

52 BC

**SPEECH IN DEFENCE OF
TITUS ANNIUS MILO**

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 Titus Annius Milo (52 BC)** - Milo, a candidate for consulship, and Clodius, a candidate for the praetorship, were involved in a streetfight in which Clodius was slain. Milo was tried for his murder.

THE ARGUMENT

Titus Annius Milo, often in the following speech called only Titus Annius, stood for the consulship while Clodius was a candidate for the praetorship, and daily quarrels took place in the streets between their armed retainers and gladiators. Milo, who was dictator of Lanuvium, his native place, was forced to go thither to appoint some priests, etc.; and Clodius, who had been to Africa, met him on his road. Milo was in his carriage with his wife, and was accompanied by a numerous retinue, among whom were some gladiators. Clodius was on horseback, with about thirty armed men. The followers of each began to fight, and when the tumult had become general, Clodius was slain, probably by Milo himself. The disturbances at Rome became so formidable that Pompey was created sole consul; and soon after he entered on his office, A.U.C. 702, Milo was brought to trial. This speech, however, though composed by Cicero, was not spoken, for he was so much alarmed by the violence of Clodius's friends, that he did not dare to use the plain language he had proposed. Milo was convicted and banished to Marseilles.

SPEECH IN DEFENCE OF TITUS ANNIUS MILO

ALTHOUGH I am afraid, O judges, that it is a base thing for one who is beginning to speak for a very brave man to be alarmed, and though it is far from becoming, when Titus Annius Milo himself is more disturbed for the safety of the republic than for his own, that I should not be able to bring to the cause a similar greatness of mind, yet this novel appearance of a new ¹ manner of trial alarms my eyes, which, wherever they fall, seek for the former customs of the forum and the ancient practice in trials. For your assembly is not surrounded by a circle of by-standers as usual; we are not attended by our usual company. ²

For those guards which you behold in front of all the temples, although they are placed there as a protection against the violence, yet they bring no aid to the orator; so that even in the forum and in the court of justice itself, although we are protected with all salutary and necessary defences, yet we cannot be entirely with-

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This was an extraordinary trial, held under a new law just passed by Pompey; and it was presided over, not by the praetor, but by Lucius Domitius Ahenobarbus, who was expressly appointed by the comitia president of the judges on this occasion.

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Pompey was present at the trial, surrounded by his officers, and he had filled the forum and all its precincts with armed men, for the sake of keeping the peace.

out fear. But if I thought this adverse to Milo, I should yield to the times, O judges, and among such a crowd of armed men, I should think there was no room for an orator. But the wisdom of Cnaeus Pompeius, a most wise and just man, strengthens and encourages me; who would certainly neither think it suitable to his justice to deliver that man up to the weapons of the soldiery whom he had given over as an accused person to the decision of the judges, nor suitable to his wisdom to arm the rashness of an excited multitude with public authority.

So that those arms, those centurions, those cohorts, do not announce danger to us, but protection; nor do they expect us only to be calm, but even to be courageous; nor do they promise only assistance to my defense, but also silence. And the rest of the multitude, which consists of citizens, is wholly ours; nor is there any one individual among those whom you see from this place gazing upon us from all sides from which any part of the forum can be seen, and watching the result of this trial, who, while he favors the virtue of Milo, does not think that this day in reality his own interests, those of his children, his country, and his fortunes, are at stake.

There is one class adverse and hostile to us- those whom the madness of Publius Clodius has fed on rapine, on conflagration, and on every sort of public disaster; and who were, even in the assembly held yesterday, exhorted ³ to teach you,

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Munatius Plancus, the day before, had exhorted the people not to suffer Milo to escape.

by their clamor, what you were to decide. But such shouts, if any reached you, should rather warn you to retain him as a citizen who has always slighted that class of men, and their greatest clamor, in comparison with your safety. Wherefore, be of good courage, O judges, and lay aside your alarm, if indeed you feel any; for if ever you had to decide about good and brave men, and about citizens who had deserved well of their country, if ever an opportunity was given to chosen men of the most honorable ranks to show by their deeds and resolutions that disposition toward brave and good citizens which they had often declared by their looks and by their words, all that power you now have, when you are to determine whether we who have always been wholly devoted to your authority are to be miserable, and to mourn forever, or whether, having been long harassed by the most abandoned citizens, we shall at length be reprieved and set up again by you, your loyalty, your virtue, and your wisdom. -

For what, O judges, is more full of labor than we both are, what can be either expressed or imagined more full of anxiety and uneasiness than we are, who being induced to devote ourselves to the republic by the hope of the most honorable rewards, yet cannot be free from the fear of the most cruel punishments? I have always thought indeed that Milo had to encounter the other storms and tempests in these billows of the assemblies because he always espoused the cause of the good against the bad; but in a court of justice, and in that council in which the most honorable men of all ranks are sitting as judges, I never imagined that Milo's ene-

mies could have any hope of diminishing his glory by the aid of such men, much less of at all injuring his safety.

Although in this cause, O judges, we shall not employ the tribuneship of Titus Annius, and all the exploits which he has performed for the safety of the republic, as topics for our defence against this accusation, unless you see with your own eyes that a plot was laid against Milo by Clodius; and we shall not entreat you to pardon us this one offence in consideration of our many eminent services to the republic, nor shall we demand, if the death of Publius Clodius was your safety, that on that account you should attribute it rather to the virtue of Milo, than to the good fortune of the Roman people; but if his plots are made clearer than the day, then indeed I shall entreat, and shall demand of you, O judges, that, if we have lost everything else, this at least may be left us- namely, the privilege of defending our lives from the audacity and weapons of our enemies with impunity.

But before I come to that part of my speech which especially belongs to this trial, it seems necessary to refute those things which have been often said, both in the Senate by our enemies, and in the assembly of the people by wicked men, and lately, too, by our prosecutors; so that when every cause of alarm is removed, you may be able distinctly to see the matter which is the subject of this trial. They say that that man ought no longer to see the light who confesses that another man has been slain by him. In what city, then, are these most foolish men using this argument? In this one, forsooth, where the first trial for a man's life took place at all was that of Marcus Horatius, a most brave man, who even before the city was free

was yet acquitted by the assembly of the Roman people, though he avowed that his sister had been slain by his hand.

Is there anyone who does not know, that when inquiry is made into the slaying of a man, it is usual either altogether to deny that the deed has been done, or else to defend it on the ground that it was rightly and lawfully done? unless, indeed, you think that Publius Africanus was out of his mind, who, when he was asked in a seditious spirit by Caius Carbo, a tribune of the people, what was his opinion of the death of Tiberius Gracchus, answered that he seemed to have been rightly slain. For neither could Servilius Ahala, that eminent man, nor Publius Nasica, nor Lucius Opimius, nor Caius Marius, nor indeed the Senate itself during my consulship, have been accounted anything but wicked, if it was unlawful for wicked citizens to be put to death. And therefore, O judges, it was not without good reason, that even in legendary fables learned men have handed down the story, that he, who for the sake of avenging his father had killed his mother, when the opinions of men varied, was acquitted not only by the voices of the gods, but even by the very wisest goddess. And if the Twelve Tables have permitted that a nightly robber may be slain anyway, but a robber by day if he defends himself, with a weapon, who is there who can think a man to be punished for slaying another, in whatever way he is slain, when he sees that sometimes a sword to kill a man with is put into our hands by the very laws themselves?

But if there be any occasion on which it is proper to slay a man- and there are many such- surely that occasion is not only a just one, but even a necessary one

when violence is offered, and can only be repelled by violence. When a military tribune offered violence to a soldier in the army of Caius Marius, the kinsman of that commander was slain by the man whom he was insulting; for the virtuous youth chose to act, though with danger, rather than to suffer infamously; and his illustrious commander acquitted him of all guilt, and treated him well. But what death can be unjust when inflicted on a secret plotter and robber?

What is the meaning of our retinues, what of our swords? Surely it would never be permitted to us to have them if we might never use them. This, therefore, is a law, O judges, not written, but born with us- which we have not learned, or received by tradition, or read, but which we have taken and sucked in and imbibed from nature herself; a law which we were not taught, but to which we were made- which we were not trained in, but which is ingrained in us- namely, that if our life be in danger from plots, or from open violence, or from the weapons of robbers or enemies, every means of securing our safety is honorable. For laws are silent when arms are raised, and do not expect themselves to be waited for, when he who waits will have to suffer an undeserved penalty before he can exact a merited punishment.

The law very wisely, and in a manner silently, gives a man a right to defend himself, and does not merely forbid a man to be slain, but forbids anyone to have a weapon about him with the object of slaying a man; so that, as the object, and not the weapon itself, is made the subject of the inquiry, the man who had used a weapon with the object of defending himself would be decided not to have had

his weapon about him with the object of killing a man. Let, then, this principle be remembered by you in this trial, O judges; for I do not doubt that I shall make good my defence before you, if you only remember- what you cannot forget- that a plotter against one may be lawfully slain.

The next point is one which is often asserted by the enemies of Milo, who say that the Senate has decided that the slaughter by which Publius Clodius fell was contrary to the interests of the republic. But, in fact, the Senate has approved, not merely by their votes, but even zealously. For how often has that cause been pleaded by us in the Senate? with what great assent of the whole body? and that no silent nor concealed assent; for when in a very full Senate were there ever four or five men found who did not espouse Milo's cause? Those lifeless assemblies of this nearly burnt 4 tribune of the people show the fact; assemblies in which he daily used to try and bring my power into unpopularity, by saying that the Senate did not pass its decrees according to what it thought itself, but as I chose. -

And if indeed that ought to be called power rather than a moderate influence in a righteous cause on account of great services done to the republic, or some popularity among the good on account of dutiful labors for its sake, let it be called

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After Clodius's death, Munatius Plancus, the tribune, exposed his body on the rostrum, and harangued the people against Milo; the populace carried the body into the senate-house, and made a pile of the seats to burn it, in doing which they burnt the Senate-house, and Plancus himself with difficulty escaped.

so, as long as we employ it for the safety of the good in opposition to the madness of the wicked.

But this investigation, though it is not an unjust one, yet is not one which the Senate thought ought to be ordered; for there were regular laws and forms of trial for murder, or for assault; nor did the death of Publius Clodius cause the Senate such concern and sorrow that any new process of investigation need have been appointed; for when the Senate had had the power of decreeing a trial in the matter of that impious pollution of which he was guilty taken from it, who can believe it thought it necessary to appoint a new form of trial about his death? Why then did the Senate decide that this burning of the senate-house, this siege laid to the house of M. Lepidus, and this very homicide, had taken place contrary to the interest of the republic? Why, because no violence from one citizen to another can ever take place in a free state which is not contrary to the interests of the republic. For the defending of one's self against violence is never a thing to be wished for; but it is sometimes necessary, unless, indeed, one could say that that day on which Tiberius Gracchus was slain, or that day when Caius was, or the day when the arms of Saturnius were put down, even if they ended as the welfare of the republic demanded, were yet no wound and injury to the republic.

Therefore I myself voted, when it was notorious that a homicide had taken place on the Appian road, not that he who had defended himself had acted in a manner contrary to the interests of the republic; but as there was violence and treachery in the business, I reserved the charge for trial, I expressed my disappro-

bation of the business. And if the Senate had not been hindered by that frantic tribune from executing its wishes, we should not now have this novel trial. For the Senate voted that an extraordinary investigation should take place according to the ancient laws. A division took place, it does not signify on whose motion, for it is not necessary to mention the worthlessness of everyone, and so the rest of the authority of the Senate was destroyed by this corrupt intercession.

“Oh, but Cnaeus Pompeius, by his bill, gave his decision both about the fact and about the cause. For he brought in a bill about the homicide which had taken place on the Appian road, in which Publius Clodius was slain.” What then did he propose? That an inquiry should be made. What is to be inquired about? Whether it was committed? That is clear. By whom? That is notorious. He saw that a defence as to the law and right could be undertaken, even at the very moment of the confession of the act. But if he had not seen that he who confessed might yet be acquitted, when he saw that we did not confess the fact, he would never have ordered an investigation to take place, nor would he have given you at this trial the power ⁵ of acquitting as well as that of condemning. But it seems to me that Cnaeus Pompeius not only delivered no decision at all unfavorable to Milo, but that he also pointed out what you ought to turn your attention to in deciding. For

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Literally, “this wholesome letter, as well as that melancholy one.” The letter A was the “wholesome” letter, being the initial of absolvo, I acquit; the letter C the melancholy one, being the initial of condemno, I condemn.

he who did not assign a punishment to the confession, but required a defence of it, he clearly thought that what was inquired into was the cause of the death, and not the mere fact of the death. Now he himself shall tell us whether what he did of his own accord was done out of regard for Publius Clodius, or from a compliance with the times. -

A most noble man, a bulwark, and in those times, indeed, almost a protector of the Senate, the uncle of this our judge, of that most fearless man Marcus Cato, Marcus Drusus, a tribune of the people, was slain in his own house. The people had never any reference made to them in the matter of his death, no investigation was voted by the Senate. What great grief was there, as we have heard from our forefathers in this city, when that attack was made by night on Publius Africanus, while sleeping in his own house! Who was there then who did not groan, who did not burn with indignation, that men should not have waited even for the natural and inevitable death of that man whom, if possible, all would have wished to be immortal?

Was there, then, any extraordinary investigation into the death of Africanus⁶ voted? Certainly none. Why so? Because the crime of murder is not different

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After the death of Tiberius Gracchus, Publius Aemilianus Africanus Scipio, the conqueror of Carthage and Numantia, was known to be hostile to the agrarian law, and threw every obstacle in the way of it; his enemies gave out that he intended to abrogate it by force. One morning he was found dead in his bed without a wound. The cause and manner of his death were unknown; some

when eminent men, or when obscure ones are slain. Let there be a difference between the dignity of the lives of the highest and lowest citizens. If their death be wrought by wickedness, that must be avenged by the same laws and punishments in either case; unless, indeed, he be more a parricide who murders a father of consular rank than he who murders one of low degree; or, as if the death of Publius Clodius is to be more criminal because he was slain among the monuments of his ancestors- for this is constantly said by that party; as if, I suppose, that illustrious Appius Caecus made that road, not that the nation might have a road to use, but that his own posterity might have a place in which to rob with impunity. -

Therefore in that same Appian road, when Publius Clodius had slain a most accomplished Roman knight, Marcus Papirius, that crime was not to be punished; for a nobleman among his own family monuments had slain a Roman knight. Now what tragedies does the name of that same Appian road awaken? which, though nothing was said about it formerly, when stained with the murder of an honorable and innocent man, is now incessantly mentioned ever since it has been dyed with the blood of a robber and a parricide. But why do I speak of these

said it was natural; some, that he had slain himself; some, that his wife Sempronia, the sister of Gracchus, had strangled him. His slaves, it was said, declared that some strangers had been introduced into the house at the back, who had strangled him, and the triumvir Carbo is generally believed to have been the chief agent in his murder, and is expressly mentioned as the murderer by Cicero, Ep. ad Q. Fr. ii. 3.

things? A slave of Publius Clodius was arrested in the temple of Castor, whom he had placed there to murder Cnaeus Pompeius; the dagger was wrested from his hands and he confessed his design; after that Pompeius absented himself from the forum, absented himself from the Senate, and from all public places; he defended himself within his own doors and walls, not by the power of the laws and tribunals.

Was any motion made? was any extraordinary investigation voted? But if any circumstance, if any man, if any occasion was ever important enough for such a step, certainly all these things were so in the greatest degree in that cause. The assassin had been stationed in the forum, and in the very vestibule of the Senate. Death was being prepared for that man on whose life the safety of the Senate depended. Moreover, at that crisis of the republic, when, if he alone had died, not only this state, but all the nations in the world would have been ruined- unless, indeed, the crime was not to be punished because it was not accomplished, just as if the execution of crimes was chastised by the laws, and not the intentions of men- certainly there was less cause to grieve, as the deed was not accomplished, but certainly not a whit the less cause to punish. How often, O judges, have I myself escaped from the weapons and from the bloody hands of Publius Clodius! But if my good fortune, or that of the republic, had not preserved me from them, who would have proposed any investigation into my death?

But it is foolish of us to dare to compare Drusus, Africanus, Pompeius, or ourselves, with Publius Clodius. All these things, were endurable. The death of Pub-

lius Clodius no one can bear with equanimity. The Senate is in mourning; the knights grieve; the whole state is broken down as if with age; the municipalities are in mourning; the colonies are bowed down; the very fields even regret so beneficent, so useful, so kind-hearted a citizen! That was not the cause, O judges, it was not indeed, why Pompeius thought an investigation ought to be proposed by him; but being a man wise and endowed with lofty and almost divine intellect, he saw many things- that Clodius was his personal enemy, Milo his intimate friend; he feared that, if he were to rejoice in the common joy of all men, the belief in his reconciliation with Clodius would be weakened. He saw many other things, too, but this most especially- that in whatever terms of severity he proposed the motion, still you would decide fearlessly. Therefore, he selected the very lights of the most eminent ranks of the state. He did not, indeed, as some are constantly saying, exclude my friends in selecting the tribunals; for neither did that most just man think of this, nor, when he was selecting good men, could he have managed to do so, even had he wished; for my influence would not be limited by my intimacies, which can never be very extensive, because one cannot associate habitually with many people; but, if we have any influence, we have it on this account, because the republic has associated us with the virtuous; and, when he was selecting the most excellent of them, and as he thought that it especially concerned his credit to do so, he was unable to avoid selecting men who were well-disposed toward me.

But as for his especially appointing you, O Lucius Domitius, to preside over this investigation, in that he was seeking nothing except justice, dignity, humanity, and good faith. He passed a law that it must be a man of consular dignity, because, I suppose, he considered the duty of the men of the highest rank to resist both the fickleness of the multitude and the rashness of the profligate; and of the men of consular rank he selected you above all; for from your earliest youth you had given the most striking proofs how you despised the madness of the people.

Wherefore, O judges, that we may at last come to the subject of action and the accusation, if it is neither the case that all avowal of the deed is unprecedented, nor that anything has been determined about our cause by the Senate differently to what we could wish; and if the proposer of the law himself when there was no dispute as to the deed, yet thought that there should be a discussion as to the law; and if the judges had been chosen, and a man appointed to preside over the investigation, to decide these matters justly and wisely; it follows, O judges, that you have now nothing else to inquire into but which plotted against the other; and that you may the more easily discern this, attend carefully, I entreat you, while I briefly explain to you the matter as it occurred.

When Publius Clodius had determined to distress the republic by all sorts of wickedness during his praetorship, and saw that the comitia were so delayed the year before, that he would not be able to continue his praetorship many months, as he had no regard to the degree of honor, as others have, but both wished to avoid having Lucius Paullus, a citizen of singular virtue, for his colleague, and

also to have an entire year to mangle the republic; on a sudden he abandoned his own year, and transferred himself to the next year, not from any religious scruple, but that he might have, as he said himself, a full and entire year to act as praetor, that is, to overthrow the republic.

It occurred to him that his praetorship would be crippled and powerless, if Milo was consul; and, moreover, he saw that he was being made consul with the greatest unanimity of the Roman people. He betook himself to his competitors, but in such a manner that he alone managed the whole election, even against their will- that he supported on his own shoulders, as he used to say, the whole comitia- he convoked the tribes- he interposed- he erected a new Colline tribe by the enrollment of the most worthless of the citizens. In proportion as the one caused greater confusion, so did the other acquire additional power every day. When the fellow, prepared for every atrocity, saw that a most brave man, his greatest enemy, was a most certain consul, and that that was declared, not only by the conversation of the Roman people, but also by their votes, he began to act openly, and to say without disguise that Milo must be slain. He had brought down from the Apennines rustic and barbarian slaves, whom you saw, with whom he had ravaged the public woods and Etruria. The matter was not concealed at all. In truth, he used to say undisguisedly that the consulship could not be taken from Milo, but that life could. He often hinted as much in the Senate; he said it plainly in the public assembly. Besides, when Favonius, a brave man, asked him what he hoped for by giving way to such madness while Milo was alive? he answered him, that in

three, or at most in four days, he would be dead. And this saying of his Favonius immediately reported to Marcus Cato, who is here present.

In the mean time, as Clodius knew- and it was not hard to know it- that Milo was forced to take a yearly, legitimate, necessary journey on the twentieth of January to Lanuvium to appoint a priest, ⁷ because Milo was dictator of Lanuvium, on a sudden he himself left Rome the day before, in order (as was seen by the event) to lay in ambush for Milo in front of his farm; and he departed, so that he was not present at a turbulent assembly in which his madness was greatly missed, and which was held that very day, and from which he never would have been absent, if he had not desired to avail himself of the place and opportunity for a crime. -

But Milo, as he had been that day in the Senate till it was dismissed, came home, changed his shoes and his garments, waited a little, as men do, while his wife was getting ready, and then started at the time when Clodius might have returned, if, indeed, he had been coming to Rome that day. Clodius meets him unencumbered on horseback, with no carriage, with no baggage, with no Greek companions, as he was used to, without his wife, which was scarcely ever the case; while this plotter, who had taken, forsooth, that journey for the express purpose of murder, was driving with his wife in a carriage, in a heavy travelling

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It was the priest of Juno Sospita, who was the patroness of Lanuvium.

cloak, with abundant baggage, and a delicate company of women, and maid servants, and boys. He meets Clodius in front of his farm, about the eleventh hour, or not far from it. Immediately a number of men attack him from the higher ground with missile weapons. The men who are in front kill his driver, and when he had jumped down from his chariot and flung aside his cloak, and while he was defending himself with vigorous courage, the men who were with Clodius drew their swords, and some of them ran back toward his chariot in order to attack Milo from behind, and some, because they thought that he was already slain, began to attack his servants who were behind him; and those of the servants who had presence of mind to defend themselves, and were faithful to their master, were some of them slain, and the others, when they saw a fierce battle taking place around the chariot, and as they were prevented from getting near their master so as to succor him, when they heard Clodius himself proclaim that Milo was slain, and they thought that it was really true, they, the servants of Milo (I am not speaking for the purpose of shifting the guilt onto the shoulders of others, but I am saying what really occurred) did, without their master either commanding it, or knowing it, or even being present to see it, what everyone would have wished his servants to do in a similar case.

These things were all done, O judges, just as I have related them. The man who laid the plot was defeated; violence was defeated by violence; or, I should rather say, audacity was crushed by valor. I say nothing about what the republic, nothing about what you, nothing about what all good men gained by the result. I

do not desire it to be any advantage to me to hear that he was born with such a destiny that he was unable even to save himself, without at the same time saving the republic and all of you. If he had not a right to do so, then I have nothing which I can urge in his defence. But if both reason has taught this lesson to learned men, and necessity to barbarians, and custom to all nations, and nature itself to the beasts, that they are at all times to repel all violence by whatever means they can from their persons, from their liberties, and from their lives, then you cannot decide this action to have been wrong, without deciding at the same time that all men who fall among thieves must perish, either by their weapons, or by your sentence.

And if he had thought that this was the law, it would have been preferable for Milo to offer his throat to Publius Clodius- which was not attacked by him once only, nor for the first time on that day- rather than now to be destroyed by you because he did not surrender himself then to be destroyed by him. But if there is no one of you who entertains such an opinion as that, then the question which arises for the consideration of the court is, not whether he was slain or not, which we admit, but whether he was slain legally or illegally, which is an inquiry which has often been instituted in many causes. It is quite plain that a plot was laid; and that is a thing which the Senate has decided to be contrary to the laws of the republic. By whom it was laid is a question. And on this point an inquiry has been ordered to be instituted. So the Senate has marked its disapproval of the fact, not of the

man; and Pompeius has appointed this inquiry into the merits of the case, and not into the fact of its existence.

Does, then, any other point arise for the decision of the court, except this one, Which laid a plot against the other? None whatever. The case comes before you in this way, that if Milo laid a plot against Clodius, then he is not to be let off with impunity. If Clodius laid it against Milo, then we are acquitted from all guilt.

How, then, are we to prove that Clodius laid a plot against Milo? It is quite sufficient in the case of such a wicked, of such an audacious monster as that, to prove that he had great reason to do so; that he had great hopes founded on Milo's death; that it would have been of the greatest service to him. Therefore, that maxim of Cassius, to see to whose advantage it was, may well have influence in respect of these persons. For although good men cannot be induced to commit crimes by any advantage whatever, wicked men often can by a very trifling one. And, if Milo were slain, Clodius gained this, not only that he should be praetor without having him for a consul, under whom he would not be able to commit any wickedness, but also that he should have those men for consuls while he was praetor, who, if they did not aid him, would at all events connive at all his proceedings to such an extent that he hoped he should be able to escape detection in all the frantic actions which he was contemplating; as they (so he argued to himself) would not, even if they were able to do so, be anxious to check his attempts when they considered that they were under such obligations to him; and on the other hand, if they did wish to do so, perhaps they would hardly be able to crush

the audacity of that most wicked man when it got strength by its long continuance. Are you, O judges, the only persons ignorant of all this? Are you living in this city as ignorant of what passes as if you were visitors? Are your ears all abroad, do they keep aloof from all the ordinary topics of conversation of the city, as to what laws (if, indeed, they are to be called laws, and not rather firebrands to destroy the city, pestilences to annihilate the republic) that man was intending to impose upon all of us, to brand on our foreheads? Exhibit, I beg you, Sextus Clodius, produce, I beg, that copy of your laws which they say that you saved from your house, and from the middle of the armed band which threatened you by night, and bore aloft, like another palladium, in order, forsooth, to be able to carry that splendid present, that instrument for discharging the duties of the tribuneship, to someone, if you could obtain his election, who would discharge those duties according to your directions. And he was going to divide the freedmen among all the tribes, and by his new law to add all the slaves who were going to be emancipated, but who had not yet received their freedom, so that they might vote equally with the free citizens. 8 -

Would he have dared to make mention of this law, which Sextus Clodius boasts was devised by him, while Milo was alive, not to say while he was consul? For all of us- I cannot venture to say all that I was going to say. But do you con-

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This passage is a very doubtful supplement of Beier; which, however, Orellius prefers to any other.

sider what enormous faults the law itself must have had, when the mere mention of it, for the purpose of finding fault with it, is so offensive. And he looked at me with the expression of countenance which he was in the habit of putting on when he was threatening everybody with every sort of calamity. That light of the senate-house moves me. 9 What? do you suppose, O Sextus, that I am angry with you; I, whose greatest enemy you have punished with even much greater severity than my humanity could resolve to demand? You cast the bloody carcass of Publius Clodius out of the house, you threw it out into the public street, you left it destitute of all images, of all funeral rites, of all funeral pomp, of all funeral panegyric, half consumed by a lot of miserable logs, to be torn to pieces by the dogs who nightly prowl about the streets. Wherefore, although in so doing you acted most impiously, still you were wreaking all your cruelty on my enemy; though I cannot praise you, I certainly ought not to be angry with you.

[I have demonstrated now, O judges, of what great consequence it was to Clodius] that Milo should be slain. Now turn your attention to Milo. What advantage could it be to Milo that Clodius should be slain? What reason was there why Milo, I will not say should do such an action, but should even wish for his death? Oh, Clodius was an obstacle to Milo's hope of obtaining the consulship. But he was obtaining it in spite of him. Ay, I might rather say he was obtaining it all the

9

Cicero here supposes Sextus Clodius to look menacingly at him, in order to check him in his attack on this intended law.

more because Clodius was opposing him; nor in fact was I a more efficient support to him than Clodius was. The recollection, O judges, of the services which Milo had done to me and to the republic had weight with you. My entreaties and my tears, with which I perceived at that time that you were greatly moved, had weight with you; but still more weight had your own fear of the dangers which were impending. For who of the citizens was there who could turn his eyes to the unrestrained praetorship of Publius Clodius, without feeling the greatest dread of a revolution? and unrestrained you saw that it would be unless you had a consul who had both courage and power to restrain him; and as the whole Roman people saw that Milo alone was that man, who could hesitate by his vote to release himself from fear, and the republic from danger?

But now, now that Clodius is removed, Milo has got to labor by more ordinary practices to preserve his dignity. That pre-eminent glory, which was then attributed to him alone, and which was daily increasing in consequence of his efforts to repress the frenzy of Clodius, has been put an end to by the death of Clodius. You have gained your object of being no longer afraid of any one of the citizens; he has lost that incessant arena for his valor, that which procured him votes for the consulship, that ceaseless and ever-springing fountain of his glory. Therefore, Milo's canvass for the consulship, which could not be hindered from prospering while Clodius was alive, now, the moment that he is dead, is attempted to be checked. So that the death of Clodius is not only no advantage, but is even a positive injury to Milo.

“Oh, but his hatred prevailed with him; he slew him in a passion; he slew him because he was his enemy; he acted as the avenger of his own injury; he was exacting atonement to appease his private indignation.” But what will you say if these feelings, I do not say existed in a greater degree in Clodius than in Milo, but if they existed in the greatest possible degree in the former, and not at all in the latter? What will you require beyond that? For why should Milo have hated Clodius, the material and ground-work of his glory, except as far as that hatred becoming a citizen goes, with which we hate all worthless men? There was plenty of reason for Clodius to hate Milo, first, as the defender of my safety; secondly, as the repressor of his frenzy, the defeater of his arms; and lastly, also, as his prosecutor. For Clodius was liable to the prosecution of Milo, according to the provisions of the Plotian law, as long as he lived. And with what feelings do you suppose that that tyrant bore that? how great do you suppose was his hatred toward him? and, indeed, how reasonable a hatred was it for a wicked man to entertain.

It remains for me now to urge his natural disposition and his habits of life in the defence of the one, and the very same things as an accusation against the other. Clodius, I suppose, had never done anything by violence; Milo had done everything by violence. What, then, shall I say, O judges? When, amid the grief of all of you, I departed from the city, was I afraid of the result of a trial? was I not afraid of slaves, and arms and violence? What, I pray you, was the first ground of my restoration, except that I had been unjustly driven out? Clodius, I suppose, had commenced a formal prosecution against me; he had named a sum

as damages; he had commenced an action for high treason; and, I suppose, too, I had cause to fear your decision in a cause which was an unjust one, which was my own private cause, not one which was a most righteous one, and which was, in reality, your cause, and not mine? No- I was unwilling that my fellow-citizens, who had been saved by my prudence and by my own personal danger, should be exposed to the arms of slaves and needy citizens and convicted malefactors. For I saw- I saw, I say, this very Quintus Hortensius, the light and ornament of the republic, almost slain by the hand of slaves, while he was standing by me. In which crowd Caius Vibienus, a senator, a most excellent man, who was with Hortensius, was so maltreated that he lost his life.

When, then, was it that that assassin's dagger of his, which he had received from Catiline, rested? It was aimed at us; I would not allow you all to be exposed to it for my sake. It was prepared in treachery for Pompeius. It stained with blood, through the murder of Papirius, the very Appian road, the monument of his name; this, this same dagger, after a long interval was again turned against me; lately, as you know, it nearly murdered me close to the palace of Ancus.

What is there of Milo's conduct like all this? when all the violence that he has ever displayed has amounted to this, that he wished to prevent Publius Clodius (as he could not be brought to trial) from oppressing the city by violence. And if he wished to put him to death, what great, what repeated, and what splendid opportunities he had of doing so! Might he not have avenged himself without violating the law when he was defending his own house and his household gods from his at-

tacks? might he not have done so when the illustrious citizen and most gallant man, Publius Sextius, his own colleague, was wounded? might he not have done so when that most excellent man, Quintus Fabricius, while carrying a bill for my restoration, was driven away, and when a most cruel slaughter was taking place in the forum? Might he not have done so when the house of Lucius Caecilius, that most upright and fearless praetor was attacked? might he not have done so on the day on which the law concerning me was passed, and when that vast concourse of people from all parts of Italy, whom a regard for my safety had roused up, would have gladly recognized and adopted as its own the glory of that action? so that, even if Milo had performed it, the whole state would claim the praise of it as belonging to itself?

And what a time was it? A most illustrious and fearless consul, Publius Lentulus, an enemy to Clodius, the avenger of his wickedness, the bulwark of the Senate, the defender of your inclinations, the patron of that general unanimity, the restorer of my safety; seven praetors, eight tribunes of the people, adversaries of him, defenders of me; Cnaeus Pompeius, the prime mover of and chief agent in my return, his open enemy; whose opinion respecting my return, delivered in the most dignified and most complimentary language, the whole Senate adopted; he who exhorted the whole Roman people, and, when he passed a decree concerning me at Capua, gave himself the signal to all Italy, which was eager for it, and which was imploring his good faith, to join together for the purpose of restoring me to Rome; in short, universal hatred on the part of all the citizens, was excited

against him, while their minds were inflamed with as earnest a regret for me; so that if anyone had slain him at that time, people's thoughts would have been, not how to procure impunity for such a man, but how to reward him sufficiently.

Nevertheless, Milo restrained himself, and twice summoned Publius Clodius before the court, but never once invited him to a trial of strength in scenes of violence. What do I say? while Milo was a private individual, and on his trial before the people, on the accusation of Publius Clodius, when an attack was made on Cnaeus Pompeius, while speaking in defense of Milo, was there not then not only an admirable opportunity of, but a reasonable pretext for slaying him? And lately, when Marcus Antonius had inspired all virtuous men with the very greatest hope of safety, and when he, being a most noble young man, had with the greatest gallantry espoused the cause of the republic, and had that beast almost in his toils in spite of his avoiding the snares of the law; what an opportunity, what a time and place were there, O ye immortal gods! And when Clodius had fled and hidden himself in the darkness of the stairs, there was a fine opportunity for Milo to slay him without incurring the slightest odium himself, and to load Antonius at the same time with the greatest glory! What? How repeatedly had he a similar chance in the comitia! when he had broken into the voting booth, and contrived to have swords drawn and stones thrown, and then on a sudden, terrified at the look of Milo, fled toward the Tiber, and you and all virtuous men prayed to heaven that Milo might take it into this head to give full scope to his valor.

If then he did not choose to slay him, when he might have done so with the gratitude of everyone, is it likely that he should have chosen to do so when some people were sure to complain of it? If he did not venture to do it when he might have done so lawfully, when he had both place and time in his favor, when he might have done so with impunity, can we believe that he did not hesitate to slay him unjustly at a time and place which supplied him with no excuse for the deed, when it was at the hazard of his life? especially, O judges, when the day of contest for the greatest distinction of the state, and the day of the comitia, was at hand. At which time (for I know what a nervous thing ambition is, how vehement and how anxious is the desire for the consulship), we are afraid of everything, not only of those things which can be openly found fault with, but even of whatever can be secretly thought; we shudder at every rumor, at every idle and empty story; we look anxiously at everyone's countenance, at everyone's eye. For there is nothing so soft, so tender, so frail, so flexible, as the inclinations and feelings of our fellow-citizens toward us; for they are not only angry at any impropriety in the conduct of candidates, but they often even take a disgust at our virtuous actions.

Did Milo, then, keeping in view this long hoped-for and wished-for day of the Campus Martius, propose to himself to come to those venerable auspices of the centuries with bloody hands, owning and confessing a wickedness and a crime? How perfectly incredible is such conduct in such a man! At the same time, how undoubted is it in the case of Clodius, who thought that he should be a king as soon as Milo was slain. What shall I say more? This is the very mainspring of

audacity, O judges, for who is there who does not know that the greatest temptation of all to do wrong is the hope of impunity? Now, in which of the two did this exist? In Milo? who is even now on his trial for an action which I contend was an illustrious one, but which was at all events a necessary one; or in Clodius? who had shown such contempt for courts of justice and punishment, that he took no pleasure in anything which was not either impious, from its disregard of the prohibitions of nature, or illegal, from its violation of law.

But what am I arguing about? why do I keep on disputing at greater length? I appeal to you, O Quintus Petillius, a most virtuous and fearless citizen; I call you to witness, O Marcus Cato; whom some heavenly interposition has given me for judges. You have heard from Marcus Favonius, and you heard it, too, while Clodius was alive, that he, Clodius, had said to him that Milo would die within three days- and on the third day the deed which he had mentioned was put in execution. When he did not hesitate to reveal what he was thinking of, can you have any doubt what he did?

How, then, was it, that he was so correct in the day? I told you that just now. There was no great difficulty in knowing the regular days of sacrifice for the dictator of Lanuvium. He saw that it was necessary for Milo to go to Lanuvium on the very day in which he did go- therefore, he anticipated him. But on what day? Why, on the day on which, as I have said before, there was a most furious assembly of the people, stirred up by the tribune of the people whom he had in his pay- a day, and an assembly, and an uproar which he would never have missed if he

had not been hastening to some premeditated crime. Therefore, he had not only no reason for going on a journey, but he had even a reason for stopping at home. Milo had no possibility of stopping at home, and he had not only a reason, but a positive necessity for going on a journey. What more? Suppose, while he knew that Milo must go on the road on that day, so, on the other hand, Milo could not even suspect that Clodius would? For, first of all, I ask, how could Milo know it? a question which you cannot ask respecting Clodius. For even if he had not asked anyone beyond his own intimate friend Titus Patina, he could have ascertained from him that on that particular day a priest must absolutely be appointed at Lanuvium by Milo as the dictator there. But there were plenty more people from whom he could easily learn that; for instance, all the people of Lanuvium. Of whom did Milo make any inquiry about the return of Clodius? Grant that he did make inquiry; see what large allowances I am making you; grant even that he bribed his slave, as my good friend Quintus Arrius said. Read the evidence of your own witnesses. Caius Cassinius Schola, a man of Interamna, gave his evidence- a most intimate friend of Publius Clodius, and more, a companion of his at the very time; according to whose testimony, Publius Clodius was at Interamna and at Rome at the very same time. Well, he said, that Publius Clodius had intended to remain that day at his Alban villa; but that on a sudden news was brought to him, that Cyrus his architect was dead; and, therefore, that he determined to proceed to Rome immediately. Caius Clodius, who was also a companion of Publius Clodius, said the same.

Take notice, O judges, what the real effect of this evidence must be. First of all, Milo is certainly acquitted of having set out with the express intention of way-laying Clodius on his road; this must be, since there was apparently no chance whatever of his meeting him. In the next place (for I see no reason why I should not do something for myself at the same time), you know, O judges, that there have been men found to say, while urging on this bill against Milo, that the murder was committed by the hand indeed of Milo, but by the plan of someone of more importance than he. Those abject and profligate men, forsooth, pointed me out as a robber and assassin. Now they lie convicted by their own witnesses, who say that Clodius would not have returned to Rome that day if he had not heard the news about Cyrus. I breathed again; I was delivered; I am not any longer afraid of being supposed to have contemplated an action which I could not possibly have suspected.

Now I will examine the other point. For this expression occurs in their speech: "Therefore, Clodius never even thought of the plot against Milo, since he intended to remain in his Alban villa." Yes, he meant to remain there, if he did not rather intend to go out and commit a murder. For I see that the messenger who is said to have brought him news of Cyrus's death did not announce that to him, but told him that Milo was at hand. For why should he bring any news about Cyrus, whom Clodius had left at Rome on his death-bed? I was with him; I signed his will as a witness together with Clodius; and he had openly made his will, and had left him and me his heirs. When he had left him the day before, at the third hour,

at the very point of death, was news sent express to him the next day, at the tenth hour, that he was at last dead?

Well, be it so; what reason had he for hastening to Rome? for starting at night-fall? Why should the fact of his being his heir cause him to make so much haste? In the first place, there was no reason why there should be need of any haste; secondly, even if there was, still what was there which he could obtain that night, but which he would lose if he arrived at Rome early the next morning? And as an arrival in the city by night was rather to be avoided by him than to be desired, so it was just suited for Milo to lie in ambush and wait for him, as he was a plotter of that sort, if he knew that he was likely to come to the city by night. He would have slain him by night, in a place calculated for an ambush and full of robbers; no one would have refused to have believed him if he denied it, when now all men wish to save him even when he confesses it. The brunt of the blame would have fallen on the place itself, so well suited to receive and conceal robbers, while neither the voiceless solitude would have informed against, nor the dark night discovered Milo; secondly, the numbers of men who had been insulted by Clodius, or plundered by him, or stripped of all their property by him, many, too, who were in constant fear of such misfortunes, would have fallen under suspicion; in short, the whole of Etruria would have been impeached in people's opinion. And certainly on that day Clodius returning from Aricia did turn aside to his Alban villa. But although Milo knew that he was at Aricia, still he ought to have suspected that he, even if he was desirous to return to Rome that day, would turn

aside to his own villa, the grounds of which skirted the road. Why, then, did he not meet him before, and prevent his going to his villa? nor wait in that place where he would certainly arrive by night?

I see that all things up to this point are plain and consistent. That it was even desirable for Milo that Clodius should live; that for Clodius the death of Milo was the most advantageous thing possible, with reference to those objects on which he had set his heart; that he bore him the most bitter hatred, but that Milo had no such feelings toward him; that the one lived in a perpetual round of violence, that the other's habits were limited to repelling it; that Milo had been threatened by him with death, and that his death had been openly predicted by him; that no such expression had ever been heard from Milo; that the day of Milo's journey was well known to Clodius, but that Clodius's return was unknown to Milo; that the journey of the one was inevitable, and that of the other was even inconvenient to himself; that the one had openly declared that on that day he should set out from Rome, that the other had concealed the fact of his intending to return on that day; that the one had in no respect whatever changed his intention, that the other had invented a false pretence for changing his mind; that the one, if he were plotting, would naturally wish night to come on when he was near the city, while an arrival at the city by night was to be feared by the other, even if he had no apprehension of danger from this man.

Let us now consider this, which is the main point of all; for which of the two the identical spot where they did meet was the best suited for planting an ambush.

But is that, O judges, a matter about which one can possibly doubt or think seriously for a moment? In front of Clodius's farm- that farm on which, on account of those absurd erections and excavations for foundations of his, there were pretty well a thousand vigorous men employed- on that high and raised ground belonging to his adversary, did Milo think that he should get the better in the contest, and had he with that view selected that spot above all others? Or was he rather waited for in that place by a man who had conceived the idea of attacking, because of the hopes that that particular spot suggested to him? The facts, O judges, speak for themselves; facts, which are always of the greatest weight in a cause. If you were not hearing of this transaction, but were looking at a picture of it, still it would be quite visible which of the two was the plotter, which was thinking no evil, when one of the two was driving in a chariot wrapped up in a mantle, with his wife sitting by his side. It is hard to say which was the greatest hinderance to him, his dress, or his carriage, or his wife. How could a man be less ready for battle than when he was entangled in a mantle as in a net, hampered with a carriage, and fettered, as it were, by his wife clinging to him? Look, on the other hand, at Clodius, first setting out from his villa; all on a sudden: why? It was evening. Why was he forced to set out at such a time? Going slowly. What was the object of that, especially at that time of night? He turns aside to the villa of Pompeius. To see Pompeius? He knew that he was near Alsium. To see the villa? He had been in it a thousand times. What, then, was his object? Delay; he wanted to waste the time. He did not choose to leave the spot till Milo arrived.

Come, now, compare the journey of this unencumbered bandit with all the hinderances which beset Milo. Before this time he always used to travel with his wife; now he was without her. He invariably went in a carriage; now he was on horseback. His train were a lot of Greeklings wherever he was going; even when he was hastening to the camp in Etruria; ¹⁰ but this time there were no triflers in his retinue. Milo, who was never in the habit of doing so, did by chance have with him some musical slaves belonging to his wife, and troops of maid-servants. The other man, who was always carrying with him prostitutes, worn-out debauchees both men and women, this time had no one with him except such a band that you might have thought every one of them picked men. Why, then, was he defeated? Because the traveller is not always murdered by the robber; sometimes the robber is killed by the traveller; because, although Clodius in a state of perfect preparation was attacking men wholly unprepared, still it was the case of a woman falling upon men. And, indeed, Milo was never so utterly unprepared for his violence as not to be nearly sufficiently prepared. He was always aware how greatly it concerned the interest of Publius Clodius that he should be slain, how greatly he hated him, and how great was his daring. Wherefore, he never exposed his life to danger without some sort of protection and guard, knowing that it was threatened, and that a large price, as it were, were set upon it. -

10

That is, to Manlius's camp in Etruria at the time of Catiline's conspiracy, in which, in all probability, Clodius was implicated.

Add to this consideration all the chances; add the always uncertain result of a battle, and the common fortune of Mars, who often overthrows the man who is already exulting and stripping his enemy, and strikes him to the ground by some mean agent; add the blundering conduct of a leader who had dined and drank, and who was yawning and drowsy; who, when he had left his enemy cut off in the rear, never thought of his companions on the outskirts of his train; and then when he fell among them inflamed with anger, and despairing of saving the life of their master, he fell on that punishment which the faithful slaves inflicted on him as a retribution for their master's death. Why, then, has Milo emancipated them? He was afraid, I suppose, lest they should give information against him; lest they should be unable to bear pain; lest they should be compelled by tortures to confess that Publius Clodius was slain in the Appian road by the slaves of Milo.

What need is there of any torturer? What do you want to know? whether he was slain? He was slain. Whether he was slain lawfully or unlawfully? That is beyond the province of the torturer. For the rack can only inquire into the fact; it is the bench of judges that must decide on the law.

Let us, then, here confine our attention to what must be investigated in this trial. All that you can want to find out by tortures we admit. But if you prefer asking why he emancipated his slaves, rather than why he gave them inadequate rewards, you are but a bungling hand at finding fault with an enemy. For Marcus Cato, who says everything with great wisdom, and consistency, and courage, said the same thing; and he said, too, in a very turbulent assembly of the people,

which, however, was pacified by his authority, that those slaves were worthy not only of liberty, but even of every sort of reward possible, who had defended the life of their master. For what reward can be sufficiently great for such well-affected, such virtuous, such faithful slaves, owing to whom it is that he is still alive? Although even that is not putting it so strongly as to say, that it is owing to those very men that he did not glut the eyes and mind of his most cruel enemy with his blood and wounds. And if he had not emancipated them, then those preservers of their master, those avengers of wickedness, those defenders of their master from death, must have even been surrendered to torture. But in all these misfortunes the most comfortable reflection which Milo has is, that, even if anything should happen to himself, still he has given them the reward which they deserved.

But now the examinations which have just been conducted in the hall of liberty, are said to press against Milo. Who are the slaves who have been examined? Do you ask? The slaves of Publius Clodius. Who demanded that they should be examined? Appius. Who produced them? Appius. Where were they brought from? From the house of Appius. O ye good gods, what can be done with more animosity? There is no law which authorizes slaves to be examined as witnesses against their master, except on accusations of impiety, as was the case in the prosecution instituted against Clodius. Clodius has been raised nearly to the gods, more nearly than even when he penetrated into their sanctuary, when an investigation into the circumstances of his death is carried on like one into a profanation of sa-

cred ceremonies. But still, our ancestors did not think it right that slaves should be examined as witness against their masters; not because the truth could not be discovered, but because it seemed a scandalous thing to do, and more oppressive to the masters than even death itself. Well, then, when the slaves of the prosecutor are examined as witnesses against the defendant, can the truth be found out?

Come, however, what was the examination; and how was it conducted? Holloa, you Rufio (that name will do as well as another), take care you tell the truth. Did Clodius lay a plot against Milo? "He did." He is sure to be crucified for saying so. "Certainly not." He has hopes of obtaining his liberty. What can be more certain than this mode of examination? The men are suddenly carried off to be examined; they are separated from all the rest, and put into cells that no one may be able to speak to them. Then, when they have been kept a hundred days in the power of the prosecutor, they are produced as witnesses by the prosecutor himself. What can be imagined more upright than this sort of examination? What can be more free from all suspicion of corruption?

And if you do not yet see with sufficient clearness (though the transaction is evident of itself by so many and such irresistible arguments and proofs), that Milo was returning to Rome with a pure and guiltless intention, with no taint of wickedness, under no apprehension, without any consciousness of crime to disquiet him; recollect, I implore you, in the name of the immortal gods, how rapid his speed while returning was; how he entered the forum while the senate-house was all on fire with eagerness; how great was the magnanimity which he displayed; how he

looked, and what he said. Nor did he trust himself to the people only, but also to the Senate; nor to the Senate only, but also to the public guards and their arms; nor to them only, but also to the power of that man to whom the Senate had already intrusted ¹¹ the whole republic, all the youth of Italy, and all the arms of the Roman people. And surely he never would have put himself in his power, if he had not been confident in the justice of his cause; especially as he was one who heard everything, and feared great danger, and suspected many things, and even believed some. The power of conscience is very great, O judges, and is of great weight on both sides; so that they fear nothing who have done no wrong, and they, on the other hand, who have done wrong think that punishment is always hanging over them. -

11

The disturbances on the death of Clodius arose to such a height, that the Senate at last passed a resolution that Marcus Lepidus the Interrex, assisted by the tribunes of the people and Pompeius, should take care that the republic received no injury. And at last the Senate appointed Pompeius consul without a colleague, who immediately published several new laws, and among them the one under which this trial was conducted, and he now limited the duration of trials, allowing only three days for the examination of witnesses, and on the fourth day the accuser was only allowed two hours to enforce the accusation, and the defendant three hours to speak in his defence. Coelius endeavored to arrest these laws by his veto as tribune, declaring that they were framed solely with a view to crush Milo, whom Pompeius certainly desired to get rid of; to effect which he even descended to the artifice of pretending to believe that Milo had laid a plot to assassinate him. -

Nor, indeed, is it without good reason that Milo's cause has always been approved of by the Senate. For these wisest of men took into their consideration the whole circumstances of the case; Milo's presence of mind, and vigor in defending himself. Have you forgotten, O judges, when the news of Clodius's death was still recent, the opinions and the language which were held, not only by Milo's enemies, but also by other ignorant people? They said that he would not return to Rome at all. For if he had committed the deed in a passionate and excited mood, so that he had slain his enemy while under the influence of strong hatred, they thought that he would consider the death of Publius Clodius an event of such importance, that he would bear being deprived of his country with equanimity, as he had sated his hatred in the blood of his enemy; or, if he had deliberately intended to deliver his country by the slaughter of Clodius, then they thought that he, as a brave man, would not hesitate, after having brought safety to his country at his own risk, to submit with equanimity to the laws, to carry off with himself everlasting renown, and to leave those things to us to enjoy which he had preserved for us himself.

Many also spoke of Catiline and the monsters of his train. "We shall have another Catiline breaking out. He will occupy some strong place; he will make war on his country." Wretched sometimes is the fate of those citizens who have faithfully served the republic! when men not only forget the illustrious exploits which they have performed, but even suspect them of the most nefarious designs! Therefore, all those things were false, which would certainly have turned out true if

Milo had committed any action which he could not defend with honor and with truth.

What shall I say of the charges which were afterward heaped upon him? which would have crushed anyone who was conscious of even trifling offences. How nobly did he support them! O ye immortal gods, do I say support them? Say rather, how did he despise them, and treat them as nothing! Charges which no guilty man, were he ever so high-minded, and, indeed, no innocent man, unless he were also a most fearless man, could possibly have disregarded. It was said that a vast collection of shields, swords, bridles, lances, and javelins had been seized. They said that there was no street, no alley in the whole city, in which there was not a house hired for Milo; that arms had been carried down the Tiber to his villa at Oriculum; that his house on the Capitoline Hill was full of shields; that every place was full of firebrands prepared for the burning of the city. These things were not only reported, but were almost believed, and were not rejected till they had been thoroughly investigated. I praised, indeed, the incredible diligence of Cnaeus Pompeius; but still I will say what I really think, O judges.

Those men are compelled to listen to too many statements; indeed, they cannot do otherwise, who have the whole republic intrusted to them. It was necessary even to listen to that eating-house keeper Licinius, if that was his name, a fellow out of the Circus Maximus, who said that Milo's slaves had got drunk in his house, that they had confessed to him that they were engaged in a conspiracy to assassinate Cnaeus Pompeius, and that he himself was afterward stabbed by one

of them to prevent him from giving information. He went to Pompeius's villa to tell him this. I am sent for among the first. By the advice of his friends, Pompeius reports the affair to the Senate. It was impossible for me to be otherwise than frightened almost to death at the bare suspicion of such danger to one who was the protector both of me and of my country; but still I wondered that an eating-house keeper should be at once believed, that the confession of the slaves should be listened to, and that a wound in the side, which looked like the prick of a needle, should be admitted to be a wound inflicted by a gladiator. But, as I take the fact to have been, Pompeius was rather taking precautions than feeling any actual alarm, guarding not only against those things which it was reasonable to fear, but also against everything which could possibly disquiet you.

The house of Caius Caesar, that most illustrious and gallant man, was besieged, as was reported, during many hours of the night. No one in that frequented part of the city had either seen or heard of any such thing. Still such a report was spread about. I could not possibly suspect Cnaeus Pompeius, a man of the most admirable valor, of being timid; and I thought no diligence could be overstrained in a man who had undertaken the management and protection of the whole of the republic. In a very full meeting of the Senate, lately held in the Capitol, a senator was found to say that Milo had a weapon about him. He threw back his garments in that most sacred temple, that, since the life of so good a citizen and so good a man could not procure him credit, the facts themselves might speak for him, while he held his peace.

Every word was ascertained to be a false and treacherous invention. And if people are even now afraid of Milo, we are not now under apprehension because of the charge respecting Clodius, but we are shuddering at your suspicions- at yours, I say, O Cnaeus Pompeius (for I address you yourself, and I speak loudly so that you may be able to hear me). If you are afraid of Milo- if you believe that he either now cherishes wicked designs against your life, or that he ever has entertained such; if the levying of troops throughout Italy, as some of your recruiting sergeants pretend- if these arms- if these cohorts in the Capitol- if these watchmen, these sentinels- if this picked body of youths, which is the guard of your person and your house, is all armed against an attack on the part of Milo; and if all these measures have been arranged, and prepared, and aimed against him alone- then certainly he must be a man of great power, of incredible courage; surely it must be more than the power and resources of one single man which are attributed to him, if the most eminent of our generals is invested with a command, and all Italy is armed against this one man. But who is there who does not understand that all the diseased and feeble parts of the republic were intrusted to you, O Pompeius, that you might heal and strengthen them with your arms? And if an opportunity had been afforded to Milo, he would, doubtless, have proved to you yourself that no man was ever more dear to another than you are to him; that he had never shunned any danger which might be of service in promoting your dignity; that he had often contended against that most foul pest on behalf of your glory; that his conduct in his tribuneship had been entirely regulated by your counsels for the protection of my safety, which was an object very dear to you;

that he afterward had been defended by you when in danger of his life, 12 and had been assisted by you when he was a candidate for the praetorship; and that he had always believed that the two firmest friends whom he had were you and I-you, as shown by the kindness of your behavior to him, and I, secured to him by the services which he himself had done me. And if he could not convince you of this- if that suspicion had sunk so deep in your mind that it could not possibly be eradicated; if, in short, Italy was never to have any rest from those levies, nor the city from arms, till Milo was ruined- then no doubt he, without hesitation, would have departed from his country, a man born to make such sacrifices and accustomed to make them; but still he would have cited you, O Magnus, as a witness in his favor, as he now does. -

See, now, how various and changeable is the course of human life, how fickle and full of revolutions is fortune; what instances of perfidy are seen in friends, how they dissemble and suit their behavior to the occasion; when dangers beset one, how one's nearest connections fly off, and what cowardice they show. The time will come, ay, will most certainly come- that day will surely dawn some time

12

When Clodius was aedile, he instituted a prosecution against Milo for violence. Pompeius, Crassus and Cicero appeared for him; and though Clodius's mob raised a great uproar, and endeavored to prevent Pompeius from being heard, he made a long speech, lasting three hours, in his defence. The trial was adjourned from February till May, and does not appear to have ever been brought to a regular termination.

or other, when you, though your affairs are all, as I trust they will be, in a really sound condition, though they may, perhaps, wear an altered appearance in consequence of some commotions of the times, such as we are all liable to (and how constantly such things happen we may know from experience)- when you, I say, may be in need of the good-will of one who is most deeply attached to you, and the good faith of a man of the greatest weight and dignity, and the magnanimity of the very bravest man that ever lived in the world. Although, who would believe that Cnaeus Pompeius, a man most thoroughly versed in public law, in the usages of our ancestors, and in all the affairs of the republic, after the Senate has intrusted to him the charge of taking care “that the republic suffered no injury,” by which one line the consuls have always been sufficiently armed, even though no warlike weapons were given to them- that he, I say, after having had an army and a levy of troops given to him, would wait for a legal decision to repress the designs of that man who was seeking by violence to abolish the courts of justice themselves?

It was sufficiently decided by Pompeius, quite sufficiently, that all those charges were falsely brought against Milo; when he passed a law by which, as I conceive, he was bound to be acquitted by you- at all events, as all men allow, might legally be acquitted. But when he sits in that place, surrounded by all those bands of public guards, he declares plainly enough that he is not striking terror into you (for what could be less worthy of him than to condemn a man whom he himself might punish if guilty, both by his own authority and in strict accordance

with the precedents of our ancestors?), but that he keeps them about him for the sake of protection; that you may be aware that it is allowed to you to decide with freedom according to your own opinions, in contradiction to that assembly of the people which was held yesterday.

Nor, O judges, am I at all moved by the accusation respecting Clodius. Nor am I so insane, and so ignorant of, and inexperienced in, your feelings, as not to be aware what your opinions are about the death of Clodius, concerning which, if I were unwilling to do away with the accusation in the manner in which I have done away with it, still I assert that it would have been lawful for Milo to proclaim openly, with a false but glorious boast, "I have slain, I have slain, not Spurius Maelius, who fell under the suspicion of aiming at kingly power by lowering the price of corn, and by squandering his own family estate, because by that conduct he was thought to be paying too much court to the common people; not Tiberius Gracchus, who, out of a seditious spirit, abrogated the magistracy of his own colleague, whose slayers have filled the whole world with the renown of their name; but him" (for he would venture to name him when he had delivered his country at his own risk) "who was detected in the most infamous adultery in the most sacred shrine, by most noble women; him, by the execution of whom the Senate has repeatedly resolved that solemn religious observances required to be propitiated; him whom Lucius Lucullus, when he was examined on the point, declared on his oath that he had detected in committing unhallowed incest with his own sister; him, who by means of armed bands of slaves drove from his country

that citizen whom the Senate, whom the Roman people, whom all nations had declared to be the saviour of the city and of the lives of all the citizens; him, who gave kingdoms, took them away, and distributed the whole world to whomsoever he pleased; him who, after having committed numberless murders in the forum, drove a citizen of the most extraordinary virtue and glory to his own house by violence and by arms; him, to whom nothing was ever too impious to be done, whether it was a deed of atrocity or of lust; him, who burnt the temple of the nymphs, in order to extinguish the public record of the census which was committed to the public registers; lastly, him who acknowledged no law, no civil rights, no boundaries to any man's possessions, who sought to obtain other people's estates, not by actions at law and false accusations, not by unjust claims and false oaths, but by camps, by an army, by regular standards and all the pomp of war, who, by means of arms and soldiers, endeavored to drive from their possessions, not only the Etrurians, for he thoroughly despised them, but even this Publius Varius, that most gallant man and most virtuous citizen, one of our judges, who went into many other people's villas and grounds with architects and surveyors, who limited his hopes of acquiring possessions by Janiculum and the Alps; him who, when he was unable to prevail on an estimable and gallant Roman knight, Marcus Paconius, to sell him his villa on the Prelian Lake, suddenly conveyed timber, and lime, and mortar, and tools in barks to the island, and while the owner of the island was looking at him from the opposite bank, did not hesitate to build a house on another man's land; who said to Titus Furfanius- O ye immortal gods, what a man! (for why should I mention that insignificant woman, Scantia, or that

youth Aponius, both of whom he threatened with death if they did not abandon to him the possession of their villas?) but he dared to say to Furfanius, that if he did not give him as much money as he demanded, he would carry a dead body into his house, and so raise a storm of unpopularity against him; who turned his brother Appius, a man connected with me by the most faithful friendship, while he was absent, out of the possession of his farm; who determined to run a wall across the vestibule of his sister's house in such a manner, and to draw the line of foundation in such a direction, as not only to deprive his sister of her vestibule, but of all access to her house, and of her own threshold."

Although all these things appeared such as might be endured- although he attacked with equal fury the republic, and private individuals, and men who were at a distance, and men who were near, people who had no connection with him, and his own relations; yet somehow or other the incredible endurance of the state had by long use grown hardened and callous. But as for the things which were at hand, and were impending over you, in what manner was it possible for you either to avert them or to bear them? If he had once obtained real power- I say nothing of our allies, of foreign nations, and kings, and tetrarchs; for you would have prayed that he might turn himself against them rather than against your possessions, your houses, and your money; money do I say? your children rather- I solemnly swear he would never have restrained himself from your children and your wives. Do you think that these things are inventions of mine? They are evident; they are notorious to everyone; they are proved. Is it an invention of mine

that he was about to enlist an army of slaves in the city, by whose instrumentality he might take possession of the whole republic, and of the private fortune of everyone?

Wherefore, if Titus Annius, holding in his hand a bloody sword, had cried out, "Come hither, I beg of you, and listen to me, O citizens: I have slain Publius Clodius; with this sword and with this right hand I have turned aside from your necks the frenzied attacks of that man whom we were unable to restrain by any laws, or by any judicial proceedings whatever; by my single efforts has it been brought to pass that right, and equity, and laws, and liberty, and modesty, and chastity remain in this city;" would there in truth have been any reason to fear in what manner the city would receive this announcement? For now, as it is, who is there who does not approve of what has been done? who does not praise it? who does not both say and feel that of all men to whom recollection can reach back, Titus Annius has done the republic the greatest service; that of all men he has diffused the greatest joy among the Roman people, and over the whole of Italy, and throughout all nations? I cannot form a conception of what would have been the old-fashioned joy of the Roman people. Already our age has seen many, and those most illustrious victories, won by consummate generals; but not one of them has brought with it a joy that either lasted so long, or that was so excessive while it did last.

Commit this fact to memory, O judges. I trust that you and your children will see many happy days in the republic. On every occasion these will always be

your feelings- that if Publius Clodius had been alive, you never would have seen one of them. We have been led now to conceive the greatest, and, as I feel sure, the best-founded hopes, that this very day, this most admirable man being made our consul, when the licentiousness of men is checked, their evil passions put down, the laws and courts of justice re-established on a firm footing, will be a salutary day for the republic. Is there, then, anyone so insane as to think that he could have obtained all this while Publius Clodius was alive? What? why, what power of perpetual possession could you have had even in those things which you possess as your private property and in the strictest sense your own, while that frenzied man held the reins of government?

I have no fear, O judges, lest it should seem that, because I am inflamed with hatred against him, on account of my own personal enmity to the man, I am vomiting forth these charges against him with more zeal than truth. In truth, though it is natural that that should be an especial stimulus to me, yet he was so completely the common enemy of all men, that my own hatred only bore about its fair proportion to the general detestation with which he was regarded. It cannot be expressed, O judges, it cannot even be imagined, how much wickedness, how much mischief there was in that man.

Moreover, attend to me with this idea, O judges, This investigation relates to the death of Publius Clodius. Imagine in your minds- for our thoughts are free, and contemplate whatever they choose in such a manner that we do discern those things which we think we see- place, therefore, before your mind's eye the image

of this my condition; if I am able to induce you to acquit Milo, but still only on condition of Publius Clodius being restored to life. What fear is that that you show by your countenances? How would he affect you if alive, when even now that he is dead he has so agitated you by the bare thought of him? What? if Cnaeus Pompeius himself, who is a man of such virtue and such good fortune that he has at all times been able to do things which no one except him ever could have done- if even he, I say, had been able, in the same manner as he has ordered an investigation into the death of Publius Clodius to take place, so also to raise him from the dead, which do you think he would have preferred to do? Even if out of friendship he had been willing to raise him from the shades below, out of regard for the republic he would not have done it. You, then, are sitting now as avengers of the death of that man, whom you would not restore to life if you thought it possible that his life could be restored by you. And this investigation is appointed to be made into the death of a man who would never have seen such a law passed, if the law which ordered the inquiry had been able to restore him to life. Ought, then, the slayer of this man, if any such slayer there be, to have any reason, while confessing the deed, to fear punishment at the hand of those men whom he delivered by the deed?

Grecian nations give the honors of the gods to those men who have slain tyrants. What have I not seen at Athens? what in the other cities of Greece? What divine honors have I not seen paid to such men? What odes, what songs have I not heard in their praise? They are almost consecrated to immortality in the memories

and worship of men. And will you not only abstain from conferring any honors on the saviour of so great a people, and the avenger of such enormous wickedness, but will you even allow him to be borne off for punishment? He would confess; I say, if he had done it, he would confess with a high and willing spirit that he had done it for the sake of the general liberty; a thing which would certainly deserve not only to be confessed by him, but even to be boasted of.

In truth, if he does not deny an action from which he seeks no advantage beyond being pardoned for having done it, would he hesitate to avow an action for which he would be entitled to claim rewards? Unless indeed he thinks it more pleasing to you to look upon him as having been the defender of his own life, rather than of you; especially as from that confession, if you were to choose to be grateful, he would reap the very highest honors. If his action were not approved of by you (although, how is it possible that anyone should not approve of what secured his own safety?), but still, if the virtue of a most gallant man had happened to be at all displeasing to his fellow-citizens, when with a lofty and firm mind he would depart from an ungrateful city. For what could be more ungrateful than for all other men to be rejoicing, and for him alone to be mourning, to whom it was owing that the rest were rejoicing? Although we have all at all times been of this disposition with respect to crushing traitors to our country- that since the glory would be ours, we should consider the danger and the unpopularity ours also. For what praise should I have deserved to have given to me, when I showed so much courage in my consulship on behalf of you and of your children, if I had supposed

that I could venture on the exploits which I was attempting without very great struggles and dangers to myself? What woman is there who would not dare to slay a wicked and mischievous citizen, if she was not afraid of the danger of the attempt? But the man who, though unpopularity, and death, and punishment are before his eyes, still ventures to defend the republic with no less alacrity than if no such evils threatened him, he deserves to be considered really a man.

It behooves a grateful people to reward those citizens who have deserved well of the republic; it is the part of a brave man, not to be so moved even by execution itself, as to repent of having acted bravely. Wherefore, Titus Annius may well make the same confession which Ahala made, which Nasica, which Opimius, which Marius, which we ourselves have made; and then, if the republic were grateful, he would rejoice; if ungrateful, then, though under the pressure of heavy misfortune, he would still be supported by his own conscience.

But, O judges, the fortune of the Roman people, and your felicity, and the immortal gods, all think that they are entitled to your gratitude for this service which has been thus done to you. Nor, indeed, can anyone think otherwise except it be a man who thinks that there is no such thing at all as any divine power or authority—a man who is neither moved by the vastness of your empire, nor by that sun above us, nor by the motions of heaven and of the stars, nor by the vicissitudes and regular order of things, nor (and that is the greatest thing of all) by the wisdom of our ancestors; who both themselves cultivated with the most holy rever-

ence the sacred rites and religious ceremonies and auspices, and also handed them down to us their posterity to be so cultivated by us.

There is, there is indeed, such a heavenly power. It is not the truth, that in these bodies and in this feebleness of ours there is something which is vigorous and endued with feeling, and nothing which is so in this vast and beautiful movement of nature. Unless perhaps some people think that there is no such thing in existence because it is not apparent, nor visible; just as if we were able to see our own mind- that by which we are wise, by which we have foresight, by which we do and say these very things which we are doing and saying; or as if we could plainly feel what sort of thing it is, or where it is. That divine power, that very same divine power which has often brought incredible prosperity and power to this city, has extinguished and destroyed this mischief; by first of all inspiring it with the idea of venturing to irritate by violence and to attack with the sword the bravest of men, and so leading it on to be defeated by the man whom if it had only been able to defeat it would have enjoyed endless license and impunity. That result was brought about, O judges, not by human wisdom, nor even by any moderate degree of care on the part of the immortal gods. In truth, those very holy places themselves which beheld that monster fall, appear to have been moved themselves, and to have asserted their rights over him.

I implore you, I call you to witness- you, I say, O ye Alban hills and groves, and you, O ye altars of the Albans, now overthrown, but nevertheless partners of and equals in honor with the sacred rites of the Roman people- ye, whom that

man with headlong insanity, having cut down and destroyed the most holy groves, had overwhelmed with his insane masses of buildings; it was your power then that prevailed, it was the divinity of your altars, the religious reverence due to you, and which he had profaned by every sort of wickedness, that prevailed; and you, too, O sacred Jupiter of Latium, whose lakes and groves and boundaries he had constantly polluted with every sort of abominable wickedness and debauchery, you at last, from your high and holy mountain, opened your eyes for the purpose of punishing him; it is to you, to all of you, that those punishments, late indeed, but still just and well deserved, have been made an atonement for his wickedness. Unless, perchance, we are to say that it was by accident that it happened that it was before the very shrine of the good goddess which is in the farm of Titus Sextus Gallius, a most honorable and accomplished young man- before the good goddess herself, I say, that when he had begun the battle, he received that first wound under which he gave up that foul soul of his; so that he did not seem to have been acquitted in that iniquitous trial, but only to have been reserved for this conspicuous punishment.

Nor, indeed, did that same anger of the gods abstain from inflicting the very same insanity on his satellites, so that without the images of his ancestors, without any funeral song or funeral games, without any obsequies, any lamentation, or any panegyric- without, in short, any funeral at all, smeared over with gore and mud, and deprived even of the honors which are paid to everyone on that last day, and which even enemies are wont to allow to a man, he was cast out in the street

half burnt. It was not right, I suppose, for the effigies of most illustrious men to confer any honor on that most foul parricide; nor was there any place in which it was more seemly that his corpse should be ill-treated than that where his life had been condemned.

I swear to you, the fortune of the Roman people appeared to me hard and cruel, while it for so many years beheld and endured that man triumphing over the republic. He had polluted the holiest religious observances with his debauchery; he had broken the most authoritative decrees of the Senate; he had openly bought himself from the judges with money; he had harassed the Senate in his tribuneship; he had rescinded acts which had been passed for the sake of the safety of the republic, by the consent of all orders of the state; he had driven me from my country; he had plundered my property; he had burnt my house; he had ill-treated my children and my wife; he had declared a wicked war against Cnaeus Pompeius; he had made slaughter of magistrates and private individuals; he had burnt the house of my brother; he had laid waste Etruria; he had driven numbers of men from their homes and their professions. He kept pursuing and oppressing men; the whole state, all Italy, all the provinces, all foreign kingdoms could not contain his frenzy. Laws were already being drawn up in his house which were to hand us over to the power of our slaves. There was nothing belonging to anyone, which he had taken a fancy to, which he did not think would become his in the course of this year. No one was an obstacle to his expectations except Milo; the very man who was most able to be an obstacle to them he thought when he re-

turned again would be reconciled and, as it were, bound to him. The power of Caesar, he said, was all his own. The inclinations of all good men he had treated with contempt, while accomplishing my ruin. Milo alone weighed on his mind.

On this the immortal gods, as I have said before, put into the head of that abandoned and frantic man the idea of laying an ambush for Milo. That pest was not to perish any other way; the republic would never have chastened him by her laws. The Senate, I suppose, would have been able to restrain him when praetor. Why, it had not been able to do anything when it tried to restrain him while a private individual. Would the consuls have been vigorous in bridling a praetor? In the first place, if Milo had been slain, he would have had his own consuls. Secondly, what consul would have behaved fearlessly against him as praetor, who remembered that he, when tribune, had offered the most cruel injuries to the virtue of the consuls? He would have oppressed everything; he would have taken possession and held possession of everything. By a new law, the draft of which was found in his house, with the rest of the Clodian laws, he would have made all our slaves his own freedmen. Lastly, if the immortal gods had not inspired him with such ideas that he, an effeminate creature, attempted to slay a most gallant man, you would have no republic at all this day. Would that man when praetor, much more when consul, provided only that these temples and these walls could have stood so long if he had been alive, and could have remained till his consulship; would he, I say, if alive, have done no harm, when even after he was dead he burned the senate-house, one of his satellites, Sextus Clodius, being the ringleader

in the tumult? What more miserable, more grievous, more bitter sight have we ever seen that? that that temple of sanctity, of honor, of wisdom, of the public council, the head of the city, the altar of the allies, the harbor of all nations, the abode granted by the universal Roman people to one of the orders of the state, should be burnt, profaned, and destroyed? 13 and that that should be done, not by an ignorant mob, although that would have been a miserable thing, but by one single person? who, if he dared so much in his character of burner of a dead man, what would he not have done as standard-bearer of a living one? He selected the senate-house, of all the places in the city, to throw him down in, in order that when dead he might burn what he had overturned while alive. -

And are there men, then, who complain of what took place in the Appian road, and say nothing of what happened in the senate-house? and who think that the forum could have been defended from him when alive, whose very corpse the senate-house was unable to resist? Arouse the man himself; resuscitate him, if you can, from the shades below. Will you be able to check his violence when alive, when you were hardly able to support his fury while he lies unburied? unless, indeed, you did support the sight of those men who ran with firebrands to the senate-house, with scythes to the temple of Castor, and who ranged over the whole forum sword in hand. You saw the Roman people slaughtered, you saw the assembly disturbed by the drawn swords, while Marcus Coelius, a tribune of the

people, was listened to in silence, a man of the greatest courage in the affairs of state, of the greatest firmness in any cause which he undertook, wholly devoted to the service of the virtuous part of the citizens, and to the authority of the Senate, and in this- shall I say unpopularity, or misfortune of Milo's? behaving with singular, and godlike, and incredible good faith.

But I have said enough about the cause; and, perhaps, too much that was foreign to the cause. What remains, except for me to pray and entreat you, O judges, to show that mercy to a most gallant man, which he himself does not implore; but which I, even against his will, implore and demand in his behalf? Do not, if amid the tears of all of us you have seen no tears shed by Milo- if you see his countenance always the same, his voice and language steady and unaltered- do not, on that account, be the less inclined to spare him. I know not whether he does not deserve to be assisted all the more on that account. In truth, if in the battles of gladiators, and in the case of men of the very lowest class and condition and fortune, we are accustomed to dislike those who are timid and suppliant, and who pray to be allowed to live, and if we wish to save those who are brave and courageous, and who offer themselves cheerfully to death; and if we feel more pity for those men who do not ask our pity, than for those who entreat it; how much more ought we to nourish those feelings in the case of our bravest citizens? As for me, O judges, I am dispirited and almost killed by those expressions of Milo, which I hear continually, and at the utterance of which I am daily present: "May my fellow-citizens fare well," says he; "may they fare well. May they be safe, and pros-

perous, and happy; may this illustrious city, and my country, which I love so well, long endure, however it may treat me; may my fellow-citizens (since I may not enjoy it with them) enjoy the republic in tranquillity without me, but still in consequence of my conduct, I will submit, and depart; if it cannot be allowed me to enjoy a virtuous republic, at least I shall be at a distance from a bad one; and the first well-regulated and free city that I arrive at, in that will I rest. Oh, how vain,” says he, “are the labors which I have undertaken! Oh, how fallacious have been my hopes! Oh, how empty all my thoughts! When as tribune of the people, when the republic was oppressed, I had devoted myself to the Senate, which, when I came into office, was utterly extinct; and to the Roman knights, whose power was enfeebled, and to the virtuous part of the citizens, who had given up all their authority under the arms of Clodius; could I ever have thought that I should fail to find protection from the citizens? When I had restored you” (for he very frequently converses with me and addresses me) “to your country, could I ever suppose that I myself should have no place in my country? Where now is the Senate which we followed? where are those Roman knights, those knights,” says he, “so devoted to you? where is the zeal of the municipal towns? where is the voice of Italy? what, above all, has become of that voice of yours, O Marcus Tullius, which has been an assistance to many; what has become of your voice and defensive eloquence? am I the only person whom it is unable to help, I who have so often exposed myself to death for your sake?”

Nor does he say these things to me, O judges, weeping, as I now repeat them; but with the same unmoved countenance that you behold. For he says, he never did all the things which he had done for citizens who are ungrateful; ungrateful, he says, they are not. That they are timid, and thinking too much of every danger he does not deny. He says that he treated the common people, and that multitude of the lower class which, while they had Publius Clodius for their leader, threatened the safety of all of you, in such a way, in order to render all your lives more secure; that he not only subdued it by his virtue, but won it over at the expense of three estates which he inherited. Nor has he any apprehension that, while he was conciliating the common people by his liberality, he was not also securing your attachment by his singular services to the republic. He says that the good-will of the Senate toward him has been repeatedly experienced by him in the times that have lately gone by; and that he shall carry with him, and ever retain in his recollection, the way in which you and all your order flocked to meet him, the zeal you showed in his behalf, and the kindness of your language to him, whatever may be the destiny which fortune allots to him. He remembers, also, that the voice of the crier, proclaiming his triumph, was the only thing wanting to him; but that he was declared consul by the unanimous vote of the people, and that was the great object of his ambition. And now if all these things are to go against him, it will be only the suspicion of guilt, not the reality of any crime which has injured him. He adds this, which is unquestionably true; that brave and wise men are not in the habit of setting their hearts so much on the rewards for virtuous conduct, as on the fact of their conduct being so; that he has never acted throughout his life in any

but the most honorable manner, since there can be nothing better for a man to do than to deliver his country from dangers; that those men are happy for whom such conduct procures honor among their fellow-citizens, but yet, that those men are not miserable who have exceeded their fellow-citizens in good deeds. Moreover, that of all the rewards of virtue, if one is to make an estimate of the different rewards, the most honorable of all is glory; that this is the only reward which can make amends for the shortness of life, by the recollection of posterity; which can cause us while absent to be present, when dead to be still alive; that this is the thing by the steps of which men appear to mount even to heaven.

“Concerning me,” says he, “the Roman people and all nations will be continually talking. The remotest ages will never be silent about me. Even at this very time when the firebrands of envy are being hurled against me by my enemies, still I am celebrated in every company of men, who express their thanks to me, who congratulate themselves on my conduct, who make me the sole topic of their conversation. I say nothing of the days of festival, and sacrifice, and joyful celebration in Etruria. This is the hundredth, or I rather think the hundred and first day since the death of Publius Clodius; a day on which, wherever the boundaries of the Roman Empire extend, there did not only the report of, but the joy caused by that occurrence penetrate. Wherefore,” said he, “I am not anxious as to where this body of mine may be; since the glory of my name already is and always will be in every country upon earth.”

This is what you have constantly said to me, O Milo, when these men who hear me now have been absent; but this is what I say to you when they are present to listen. I cannot, indeed, praise you sufficiently for being of such a spirit as you are; but the more godlike that virtue of yours is, the greater is the pain which I feel at being separated from you. Nor, indeed, if you are taken from me, will the complaints, which are all that is left to me, do anything to comfort me, or to prevent my being angry with those men from whom I have received so severe a blow. For it is not my enemies who will tear you from me, but those who are my greatest friends. It is not men who have at times deserved ill at my hands, but those who have always deserved exceedingly well. You never, O judges, will inflict such grief upon me (although, what grief can be so great as this?), but you will never inflict this particular grief upon me, of forcing me to forget how greatly you have always regarded me. And if you, yourselves, have forgotten it, or if any part of my conduct has offended you, why do you not make me atone for that offence rather than Milo? For I shall have lived gloriously enough if I die before seeing any such great misfortune happen to him.

At present one consolation supports me, that no exertion that affection, or that zeal, or that gratitude could possibly make has been wanting on my part to promote your interest, O Titus Annius. For your sake I have courted the enmity of powerful citizens; I have repeatedly exposed my person and my life to the weapons of your enemies; I have thrown myself as a suppliant at the feet of many for your sake; I have considered my fortunes and those of my children as united with

yours in the time of your necessities. Lastly, on this very day, if any violence is prepared against you, or any struggle, or any danger of death, I claim my share in that. What remains now? What is there that I can say, or that I can do in return for your services to me, except considering whatever fortune is yours mine also? I do not object, I do not refuse so to consider it. And I entreat you, O judges, either to add to the kindnesses which you have already conferred on me by granting me this man's safety, or else to take notice that they will all perish in his fall.

These tears of mine have no effect on Milo. He is of an incredible strength of mind. He thinks that any place where there is no room for virtue is a place of banishment; and death he considers the end appointed by nature, and not a punishment. Let him continue to cherish these ideas in which he was born. What will you think yourselves, O judges? What will be your feelings? Will you preserve the recollection of Milo, and drive away the man himself? And will you allow any place in the whole earth to be more worthy to receive this virtue of his than this place which produced him? You, you, I appeal to you, O you brave men, who have shed much of your blood for the sake of the republic. I appeal to you, O centurions, and to you, O soldiers, in this time of danger to a brave man and an invincible citizen. While you are not only looking on, but armed, and standing as guards around this court of justice, shall this mighty virtue be driven from the city, be banished, be cast out?

Oh, miserable man that I am! Oh, unhappy man that I am! Were you, O Milo, able through the instrumentality of these men to recall me to my country, and can-

not I through the agency of the very same men even retain you in yours? What answer shall I make to my children, who consider you a second father? What answer shall I make to you, O my brother Quintus, you who are now absent, you who were my companion in that cruel time? Shall I reply that I was unable to preserve the safety of Milo by the instrumentality of those very men by whose means he had preserved mine? And what is the cause in which I shall have failed to do so? One which is sanctioned by all the nations of the earth. From whom must I say that I failed to procure it? From those very men who of all others have gained the greatest tranquillity by the death of Publius Clodius. And who will it be who has entreated in vain? I. What great wickedness is it that I planned, what enormous crime did I commit, O judges, when I traced out, and laid open, and revealed, and forever crushed those beginnings and signs of the general destruction that was intended? For that is the spring from which all the distresses of myself and my friends arise. Why did you wish me to return to my country? Was it in order that I might look on while those men were being driven out, by whose efforts I had been restored? Do not, I entreat you, suffer my return to be more miserable than even my departure was. For how can I think that I have been restored if I am torn from those men by whom I was restored?

Would that the immortal gods had granted (I must entreat your permission to say it, O my country, for I fear lest it should be a wicked wish as far as you are concerned, though it may be a pious one for Milo)- would that they had granted at Publius Clodius should not only be alive, but should even be praetor, consul, dic-

tator, rather than I should see his sight! O ye immortal gods, before I should see this brave man, this man who deserves to be saved by you, O judges, in this plight! “Say not so, say not so,” says Milo. “Rather let him have suffered the penalty which he deserved, and let us, if so it must be, suffer what we have not deserved.”

Shall this man, born for his country, die in any other land except his country? or, as it may perchance turn out, for his country? Will you preserve the monuments of this man’s courage, and yet allow no sepulchre containing his body to exist in Italy? Will anyone by his vote banish this man from this city, when all other cities will gladly invite him to them if he is driven out from among you? O happy will that land be which shall receive him! Ungrateful will this land be if it banishes him; miserable if it loses him.

However, I must make an end. Nor, indeed, can I speak any longer for weeping; and this man forbids me to defend him by tears. I pray and entreat you, O judges, when you are giving your votes, to dare to decide as you think just. And believe me that man ¹⁴ will be sure greatly to approve of your virtue, and justice, and good faith; who, in selecting the judges, selected all the best, and wisest, and most fearless men whom he could find. ¹⁵

¹⁴

Cnaeus Pompeius.

¹⁵

Milo, as has been said before, was convicted by a majority of thirty-eight to thirteen, though

THE END OF SPEECH IN DEFENCE OF TITUS ANNIUS MILO

Cato voted openly for his acquittal. He went into exile to Marseilles. Some years afterward, A.U.C. 706, Coelius, when praetor, recalled him from banishment, and endeavored to raise some public commotion in favor of Pompey, between whom and Caesar (who was in his second consulship) the civil war was just breaking out. But he and Coelius were both killed by the soldiers with whom they were tampering.