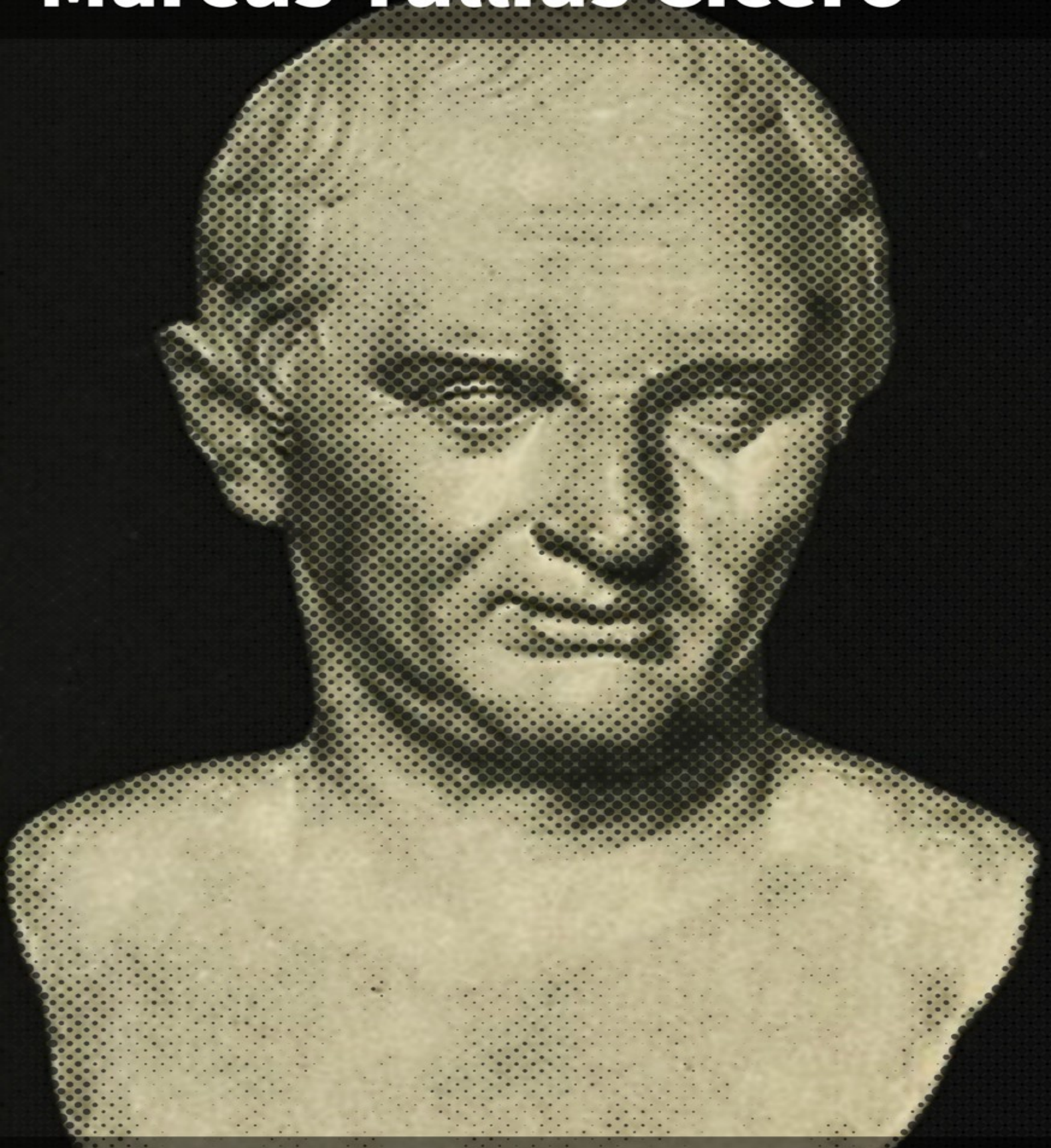


Marcus Tullius Cicero



Against Verres

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First pleading against Verres

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¹That 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. ²Now 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 enormousness 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. ³And 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.

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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. ⁴Nor 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 Gabrio the praetor, 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. ⁵But 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. ⁶Therefore, 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;^[1] 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 Achaean inquisitor never even arrived at Brundisium. I in fifty days so traveled 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.

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⁷Now 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 unmistakable 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. ⁸And 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. ⁹But if he 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^[2] before him, while he in the meantime was preparing whatever he had need of. ¹⁰And 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 praetor, and the present bench of Judges, I cannot conceive. This one thing I know, which the Roman people perceived too when he rejected^[3] 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.

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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? ¹¹And, to say nothing of the stains and disgraces of his youth, what other remarkable event is there in his quaestorship, that first step to honour, except that Cnaeus Carbo was robbed by his quaestor 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^[4] violated?—whose lieutenancy 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 Cnaeus Dolabella his ancient wicked tricks when he had been quaestor, and did not only in his danger desert, but even attack and betray the man to whom he had been lieutenant, and proquaestor,^[5] and whom he had brought into odium by his crimes;—¹²whose only praetorship 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 praetors.¹³While this man was praetor the Sicilians enjoyed neither their own laws, nor the degrees 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.

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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;^[6] the sailors and soldiers of 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. ¹⁴This same man while praetor 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. ¹⁵But, 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.

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And as this is the case, that senseless and profligate man attempts to combat me in another manner. He does not seek to oppose the eloquence of any one also 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. ¹⁶What 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 because in rejecting some, my diligence had defeated his impudence—the whole attempt at bribery was abandoned. ¹⁷The 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^[7] 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^[8] 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.

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¹⁸For as Hortensius the consul elect was being attended 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. ¹⁹He sees Verres in the crowd by the arch of Fabius;^[9] 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. ²⁰In 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.

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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?" ²¹It 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 praetors 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. ²²And 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 praetor'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 aedile, and that men to distribute this money among all the tribes had been summoned to attend him by night. ²³Of 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 praetorship, and at the last consular and praetorian comitia; and in the second place that he had promised them immediately whatever money they required, if they could procure my rejection from the aedileship. 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' 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 cooperate with him. And as this was the case, he warned me beforehand with a friendly disposition, to take great care.

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²⁴I 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. ²⁵And 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 goodwill 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. ²⁶After 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 praetor. 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 goodwill of such a sort, that he seemed to be giving it as a return for the suffrages^[10] of the tribes which he had scoured to him. ²⁷Did 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 praetor 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.

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²⁸I 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 praetors? 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? ²⁹For 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 Caesonius 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^[11] was president, he was not only very indignant at that shameful transaction, but he even betrayed and denounced it. After the first of January we shall not have this man for our judge,—³⁰we 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; Cnaeus 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 praetor, 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. ³¹Today 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 Cnaeus Pompeius 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 praetor. And if I had distrusted his good faith, I should not have retained him as a judge. ³²But 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 praetor; and I would rather entrust to him his own tablet while he is on his oath, than the tablets of others when he is restrained by no such obligation.

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. ³³I 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 mounting 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. ³⁴Your plan is, to begin to answer me after two sets of games have been celebrated; mine is to have the adjournment^[12] over before the first series. And the result will be, that that plan of yours

will be thought crafty, but this determination of mine necessary.

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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 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 goodwill towards the republic. ³⁵For 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 no, 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. ³⁶And 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 aedileship. 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.

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³⁷Hortensius will then be consul with the chief command and authority, but I shall be aedile—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, where

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. ³⁸The 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^[13] of the Roman people over every one of us was taken away, Quintus Calidius, when he was condemned, said that a man of praetorian 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 praetor, damages were assessed against him, including money which he had received as judge to decide causes which came before him; ³⁹why 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 praetor 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.
⁴⁰But 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 coloured tablets? I pledge myself that I will urge all these things with diligence and with strictness.

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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 praetorship, 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." ⁴¹From 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 praetor, 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. ⁴²O 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.

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⁴³And 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 ill 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. ⁴⁴Nor, 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 tribunes which it could trust. And this did not escape the notice of Quintus Catulus, a most sagacious and honourable man, who, when Cnaeus Pompeius, a most gallant and illustrious man, made a motion about the tribunitian power, and when he was asked his opinion, begin 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?" ⁴⁵Lastly, when Cnaeus 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.

⁴⁶But 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,^[14] 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.

⁴⁷This is a trial in which you will be deciding about the defendant, the 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 canceled by influence, by family connection, by some things which may have been done well, or even by the minor vices of flattery and subservience.

⁴⁸In 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. ⁴⁹You 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 this.^[15] 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.

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⁵⁰On 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. ⁵¹But that iniquity, which, if it should be committed, 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^[16] 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. ⁵²High 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 Scaevola 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 praetor, 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.

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⁵³I am resolved not to permit the praetor or the judges to be hanged 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 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; ⁵⁴I 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. ⁵⁵I 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