

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 Glabrio 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 ;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 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

¹ 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 cause¹ 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 rejected² 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 lot³ 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

¹ This refers to the same subject as the previous note.

² "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.

³ 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,¹ 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;² the sailors and soldiers of the

¹ "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*.

² 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.

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