

61 BC

**SPEECH IN DEFENCE OF CAIUS
RABIRIUS POSTUMUS**

Marcus Tullius Cicero

translated by Charles Duke Yonge, A.B.

Cicero, Marcus Tullius (106-43 BC) - Rome's greatest orator, philosopher, and rhetorician, he developed a style of speaking that was emulated for centuries thereafter. Cicero was influential in the development of Latin as more than just a utilitarian language. **Speech in Defence of Caius Rabirius Postumus (61 BC)** - Cicero undertook Caius Rabirius' defence to please Pompey. Rabirius was a Roman knight who was accused of advising Gabinius to restore Ptolemy. He was acquitted.

THE ARGUMENT

When Gabinius, the colleague of Piso, returned from his province of Syria, he was prosecuted on two indictments; in the first prosecution Cicero appeared as a witness against him; but he was acquitted, as Cicero says in his letters to his brother Quintus, in consequence of the stupidity of Lentulus, the prosecutor, and the great exertion of Pompey, and the corruption of the judges. In the second prosecution Cicero was prevailed on by Pompey to defend him; but he was condemned to perpetual banishment.

The trial of Caius Rabirius Postumus, a Roman knight, arose out of that trial of Gabinius. It had been one of the articles against him, that he had received an enormous sum for restoring Ptolemy to his kingdom of Egypt; but when he was convicted, his estate was found inadequate to meet the damages which he was condemned to pay, and the deficiency was now demanded from those through whose hands the management of his money affairs had passed, and who were supposed to have been sharers in the spoil; and of these men the chief was Rabirius, who was now accused of having advised Gabinius to undertake Ptolemy's restoration; of having accompanied him; of having been employed by him to solicit the payment of the money, and of having lived at Alexandria for that purpose in the king's service as the public receiver of the king's taxes, and wearing the dress of an Egyptian. The prosecution was instituted under the provisions of the Lex Julia, concerning extortion and peculation. It was conducted by Caius Memmius Gemel-

lus. Rabirius was acquitted; and, though it was to please Pompey that Cicero had undertaken his defence, he afterwards attached himself to Caesar, and was employed by him in the war in Africa and in Sicily.

SPEECH IN DEFENCE OF CAIUS RABIRIUS POSTUMUS

IF there is anyone, O judges, who thinks Caius Rabirius to be blamed for having intrusted his securely founded and well-established fortunes to the power and caprice of a sovereign, he may back his opinion by a reference not only to mine, but also to the feelings of the man himself who did so. For there is no one who is more grieved at the line of conduct which he then adopted than he is himself. Although we are very much in the habit of judging of the wisdom of a plan by the result, and of saying that the man whose designs have succeeded has shown a great deal of foresight, and that he who has failed has shown none at all. If the king had had any honesty, nothing would have been considered more sagacious than the conduct of Postumus; but because the king deceived him he is said to have acted as madly as possible; so that it appears now that nothing is a proof of a man being wise, unless he can foresee the future.

But still, if there be anyone who thinks that Postumus's conduct, whether it proceeded from a vain hope, or from a not sufficiently considered calculation, or (to use the strongest possible terms) from pure rashness, deserves to be blamed, I will not object to his entertaining that opinion. But I do beg this, that as he sees that his designs have been punished with the greatest cruelty by fortune herself, he will not think it necessary to add any additional bitterness to the ruin with which he is already overwhelmed. It is quite enough not to help to set men up

again who have fallen through imprudence; but to press down those already fallen, or to increase their impetus when falling, is unquestionably most barbarous. Especially, O judges, when this principle is almost implanted by nature in the race of man, that those men who are of a family which considerable glory has already distinguished, should with the greatest eagerness pursue the same path as their ancestors, seeing that the virtue of their fathers is celebrated in the recollection and conversation of all men; just as not only did Scipio imitate Paullus in his renown gained by military exploits; not only did his son imitate Maximus; but his own son also imitated Decius in the devotion of his life, and the exact manner of his death. Let small things, O judges, be compared in this way to great things.

For, when we were children, this man's father, Caius Curius, was a most gallant chief of the equestrian order, and a most extensive farmer of the public revenues, a man whose greatness of spirit as displayed in carrying on his business men would not have so greatly esteemed, if an incredible kindness had not also distinguished him; so that while increasing his property, he seemed not so much to be seeking to gratify his avarice, as to procure additional means for exerting his kindness. My client, being this man's son, although he had never seen his father, still under the guidance of nature herself- who is a very powerful guide- and instigated by the continual conversation of everyone in his family, was naturally led on to adopt a similar line of conduct to that of his father. He engaged in extensive business. He entered into many contracts. He took a great share of the public revenues. He trusted different nations. His transactions spread over many provinces.

He devoted himself also to the service of kings. He had already previously lent a large sum of money to this very king of Alexandria; and in the mean time he never ceased enriching his friends; sending them on commissions; giving them a share in his contracts; increasing their estates, or supporting them with his credit. Why need I say more? He gave a faithful representation of his father's career and habits of life in his own magnanimity and liberality.

In the mean time, Ptolemaeus being expelled from his kingdom with treachery, with evil designs (as the Sibyl said, an expression of which Postumus found out the meaning) came to Rome. This unhappy man lent him money, as he was in want and asked for it; and that was not the first time (for he had lent him money before while he was king, without seeing him). And he thought that he was not lending his money rashly, because no one doubted that he would be restored to his kingdom by the Senate and people of Rome. But he went still farther in making him presents and loans. And he lent him not his own money only, but also that of his friends. A very foolish thing to do- who denies it? at all events, who is there who does not now remind him of it? How could one think that a sensible proceeding which has turned out ill? But it is difficult not to carry out to the end a line of conduct which one has begun with sanguine hopes.

The king was a suppliant to him. He asked him every sort of favor; he promised him every sort of recompense. So that Postumus was at last compelled to fear that he might lose what he had already lent, if he put a stop to his loans. But no

one could possibly be more affable, no one could be more kind than the king; so that it was easier to repent having begun to lend than to find out how to stop.

Here first rises a charge against my client. They say that the Senate was bribed. O ye immortal gods! is this that much-desired impartiality of the courts of justice? Those who have bribed us are put on their trial, we who have been bribed are exposed to no such dangers. What, then, shall I do? Shall I here defend the Senate, O judges? I ought, indeed, to do so here and everywhere, so well has that body deserved at my hands. But that is not the question at the present moment; nor is that affair in the least connected with the cause of Postumus. Although money was supplied by Postumus for the expense of his journey, and for the splendor of his appointments, and for the royal retinue, and though contracts were drawn up in the Alban villa of Cnaeus Pompeius when he left Rome; still he who supplied the money had no right to ask on what he who received the money was spending it. For he was lending it not to a robber, but to a king; nor to a king who was an enemy of the Roman people, but to him whose return to his kingdom he saw was granted to him by the Senate, and intrusted to the consul to provide for; nor to a king who was a stranger to this empire, but to one with whom he had seen a treaty made in the Capitol.

But if the man who lends money is to blame, and not the man who has made a scandalous use of the money which has been lent to him, then let that man be condemned who has made a sword and sold it, and not the man who with that sword has slain a citizen. Wherefore, neither you, O Caius Memmius, ought to wish the

Senate, to support the authority of which you have devoted yourself from your youth upward, to labor under such disrepute, nor ought I to speak in defence of conduct which is not the subject of the present inquiry. For the cause of Postumus, whatever it is, is at all events unconnected with the cause of the Senate. And if I show that it has no connection with Gabinius either, then certainly you will have not a leg to stand upon.

For this cause is an inquiry, "What has become of the money?" a sort of appendix as it were to an action which has been already decided, and in which a man has been convicted. An action was brought successfully against Aulus Gabinius, and he was condemned in damages; but no securities were given for the payment of them, nor did the people get out of his property a sum sufficient for the payment of those damages. The law is impartial. The Julian law orders that requisition should be made on those who received the money which the culprit may have obtained. If this is a new provision in the Julian law- as there are many clauses of a severer and stricter tendency than those which are found in the ancient laws- let us also have this new description of tribunal before which to prosecute the inquiry. But if this clause is transferred word for word not only from the Cornelian law but from the Servilian law, which is older still; then, in the name of the immortal gods, what is it that we are going, O judges? Or what is this new principle of new legal proceedings that we are introducing into the republic? For the ancient mode of proceeding was well known to all of you, and if practice is the best of teachers it ought to be known to me above all men. For I have prose-

cuted men for extortion and peculation; I have sat as judge; I have conducted inquiries as praetor; I have defended many men; there is no step in such proceedings which can give a man any facility in speaking in which I have not taken a part.

This is what I assert: That no one ever was put on his trial on the formula, "What had become of that money," who had not been summoned as a witness on the action of damages. But in the action in this instance, no one was summoned except in the consequence of something said by witnesses, or something which appeared in the accounts of private individuals, or in the accounts of the cities. Therefore, when actions were being brought, those men were usually present who had some apprehension about themselves; and then when they were summoned, then, if they thought it advantageous for them, they proceeded at once to contradict what had been said. But if they were afraid of unpopularity, because the facts in question were recent, they answered at some future time; and when they had done this, many of them gained their object.

But this is quite a novel way of managing business, and one utterly unheard of before this time. In the previous action Postumus's name never once occurs. In the action, do I say? You yourselves, O judges, lately sat as judges on Aulus Gabinius. Did any one witness then mention Postumus? Any witness? did ever the prosecutor name him? Did you, in short, in the whole of that trial once hear the name of Postumus?

Postumus, then, is not an additional criminal implicated in the cause which has been already decided. But still one Roman knight has been dragged before the court as a defendant, on a charge of extortion and peculation. On what accounts is this charge founded? On some which were not read on the trial of Aulus Gabinius. By what witness is it supported? By someone who never once mentioned his name at that time. On the sentence of what arbitrator do they reply? On one in which no mention whatever was made of Postumus. In accordance with the provisions of what law? Of one under which he is not liable.

Here now, O judges, the affair is one which has need of all your acuteness and of all your good sense. For you ought to consider what it is becoming to you to do, and not what is lawful for you. For if you ask what is lawful, you certainly have the power to remove anyone whom you please out of the city. It is the voting tablet which gives you that power; and at the same time it conceals the capricious exercise of it. No one has any need to fear the consciousness of the tablet, if he has no reverence for his own conscience. Where, then, is the wisdom of the judge shown? In this, that he considers not only what he has the power to do, but also what he ought to do; and he does not recollect only what power has been committed to him, but also to what extent it has been committed. You have a tablet given you on which to record your judgment. According to what law? To the Julian law about extortion and peculation. Concerning what defendant? Concerning a Roman knight. But that body is not liable to the operation of that law. But now I hear

what you say. Postumus, then, is prosecuted under that law, from the operation of which not only he, but his whole order, is released and wholly free.

Here I will not at present implore your aid, O Roman knights- you whose privileges are attacked by this prosecution- before I implore you, O senators, whose good faith toward this order of knights is at stake; that good faith which has been often experienced before, and which has been lately proved in this very cause. For when- when that most virtuous and admirable consul Cnaeus Pompeius made a motion with respect to this very inquiry- some, but very few, unfavorable opinions were delivered, which voted that prefects, and scribes, and all the retinue of magistrates were liable to the provisions of this law, you- you yourselves, I say- and the Senate, in a very full house, resisted this; and although at that time, on account of the offences committed by many men, people's minds were inflamed so that even innocent people were in danger, still, though you could not wholly extinguish its unpopularity, at all events you would not allow fuel to be added to the existing fire.

In this spirit did the Senate act. What next? What are you, O Roman knights, what are you about to do, I pray? Glaucia, a profligate but still a shrewd man, was in the habit of warning the people when any law was being read to attend to the first line of it. If the first word was "dictator, consul, praetor, master of the horse," then not to trouble themselves about it; they might know that it was no concern of theirs. But if it began "Whoever after the passing of this law," then they had better take care that they were not made liable to any new judicial proceedings.

Now do you, O Roman knights, take care. You know that I was born of your order; that all my feelings have always been enlisted in your cause. I say nothing of what I am now saying but with the deepest anxiety and the greatest regard for your order. Other men may be attached to other men and to other orders; I have always been devoted to you. I warn you, I forewarn you; I give you notice while the affair and the cause are still undecided; I call all men and gods to witness. While you have it in your power, while it is lawful for you, beware lest you establish for yourselves and for your order a harder condition than you may be able to bear. This evil (believe me) will crawl on and extend further than you fancy.

When a most powerful and noble tribune of the people, Marcus Drusus, proposed one formula of inquiry affecting the equestrian order- "If anyone had taken money on account of a judicial decision"- the Roman knights openly resisted it. Why? Did they wish to be allowed to act in such a manner? Far from it. They thought this cause of receiving money not only shameful, but actually impious. But they argued in this way: that those men only ought to be made liable to the operation of any law, who of their own judgment submitted to such conditions of life. "The highest rank," say they, "in the state is a great pleasure; and the curule chair, and the fasces, and supreme command, and a province, and priesthoods, and triumphs, and even the fact of having an image to keep alive the recollection of one with posterity. There is also some anxiety mingled with this pleasure, and a greater apprehension of laws and of trials. We have never despised those considerations" (for so they argued); "but we have adopted this tranquil and easy kind of

life, which, because it does not bring honors with it, is also free from annoyance.” “You are just as much a judge as I am a senator.” “Just so, but you sought for the one honor, and I am compelled to accept of the other; wherefore, it ought to be lawful for me either to decline being a judge, or else I ought not to be subject to any new law which ought properly to regulate only the conduct of senators.” Will you, O Roman knights, abandon this privilege which you have received from your fathers? I warn you not to do so. Men will be hurried before these courts of justice, not only whenever they fall into all deserved unpopularity, but whenever spiteful people say a word against them, if you do not take care to prevent it. If it were now told you that opinions were pronounced in the Senate that you should be liable to be proceeded against under these laws, you would think it necessary to run in crowds to the senate-house. If the law was passed, you would throng to the rostra. The Senate has decided that you are exempt from the operation of this law; the people has never subjected you to it; you have met together here free from it; take care that you do not depart entangled in its toils.

For if it was imputed as a crime to Postumus, who was neither a tribune, nor a prefect, nor one of his companions from Italy, nor even a friend of Gabinius’s, how will these men hereafter defend themselves, who, being of your order, have been implicated with our magistrates in these causes?

“You,” says the prosecutor, “instigated to Gabinius to restore the king.” My own good faith does not allow me to speak with severity of Gabinius. For after having been reconciled to him, and given up that most bitter hostility with which

I regarded him, and after having defended him with the greatest zeal, I ought not to attack him now that he is in distress. And even if the influence of Cnaeus Pompeius had not reconciled me to him while he was in prosperity, his own disasters would do so now. But still, when you say that Gabinius went to Alexandria at the instigation of Postumus, if you place no confidence in what was alleged in the defence of Gabinius, do you forget also what you stated in your own speech for the prosecution? Gabinius said that he did that for the sake of the republic, because he was afraid of the fleet of Archelaus- because he thought that otherwise the sea would be entirely full of pirates. He said, moreover, that he was authorized to do so by a law. You, his enemy, deny that. I pardon your denial, and so much the more because the decision was contrary to the statement of Gabinius.

I return, therefore, to the charge, and to your speech for the prosecution. Why did you keep crying out that ten thousand talents had been promised to Gabinius? I suppose it was necessary to find out a very civil man indeed, who should be able to prevail on one whom you call the most avaricious of men, not to despise immoderately two hundred and forty millions of sesterces. Whatever may have been the intention with which Gabinius acted, it certainly was his own unsuggested intention. Whatever sort of idea it was, it was Gabinius's own. Whether, as he said himself, his object was glory, or whether, as you insist, it was money, it was for himself that he sought it. Had Gabinius any companion or attendant? He says, no. For he had departed from Rome in deference to the authority, not of Gabinius,

whose business it was not, but of Publius Lentulus, a most illustrious man, given to him by the Senate, and with a definite design, and with very sanguine hopes.

But he was the king's steward. Ay, and he was in the king's prison, and his life was nearly taken away. He bore many things besides, which the caprice of the king and necessity compelled him to endure. So that all these matters come under one single reproach, that he entered his kingdom, and that he intrusted himself to the power of the king. A very foolish action, if we must say the truth. For what can be more foolish than for a Roman knight, a man of this city, I say, a citizen of this republic, which, of all others, is, and always has been, most especially free, to go into a place where he is forced to obey and be the steward of another?

But, nevertheless, may I not pardon this in Postumus, who is not a man of much learning, when I see that the very wisest men have fallen into the same error? We have heard that that great man, beyond all comparison the most learned man that all Greece ever produced, Plato, was in the greatest danger, and was exposed to the most treacherous designs by the wickedness of Dionysius, the tyrant of Sicily, to whom he had trusted himself. We know that Callisthenes, a very learned man, the companion of Alexander the Great, was slain by Alexander. We know that Demetrius- he, too, being a citizen of the free republic of Athens, the affairs of which he had conducted with the greatest ability, and being also a man eminent for, and deeply impressed with, learning- the one I mean, who was surnamed Phalereus, was deprived of his life in that self-same kingdom of Egypt, having had an asp applied to his body. I plainly confess that nothing more insane

can be done, than for a man willingly to come into a place where he will lose his liberty. But the still greater folly which he had already committed in his excuse for the folly of this subsequent conduct; for that causes this most stupid action, the act, I mean, of going into the kingdom, and of trusting himself to the king, to appear a wise and sensible step. At all events, it is not so much the act of one who is forever a fool, as one who is wise too late, after he has got into difficulties through his folly, to endeavor to release himself by whatever means he can. Let, then, that be regarded as a fixed and certain point, which can neither be moved nor changed, in which those who look fairly at the matter say that Postumus had entertained hopes, those who are unfavorable to him say that he made a blunder, and he himself confesses that he acted like a madman, in lending his own money, and that of his friends, to the king, to the great danger of his own fortunes; still, when this had once been begun, it was necessary to endure these other evils, in order, at last, to reunite himself to his friends. Therefore, you may reproach him as often as you please with having worn an Egyptian robe, and not having had about him other ornaments which are not worn by a Roman citizen. For every time that you mention any one of these particulars, you are only repeating that same thing—that he lent money rashly to the king, and that he trusted his fortunes and his character to the royal caprice. He did so rashly, I confess it; but the case could not possibly be changed then; either he was forced to put on an Egyptian cloak at Alexandria, in order afterward to be able to wear his gown at Rome; or, if he retained his gown in Egypt, he must have discarded all hope of recovering his fortunes.

For the sake of luxury and pleasure we have often seen, not only ordinary Roman citizens, but youths of high birth, and even some senators, men born in the highest rank, wearing little caps, not in their country-seats or their suburban villas, but at Naples, in a much-frequented town. We have even seen Lucius Sylla, that great commander, in a cloak. And you can now see the statue of Lucius Scipio, who conducted the war in Asia, and defeated Antiochus, standing in the Capitol, not only with a cloak, but also with Grecian slippers. And yet these men not only were not liable to be tried for wearing them, but they were not even talked about; and, at all events, the excuse of necessity will be a more valid defence for Publius Rutilius Rufus; for when he had been caught at Mitylene by Mithridates, he avoided the cruelty with which the king treated all who wore the Roman gown, by changing his apparel. Therefore, that Rutilius, who was a pattern to our citizens of virtue, and of the ancient dignity, and of prudence, and a man of consular rank, put on slippers and a cloak. Nor did anyone think of reproaching the man with having done so, but all imputed it to the necessity of the time. And shall that garment bring an accusation upon Postumus, which afforded him a hope that he might at some time or other recover his fortune?

For when he came to Alexandria to Auletes, O judges, this one means of saving his money was proposed to Postumus by the king- namely, that he should undertake the management, and, as it were, the stewardship of the royal revenues. And he could not do that unless he became the steward. For he uses that title which had been given to the office by the king. The business seemed an odious

one to Postumus, but he had actually no power of declining it. The name itself, too, was annoying; but the business had that name of old among those people, it was not now newly imposed by the king. He detested also that dress, but without it he could neither have the title nor fill his office. Therefore, I say, that he was compelled by force to act as he did- by force which, as our great poet says-

“Breaks and subdues the loftiest dignity.”

He should have died, you will say; for that is the alternative. And so he would have done, if, while his affairs were in such a state of embarrassment, he could have died without the greatest disgrace.

Do not, then, impute his hard fortune to him as a fault; do not think the injury done to him by the king his crime; do not judge of his intentions by the compulsions under which he was, nor of his inclination by the force to which he submitted. Unless, indeed, you think those men deserving of reproach who have fallen among enemies or among thieves, and who then act differently under compulsion from what they would if they were free. No one of us is ignorant, even if we have had no personal experience of it, of the mode of proceeding adopted by a king. These are the orders given by kings: “Take notice,” “Obey orders,” “Do not complain when you are not asked.” These are their threats: “If I catch you here tomorrow, you shall die.” Expressions which we ought to read and consider, not only

for the purpose of being amused by them, but in order to learn to beware of their authors, and to avoid them.

But from the circumstance of this employment itself another charge arises. For the prosecutor says, that while Postumus was collecting the money for Gabinius, he also amassed money for himself out of the tenths belonging to the generals. I do not quite understand what this charge means; whether Postumus is charged with having made an addition of one per cent. to the tenth, as our own collectors are in the habit of doing, or whether he deducted that sum from the total amount of the tenths. If he made that addition, then eleven thousand talents came to Gabinius. But not only was the amount mentioned by you ten thousand talents, but that also was the sum at which it was estimated by them. I add this consideration also. How can it be likely, that when the burden of the tributes was already so heavy, an addition of one thousand talents could be made to so large a sum which was to be collected? or that, when a man, a most avaricious man as you make him out, was to receive so large a reward, he would put up with a diminution of a thousand talents? For it was not like Gabinius, to give up so vast a portion of what he had a right to; nor was it natural for the king to allow him to impose so great an additional tax on his subjects. Witnesses will be produced, deputies from Alexandria. They have not said a word against Gabinius. Nay, they have even praised Gabinius. Where, then, is that custom; what has become of the usages of courts of justice? Where are your precedents? Is it usual to produce a witness to give evidence against a man who has been the collector of money,

when he has not been able to say a word against the man in whose name the money was collected? Nay more; if it is usual to produce a man who has said nothing, is it usual to produce one who has spoken in his praise? Is it not customary rather to look on such a cause as already decided, and to think that it is sufficient to read the previous evidence of the witnesses, without producing the men themselves?

And this intimate companion and friend of mine says also that the men of Alexandria had the same reason for praising Gabinius that I had for defending him. My reason, O Caius Memmius, for defending him was, that I had become reconciled to him. Nor do I repent of considering my friendships immortal, but my enmities mortal. For if you think that I defended him against my will, because I did not like to offend Pompeius, you are very ignorant both of his character and of mine. For Pompeius would not have wished me to do anything contrary to my inclination for his sake. Nor would I, to whom the liberty of all the citizens has always been the dearest object, ever have abandoned my own. As long as I was on terms of the greatest enmity to Gabinius, Pompeius was in no respect the less my dearest friend. Nor after I had made to his authority that concession to which it was entitled from me, did I feign anything; I could not behave with treachery so as to injure the very man whom I had just been obliging. For by refusing to be reconciled to my enemy, I was doing no harm to Pompeius; but if I had allowed him to reconcile us, and yet had myself been reconciled to Gabinius with a treacher-

ous intention, I should have behaved dishonestly, principally, indeed, to myself, but in the next degree to him also.

But, however, I will say no more about myself. Let us return to those Alexandrians. What a face those men have! What audacity! The other day, when we were present at the trial of Gabinius, they were cross-examined at every third word they said. They declared that the money had not been given to Gabinius. The evidence of Pompeius was read at the same time, to the effect that he had written to the king that no money had been given to Gabinius except for military purposes. "At that time," says the prosecutor, "the judges refused to believe the Alexandrians." What does he say next? "Now they do believe them." Why so? "Because they now affirm what they then denied." What of that? Is this the way in which we are to regard witnesses- to refuse them belief when they deny a thing, but to believe the very same men when they affirm a thing? But if they told the truth then, when they spoke with every appearance of truth, they are telling lies now. If they told lies then, they must give us good proof that they are now speaking the truth. Why need I say more? Let them hold their tongues. We have heard men speak of Alexandria before. Now we know it from our own experience. Thence it is, that every sort of chicanery comes. Thence, I say, comes every sort of deceit. It is from that people that all the plots of the farce-writers are derived. And, indeed, there is nothing which I wish for more, O judges, than to see the witnesses face to face.

They gave their evidence a little while ago before this tribunal, at the same time that we ourselves did. With what effrontery did they then repudiate the charge of this ten thousand talents! You are acquainted by this time with the absurd ways of the Greeks. They shrugged their shoulders at that time, I suppose, in respect of the existing emergency; but now there is no such necessity. When anyone has once perjured himself he cannot be believed afterward, not even if he swears by more gods than he did before; especially, O judges, when in trials of this sort there is not usually any room for a new witness; and on that account the same judges are retained who were judges in the case of the original defendant, because everything is already known to them, and nothing new can be invented.

Actions on the formula, "What has become of that money?" are usually decided, not by any proceedings taken especially with reference to them, but by those which were adopted in the case of the original defendant. Therefore, if Gabinius had either given sureties, or if the people had got as large a sum out of his property as the damages amounted to, then, however large a sum had been obtained from him by Postumus, none would have been demanded back again. So that it may easily be seen, that in a case of this sort, the money is only demanded back again from anyone who has been clearly proved in the former action to have become possessed of it. But at present what is the question under discussion? Where in the world are we? What can be either said or imagined so unprecedented, so unsuitable, so preposterous as this? That man is being prosecuted who did not receive any money from the king, as it has been decided that Gabinius

did, but who lent a vast sum of money to the king. Therefore, he gave it to Gabinius, as he certainly did not repay it to Postumus. Tell me now, I beg, since the man who owed Postumus money did not pay it to him, but gave money to Gabinius, now that Gabinius is condemned has he paid him back that money, or does he owe it to him still?

“Oh, but Postumus has the money, and is hiding it.” For there are men who talk in this way. What a strange sort of ostentation and vain-gloriousness is this! If he had never originally had anything, still, if he had acquired a fortune, there could be no reason why he should conceal his having it. But in the case of a man who had inherited two ample and splendid patrimonial estates, and who had, moreover, increased his property by legitimate and honorable means, what reason could there possibly be why he should wish to be supposed to have nothing? Are we to believe that, when he was induced by the hope of interest to lend his money, his object was to have as large an estate as possible, but that after he had got back the money which he had lent, he then wished to be thought to be in want? He is certainly aiming at quite a new sort of glory. “And again,” says the prosecutor, “he acted in a very arbitrary manner at Alexandria.” I should rather say he was treated in a most arbitrary, ay, in a most insolent manner; he himself had to endure imprisonment. He saw his intimate friends thrown into prison. Death was constantly before his eyes. And at last, naked and needy, he fled from the kingdom. “But his money was employed in commerce in other quarters. We have heard that ships belonging to Postumus arrived at Puteoli, and merchandise

belonging to him was seen there, things only showy and of no real value, made of paper, and linen, and glass; and there were several ships entirely filled with such articles; but there was also one little ship, the contents of which were not known.” That voyage to Puteoli (such was the conversation at that time), and the course taken by the crew, and the parade they made, and the fact, too, of the name of Postumus being rather unpopular with some spiteful people, on account of some idea or other respecting his money, filled in one summer numbers of ears with those topics of conversation.

But if, O judges, you wish to know the truth- if the liberality of Caius Caesar, which is very great to everyone, had not been quite incredible toward my client, we should long since have ceased to have Postumus among us in the forum. He by himself, took upon himself the burden of many of Postumus’s friends; and those responsibilities, which during the prosperity of Postumus many of his friends supported by dividing them, now that he is unfortunate, Caesar supports the whole of. You see, O judges, the shadow and phantom of a Roman knight, preserved by the assistance and good faith of one single friend. Nothing can be taken from him except this image of his former dignity, and that Caesar by himself preserves and maintains. And that, even amid his greatest distresses, is still to be attributed to him in an eminent degree.

Unless, indeed, this can be effected by a moderate degree of virtue, that so just a man as Caesar should think this my client of so much consequence, especially now that he is in distress and absent, and while he himself is in the enjoy-

ment of such splendid fortune that it is a great thing for him to give a thought to the fortunes of others; while he is so incessantly busied about the mighty achievements which he has performed and is still performing, that it would be no wonder if he forgot other people altogether; and even if he afterward recollected that he had forgotten them, he would easily find excuse for so doing.

I have, indeed, before now, become acquainted with many virtues of Caius Caesar, great and incredible virtues. But those other virtues of his are suited as it were to a more extensive theatre, are what I may almost call virtues to catch the eye of the people. To select a place for a camp, to array an army, to storm cities, to put to flight the army of the enemy, to endure the severity of cold and bad weather, which we can hardly support sheltered by the houses of this city; at this very time to be pursuing the enemy, at a time when even the wild beasts hide themselves in their lurking-places, and when all wars are suspended by the general consent of nations; these are great deeds: who denies it? But still they are prompted by vast rewards, being handed down to the eternal recollection of men. So that there is less reason to wonder at a man's performing them who is ambitious of immortality.

This is wonderful praise, which is not celebrated by the verses of poets, nor by the records of annals, but is estimated by the judgments of wise men. He took up the cause of a Roman knight, his own ancient friend, one zealous for, attached and devoted to himself, who was getting involved in difficulties; not through licentiousness, nor through any discreditable expense and waste to gratify his pas-

sions, but through an honest endeavor to increase his fortune; he would not allow him to fall; he propped him up and supported him with his estate, his fortune, and his good faith, and he supports him to this day. Nor will he allow his friend, trembling in the balance as he is, to fall; nor does the splendor of his own reputation at all dazzle his eyes, nor does the height of his own position and of his own renown at all obscure the piercing vision of his mind. Grant that those achievements of his are great things, as in truth they are; everyone else may agree with my opinion or not, as he pleases, for I, amid all his power and all his good fortune, prefer this liberality of his toward his friends, and his recollection of old friendship, to all the rest of his virtues. And you, O judges, ought not only not to despise or to regret this goodness of so novel a kind, so unusual in illustrious and pre-eminently powerful men, but even to embrace and increase it; and so much the more, because you see that these days have been taken for the purpose of, as it were, undermining his dignity; from which nothing can be taken which he will not either bravely bear, or easily replace. But if he hears that his dearest friend has been stripped of his honorable position, that he will not endure without just indignation; and yet he will not have lost what he can have no possible hope of ever recovering.

These arguments ought to be quite sufficient for men who are of a just disposition; and more than sufficient for you, who we feel sure are men of the greatest justice. But, in order fully to satisfy everybody's suspicions or malevolence, or even cruelty, we will take this statement too. "Postumus is hiding his money; the king's riches are concealed." Is there any one of all this people who would like to

have all the property of Caius Rabirius Postumus knocked down to him for one single sesterce? But, miserable man that I am! with what great pain do I say this: Come, Postumus, are you the son of Caius Curius, the son, as far as his judgment and inclination go, of Caius Rabirius, not in reality and by nature the son of his sister? Are you the man who is so liberal to all his relations; whose kindness has enriched many men; who has never wasted anything; who has never spent any money on profligacy? and all your property, O Postumus, knocked down by me for one single sesterce? Oh, how miserable and bitter is my office as an auctioneer! But he, miserable man, even wishes to be convicted by you; and to have his property sold, so that everyone may be repaid his principal. He has no concern about anything except his own good faith. Nor will you, if you should, in his case, think fit to forget your habitual humanity, be able to take from him anything beyond his property. But, O judges, I beg and entreat you not to forget that usual course of yours, and so much the more as in this instance money which he has nothing to do with is being claimed of a man who is not even repaid his own. Odium is sought to be stirred up against a man who ought to find an ally in the general pity.

But now, since, as I hope, I have discharged as well as I have been able to, the obligations of good faith to you, O Postumus, I will give you also the aid of my tears, as I well may; for I saw abundant tears shed by you at the time of my own misfortune. That miserable night is constantly present to the eyes of all my friends, on which you came to me with your forces, and devoted yourself wholly

to me. You supported me at that time of my departure with your companions, with your protection, and even as much gold as that time would admit of. During the time of my absence you were never deficient in comforting and aiding my children, or my wife. I can produce many men who have been recalled from banishment as witnesses of your liberality; conduct which I have often heard was of the greatest assistance to your father, whose behavior was like your own, when he was tried for his life. But at present I am afraid of everything: I dread even the unpopularity which your very kindness of disposition may provoke. Already the weeping of so many men as we behold indicates how beloved you are by your own relations; but, as for me, grief enfeebles and stifles my voice. I do entreat you, O judges, do not deprive this most excellent man, than whom no more virtuous man has ever lived, of the name of a Roman knight, of the enjoyment of this light, and of the pleasure of beholding you. He begs nothing else of you, except to be allowed with uplifted eyes to behold this city, and to pace around the forum; a pleasure which fortune would have already deprived him of, if the power of one single friend had not come to his assistance.

**THE END OF SPEECH IN DEFENCE OF CAIUS RABIRIUS
POSTUMUS**