

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.'¹ 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. ;

¹ "Fruges minutæ" probably pulse. — Riddle's Lat. Diet. 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 *manceps*, 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*.

Verrès 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 reprovèd 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?¹ 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

¹ *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 car

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 vying 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

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