

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 praetorship. 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 Aquilius; who, as he was not only skilful as an orator, but bold also, when he had nearly finished his speech, took hold of Marcus Aquilius 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 Aquillius 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

What is your present plan for getting to Sicily?

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 Aquilius, 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 Matrinius, a Roman knight, you took in his absence, while he was at Rome, ~~four~~ hundred thousand sesterces, because you said that his stewards and shepherds had fallen

Demetrius

60.000

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