

THE  
ORATIONS  
OF  
MARCUS TULLIUS CICERO

LITERALLY TRANSLATED BY  
C. D. YONGE, M.A.  
FELLOW OF THE ROYAL UNIVERSITY OF IRELAND, ETC.

VOL. I.

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



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## PREFACE.

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

C. D. Y.

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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.

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#### 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 enormity 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

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

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

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

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

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

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

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

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