. You confess that he did cry out that he was a Roman citizen ; but that the name of citizenship did not avail with you even so much as to cause the least hesitation in your mind, or even any brief respite from a most cruel and ignominious punishment. This is the point I press, this is what I dwell upon, O judges ; with this single fact I am content. I give up, I am indifferent to all the rest. By his own confession he must be entangled and destroyed. You did not know who he was ; you suspected that he was a spy. I do not ask you what were your grounds for that suspicion, I impeach you by your own words. He said that he was a Roman citizen. If you, O Verres, being taken among the Persians or in the remotest parts of India, were being led to execution, what else would you cry out but that you were a Roman citizen ? And if that name of your city, honoured and renowned as it is among all men, would have availed you, a stranger among strangers, among barbarians, among men placed in the most remote and distant corners of the earth, ought not he, whoever he was, whom you were hurrying to the cross, who was a stranger to you, to have been able, when he said that he was a Roman citizen, to obtain from you, the prætor, if not an escape, at least a respite from death by his mention of and claims to citizenship ?

LXV. Men of no importance, born in an obscure rank, go to sea ; they go to places which they have never seen before ; where they can neither be known to the men among whom they have arrived, nor always find people to vouch for them. But still, owing to this confidence in the mere fact of their citizenship, they think that they shall be safe, not only among our own magistrates, who are restrained by fear of the laws and of public opinion, nor among our fellow-citizens only, who are united with them by community of language, of rights, and of many other things ; but wherever they come they think that this will be a protection to them. Take away this hope, take away this protection from Roman citizens, establish the fact that there is no assistance to be found in the words "I am a Roman citizen ;" that a prætor, or any other officer, may with impunity order any punishment he pleases to be inflicted on a man who says that he is a Roman citizen, though no one knows that it is not true ; and at one blow, by admitting that defence, you cut off from the Roman citizens all the

provinces, all the kingdoms, all free cities, and indeed the whole world, which has hitherto been open most especially to our countrymen. But what shall be said if he named Lucius Pretius, a Roman knight, who was at that time living in Sicily as a trader, as a man who would vouch for him? Was it a very great undertaking to send letters to Panormus? to keep the man? to detain him in prison, confined in the custody of your dear friends the Mamertines, till Pretius came from Panormus? Did he know the man? Then you might remit some part of the extreme punishment. Did he not know him? Then, if you thought fit, you might establish this law for all people, that whoever was not known to you, and could not produce a rich man to vouch for him, even though he were a Roman citizen, was still to be crucified.

LXVI. But why need I say more about Gavius? as if you were hostile to Gavius, and not rather an enemy to the name and class of citizens, and to all their rights. You were not, I say, an enemy to the individual, but to the common cause of liberty. For what was your object in ordering the Mamertines, when, according to their regular custom and usage, they had erected the cross behind the city in the Pompeian road, to place it where it looked towards the strait; and in adding, what you can by no means deny, what you said openly in the hearing of every one, that you chose that place in order that the man who said that he was a Roman citizen, might be able from his cross to behold Italy and to look towards his own home? And accordingly, O judges, that cross, for the first time since the foundation of Messana, was erected in that place. A spot commanding a view of Italy was picked out by that man, for the express purpose that the wretched man who was dying in agony and torture might see that the rights of liberty and of slavery were only separated by a very narrow strait, and that Italy might behold her son murdered by the most miserable and most painful punishment appropriate to slaves alone.

It is a crime to bind a Roman citizen; to scourge him is a wickedness; to put him to death is almost parricide. What shall I say of crucifying him? So guilty an action cannot by any possibility be adequately expressed by any name bad enough for it. Yet with all this that man was not content. "Let him behold his country," said he; "let him die within

sight of laws and liberty." It was not Gavius, it was not one individual, I know not whom,—it was not one Roman citizen,—it was the common cause of freedom and citizenship that you exposed to that torture and nailed on that cross. But now consider the audacity of the man. Do not you think that he was indignant that he could not erect that cross for Roman citizens in the forum, in the comitium, in the very rostra? For the place in his province which was the most like those places in celebrity, and the nearest to them in point of distance, he did select. He chose that monument of his wickedness and audacity to be in the sight of Italy, in the very vestibule of Sicily, within sight of all passers-by as they sailed to and fro.

LXVII. If I were to choose to make these complaints and to utter these lamentations, not to Roman citizens, not to any friends of our city, not to men who had heard of the name of the Roman people,—if I uttered them not to men, but to beasts,—or even, to go further, if I uttered them in some most desolate wilderness to the stones and rocks, still all things, mute and inanimate as they might be, would be moved by such excessive, by such scandalous atrocity of conduct. But now, when I am speaking before senators of the Roman people, the authors of the laws, of the courts of justice, and of all right, I ought not to fear that that man will not be judged to be the only Roman citizen deserving of that cross of his, and that all others will not be judged most undeserving of such a danger. A little while ago, O judges, we did not restrain our tears at the miserable and most unworthy death of the naval captains; and it was right for us to be moved at the misery of our innocent allies; what now ought we to do when the lives of our relations are concerned? For the blood of all Roman citizens ought to be accounted kindred blood; since the consideration of the common safety, and truth requires it. All the Roman citizens in this place, both those who are present, and those who are absent in distant lands, require your severity, implore the aid of your good faith, look anxiously for your assistance. They think that all their privileges, all their advantages, all their defences, in short their whole liberty, depends on your sentence. From me, although they have already had aid enough, still, if the affair should turn out ill, they will perhaps have more than the

venture to ask for. For even though any violence should snatch that man from your severity, which I do not fear, O judges, nor do I think it by any means possible ; still, if my expectations should in this deceive me, the Sicilians will complain that their cause is lost, and they will be as indignant as I shall myself; yet the Roman people, in a short time, since it has given me the power of pleading before them, shall through my exertions recover its rights by its own votes before the beginning of February. And if you have any anxiety, O judges, for my honour and for my renown, it is not unfavourable for my interests, that that man, having been saved from me at this trial, should be reserved for that decision of the Roman people. The cause is a splendid one, one easily to be proved by me, very acceptable and agreeable to the Roman people. Lastly, if I seem here to have wished to rise at the expense of that one man, which I have not wished,—if he should be acquitted, (a thing which cannot happen without the wickedness of many men,) I shall be enabled to rise at the expense of many.

LXVIII. But in truth, for your sake, O judges, and for the sake of the republic, I should grieve that such a crime was committed by this select bench of judges. I should grieve that those judges, whom I have myself approved of and joined in selecting, should walk about in this city branded with such disgrace by that man being acquitted, as to seem smeared not with wax<sup>1</sup> but with mud. Wherefore, from this place I warn you also, O Hortensius, if there is any room for giving a warning, to take care again and again, and to consider what you are doing, and whither you are proceeding; what man it is whom you are defending, and by what means you are doing so. Nor in this manner do I seek at all to limit you, so as to prevent your contending against me with all your genius, and all your ability in speaking. As to other things, if you think that you can secretly manage, out of court, some of the things which belong to this judicial trial; if you think that you can effect anything by artifice, by cunning, by influence, by your own popularity, by that man's wealth; then I am strongly of opinion you had better abandon that idea. And I warn you rather to put down, I warn

<sup>1</sup> This refers to the tablets on which the judges signified their decision, which, as has been said before, were covered with wax.

you not to suffer to proceed any further the attempts which have already been commenced by that man, but which have been thoroughly detected by, and are thoroughly known to me. It will be at a great risk to yourself that any error is committed in this trial; at a greater risk than you think. For as for your thinking yourself now relieved from all fear for your reputation, and at the summit of all honour as consul elect, believe me, it is no less laborious a task to preserve those honours and kindnesses, conferred on you by the Roman people, than to acquire them. This city has borne as long as it could, as long as there was no help for it, that kingly sort of sway of yours which you have exercised in the courts of justice, and in every part of the republic. It has borne it, I say. But on the day when the tribunes of the people were restored to the Roman people, all those privileges (if you are not yourself already aware of it) were taken away from you. At this very time the eyes of all men are directed on each individual among us, to see with what good faith I prosecute him, with what scrupulous justice these men judge him, in what manner you defend him. And in the case of all of us, if any one of us turns aside ever so little from the right path, there will follow, not that silent opinion of men which you were formerly accustomed to despise, but a severe and fearless judgment of the Roman people. You have, O Quintus, no relationship, no connexion with that man. In the case of this man you can have none of those excuses with which you formerly used to defend your excessive zeal in any trial. You are bound to take care above all things, that the things which that fellow used to say in the province, when he said that he did all that he was doing out of his confidence in you, shall not be thought to be true.

LXIX. I feel sure now that I have discharged my duty to the satisfaction of all those who are most unfavourable to me. For I convicted him, in the few hours which the first pleading occupied, in the opinion of every man. The remainder of the trial is not now about my good faith, which has been amply proved, nor about that fellow's way of life, which has been fully condemned; but it is the judges, and if I am to tell the truth, it is yourself, who will now be passed sentence on. But when will that sentence be passed? For that is a point that must be much looked to, since in all things, and espe-



cially in state affairs, the consideration of time and circumstance is of the greatest importance. Why, at that time when the Roman people shall demand another class of men, another order of citizens to act as judges. Sentence will be pronounced in deciding on that law about new judges and fresh tribunals, which has been proposed in reality not by the man whose name you see on the back of it, but by this defendant. Verres, I say, has contrived to have this law drawn up and proposed from the hope and opinion which he entertains of you. Therefore, when this cause was first commenced, that law had not been proposed; when Verres, alarmed at your impartiality, had given many indications that he was not likely to make any reply at all, still no mention was made of that law; when he seemed to pick up a little courage and to fortify himself with some little hope, immediately this law was proposed. And as your dignity is exceedingly inconsistent with this law, so his false hopes and preeminent impudence are strongly in favour of it. In this case, if anything blameworthy be done by any of you, either the Roman people itself will judge that man whom it has already pronounced unworthy of any trial at all; or else those men will judge, who, because of the unpopularity of the existing tribunals, will be appointed as new judges by a new law made respecting the old judges.

LXX. For myself, even though I were not to say it myself, who is there who is not aware how far it is necessary for me to proceed? Will it be possible for me to be silent, O Hortensius? Will it be possible for me to dissemble, when the republic has received so severe a wound, that, though I pleaded the cause, our provinces will appear to have been pillaged, our allies oppressed, the immortal gods plundered, Roman citizens tortured and murdered with impunity? Will it be possible for me either to lay this burden on the shoulders of this tribunal, or any longer to endure it in silence? Must not the matter be agitated? must it not be brought publicly forward? Must not the good faith of the Roman people be implored? Must not all who have implicated themselves in such wickedness as to allow their good faith to be tampered with, or to give a corrupt decision, be summoned before the court, and made to encounter a public trial? Perhaps some one will ask, Are you then going to take upon yourself such

a labour, and such violent enmity from so many quarters? Not, of a truth, from any desire of mine, or of my own free will. But I have not the same liberty allowed me that they have who are born of noble family; on whom even when they are asleep all the honours of the Roman people are showered. I must live in this city on far other terms and other conditions. For the case of Marcus Cato, a most wise and active man, occurs to me; who, as he thought that it was better to be recommended to the Roman people by virtue than by high birth, and as he wished that the foundation of his race and name should be laid and extended by himself, voluntarily encountered the enmity of most influential men, and lived in the discharge of the greatest labours to an extreme old age with great credit. After that, did not Quintus Pompeius, a man born in a low and obscure rank of life, gain the very highest honours by encountering the enmity of many, and great personal danger, and by undertaking great labour? And lately we have seen Caius Fimbria, Caius Marcius, and Caius Cœlius, striving with no slight toil, and in spite of no insignificant opposition, to arrive at those honours which you nobles arrive at while devoted to amusement or absorbed in indifference. This is the system, this is the path for our adoption. These are the men whose conduct and principles we follow.

LXXI. We see how unpopular with, and how hateful to some men of noble birth, is the virtue and industry of new men; that, if we only turn our eyes away for a moment, snares are laid for us; that, if we give the least room for suspicion or for accusation, an attack is immediately made on us; that we must be always vigilant, always labouring. Are there any enmities?—let them be encountered; any toils?—let them be undertaken. In truth, silent and secret enmities are more to be dreaded than war openly declared and waged against us. There is scarcely one man of noble birth who looks favourably on our industry; there are no services of ours by which we can secure their good-will; they differ from us in disposition and inclination, as if they were of a different race and a different nature. What danger then is there to us in their enmity, when their dispositions are already averse and inimical to us before we have at all provoked their enmity? Wherefore, O judges, I earnestly wish that I may

appear for the last time in the character of an accuser, in the case of this criminal, when I shall have given satisfaction to the Roman people, and discharged the duty due to the Sicilians my clients, and which I have voluntarily undertaken. But it is my deliberate resolution, if the event should deceive the expectation which I cherish of you, to prosecute not only those who are particularly implicated in the guilt of corrupting the tribunal, but those also who have in any way been accomplices in it. Moreover, if there be any persons, who in the case of the criminal have any inclination to show themselves powerful, or audacious, or ingenious in corrupting the tribunal, let them hold themselves ready, seeing that they will have to fight a battle with us, while the Roman people will be the judges of the contest. And if they know that, in the case of this criminal, whom the Sicilian nation has given me for my enemy, I have been sufficiently energetic, sufficiently persevering, and sufficiently vigilant, they may conceive that I shall be a much more formidable and active enemy to those men whose enmity I have encountered of my own accord, for the sake of the Roman people.

LXXII. Now, O good and great Jupiter, you, whose royal present, worthy of your most splendid temple, worthy of the Capitol and of that citadel of all nations, worthy of being the gift of a king, made for you by a king, dedicated and promised to you, that man by his nefarious wickedness wrested from the hands of a monarch; you whose most holy and most beautiful image he carried away from Syracuse;—And you, O royal Juno, whose two temples, situated in two islands of our allies—at Melita and Samos—temples of the greatest sanctity and the greatest antiquity, that same man, with similar wickedness, stripped of all their presents and ornaments;—And you, O Minerva, whom he also pillaged in two of your most renowned and most venerated temples—at Athens, when he took away a great quantity of gold, and at Syracuse, when he took away everything except the roof and walls;—And you, O Latona, O Apollo, O Diana, whose (I will not say temples, but, as the universal opinion and religious belief agrees,) ancient birthplace and divine home at Delos he plundered by a nocturnal robbery and attack;—You, also, O Apollo, whose image he carried away from Chios;—You, again and again, O Diana, whom he plundered at Perga;

whose most holy image at Segesta, where it had been twice consecrated—once by their own religious gift, and a second time by the victory of Publius Africanus—he dared to take away and remove;—And you, O Mercury, whom Verres has placed in his villa, and in some private palaestra, but whom Publius Africanus had placed in a city of the allies, and in the gymnasium of the Tyndaritans, as a guardian and protector of the youth of the city;—And you, O Hercules, whom that man endeavoured, on a stormy night, with a band of slaves properly equipped and armed, to tear down from your situation, and to carry off;—And you, O most holy mother Cybele, whom he left among the Enguini, in your most august and venerated temple, plundered to such an extent, that the name only of Africanus, and some traces of your worship thus violated, remain, but the monuments of victory and all the ornaments of the temple are no longer visible;—You, also, O you judges and witnesses of all forensic matters, and of the most important tribunals, and of the laws, and of the courts of justice,—you, placed in the most frequented place belonging to the Roman people, O Castor and Pollux, from whose temple that man, in a most wicked manner, procured gain to himself, and enormous booty;—And, O all ye gods, who, borne on sacred cars, visit the solemn assemblies of our games, whose road that fellow contrived should be adapted, not to the dignity of your religious ceremonies, but to his own profit;—And you, O Ceres and Libera, whose sacred worship, as the opinions and religious belief of all men agree, is contained in the most important and most abstruse mysteries; you, by whom the principles of life and food, the examples of laws, customs, humanity, and refinement are said to have been given and distributed to nations and to cities; you, whose sacred rites the Roman people has received from the Greeks and adopted, and now preserves with such religious awe, both publicly and privately, that they seem not to have been introduced from other nations, but rather to have been transmitted from hence to other nations, but which have been polluted and violated by that man alone, in such a manner, that he had one image of Ceres (which it was impious for a man not only to touch, but even to look upon,) pulled down from its place in the temple at Catina, and taken away; and another image of whom he carried away from its

proper seat and home at Enna; which was a work of such beauty, that men, when they saw it, thought either that they saw Ceres herself, or an image of Ceres not wrought by human hand, but one that had fallen from heaven;—You, again and again I implore and appeal to, most holy goddesses, who dwell around those lakes and groves of Enna, and who preside over all Sicily, which is entrusted to me to be defended; you whose invention and gift of corn, which you have distributed over the whole earth, inspires all nations and all races of men with reverence for your divine power;—And all the other gods, and all the goddesses, do I implore and entreat, against whose temples and religious worship that man, inspired by some wicked frenzy and audacity, has always waged a sacrilegious and impious war, that, if in dealing with this criminal and this cause my counsels have always tended to the safety of the allies, the dignity of the Roman people, and the maintenance of my own character for good faith; if all my cares, and vigilance, and thoughts have been directed to nothing but the discharge of my duty, and the establishment of truth, I implore them, O judges, so to influence you, that the thoughts which were mine when I undertook this cause, the good faith which has been mine in pleading it, may be yours also in deciding it. Lastly, that, if all the actions of Caius Verres are unexampled and unheard-of instances of wickedness, of audacity, of perfidy, of lust, of avarice, and of cruelty, an end worthy of such a life and such actions may, by your sentence, overtake him; and that the republic, and my own duty to it, may be content with my undertaking this one prosecution, and that I may be allowed for the future to defend the good, instead of being compelled to prosecute the infamous.

END OF VOL I.

LONDON:  
PRINTED BY WILLIAM CLOWES AND SONS, LIMITED,  
DUKE STREET, STAMFORD STREET, S.E., AND GREAT WINDMILL STREET, W.