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OF
DEMOSTHENES.

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SELECT PRIVATE ORATIONS
OF
DEMOSTHENES

PART II
CONTAINING
PRO PHORMIONE, CONTRA STEPHANUM I. II.;
CONTRA NICOSTRATUM, CONONEM, CALLICLEM;

WITH
INTRODUCTION AND ENGLISH COMMENTARY

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WITH SUPPLEMENTARY NOTES BY

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EDITED FOR THE SYNDICS OF THE UNIVERSITY PRESS.

SECOND EDITION, REVISED.

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1886
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FROM THE

PREFACE TO THE FIRST EDITION.

My earliest interest in the Private Orations may be said to date from the time when it was my privilege as an undergraduate to attend, in the year 1865, a course of lectures by my friend Mr Moss, then Fellow and Lecturer of St John's College, and now Head-Master of Shrewsbury School. His selections included two of the six speeches edited in the present volume, the *Nicostratus* and the *Conon*; but, as the notes taken down from his lectures were too scanty to form even the basis of any attempt at constructing a complete edition, my commentary on those speeches has been mainly the result of independent reading and research, though I gladly acknowledge the help that is due to his soundness of judgment on several points on which I have consulted him while revising my notes on the *Conon*. In the case of the *Nicostratus*, when my own commentary was nearly ready for the press, I had the further advantage of attending in the
spring of 1874 some of Dr Kennedy’s professorial lectures on the Private Orations. From the excellent translation of his brother Mr Charles Rann Kennedy I have here and there quoted a few extracts; and if I have now and then drawn attention to an apparently erroneous interpretation, I have done so with the consciousness that in each case it is only a trifling blemish in what is nearly perfect of its kind. Similarly, several questionable explanations, retained even in the sixth edition of Liddell and Scott’s *Lexicon*, have been duly pointed out in the course of my commentary, as it is only thus that a labourer in a limited field can offer any acknowledgement of his large indebtedness to their labours. The lexicography of Demosthenes cannot indeed be said to be at present in a completely satisfactory condition, as general lexicons have still to rely in a great measure on Reiske’s *Index Graecitatis*, which, with the portion of his *opus magnum* including his notes on the speeches in this volume, was posthumously published exactly a century ago.

The volume opens with a speech on behalf of Phormion, in bar of a claim on the part of Apollodorus for the recovery of capital alleged to have been transferred to Phormion by Pasion, the father of Apollodorus. This is followed by two on behalf of Phormion’s opponent Apollodorus, charging with false witness one of

1 Some of these have since been corrected in the seventh edition.
the deponents called on Phormion's side in the previous trial. These three speeches, though not actually delivered in the same lawsuit, virtually represent the arguments of the two opposite sides, and a comparison of their conflicting statements has an interest similar in kind, though different in degree, to that derived from reading the longer and more important orations of Demosthenes, On the Embassy and On the Crown, in contrast with those of his great rival Aeschines. The orations of Antiphon, the earliest of the Attic Orators, include indeed four sets of ingenious speeches written for the prosecution and the defence in cases of homicide, but his cases are merely imaginary, and the orations are intended as rhetorical exercises alone. The first three selections in this volume supply us with the only instance in all the remains of Attic oratory, where the legal issues raised on both sides in a suit of purely private interest, lie before us as they were actually presented to an Athenian tribunal. Whether Demosthenes actually wrote for both sides is a vexed question, briefly discussed in the course of the Introduction; it is a question that has provoked a large number of dissertations, the titles of which I have recorded on a page devoted to a conspectus of the literature of the subject up to the present date. But the volume now published, while it happens to be the first English commentary on any of the
selections included in it, is also the first attempt either in England or elsewhere to put together an edition of all these three speeches in their connexion with one another. As compared with the work demanded by the second half of this volume, where I have been conscious of moving more freely over ground familiarised by more frequent reading of that portion with private pupils between 1867 and 1870, and for public lectures at a later date, the task of writing the first half has proved a somewhat tedious one, owing partly to the necessity of constantly keeping in view all the nine speeches in which Phormion's opponent, Apollodorus, is more or less directly concerned, and of forming an opinion on the numerous points of literary criticism and chronological detail involved in the controversy on the authorship of those orations.

Those who, after finishing the pro Phormione, do not care to study minutely the whole of the two speeches against Stephanus, ought, at the very least, to examine the vigorous attack on Phormion which extends from § 71 to § 82 of the first of those two speeches. They should also endeavour to obtain a connected view

1 Mr Penrose's handy volume (now out of print) contained the Speeches against Aphobus, Onetor, Zenothemis, Apaturius, Phormio (Or. 34, πρὸς Φορμίωνα), and Lacritus. The Eubulides, Theocritines and in Neaeram are the only private orations included in the learned edition of Demosthenes by Dr John Taylor (fellow of St John's Coll. from 1726 to 1752), printed at the Cambridge University Press in 1748, 1757 and 1769.
of the argument by reading consecutively the italicised abstracts inserted at suitable intervals in the course of the commentary. With the help of these abstracts the general reader, the barrister, for instance, who has not remembered all the Greek of his younger days, may perhaps, if tempted to dip into these pages, form some opinion of his own on the forensic oratory of Athens; but my more immediate object in this part of my work has been to obviate any occasion for unduly burdening the notes with those literal renderings which are always welcome to students of the less industrious sort, by supplying instead either a free paraphrase or a condensed summary, as the occasion requires.

The latter half of the volume includes the *Nicostratus*, which was delivered by the same speaker as the two orations against Stephanus, namely by Apollodorus, and also the *Conon*, which is certainly one of the most celebrated of the minor speeches of Demosthenes. To these selections, both of which throw much light on the social life of Athens, I have added the *Callicles*, which, though less well known than the others, will be found one of the pleasantest, while it happens to be the shortest, of all the Private Orations.

The first volume of the Select Private Orations includes the speeches *contra Phormionem* (Or. 34), *Lacritum* (35), *Pantaenetum* (37), *Boeotum de nomine* (39), *Boeotum de dote* (40), and *Dionysodorum* (56). In the preface to that volume it has been already explained that the two volumes are a joint edition on the part of
PREFACE.

Mr Paley and myself, and I may here repeat that while Mr Paley is mainly responsible for the first volume, I am similarly responsible for the whole of the Introduction and for nearly all the notes of the second, though I have had the advantage of receiving from him a careful revision of all the proof-sheets of my commentary, and a large number of supplementary annotations, many of which have been incorporated with my own, and duly acknowledged by being placed in square brackets and followed by his initial.

J. E. S.

October, 1875.

In preparing the second edition of this volume, the work has been thoroughly revised, and the suggestions with which I have been favoured by scholars who have had occasion to use it, have been carefully considered and in many cases adopted. Some redundant passages have been removed, and room has been found for many additional notes and references. Account has also been taken of the recent literature of the subject, and particularly of the volume on Demosthenes in the important work of Professor F. Blass, entitled die Attische Beredsamkeit. Lastly, the manuscripts of Demosthenes in the Paris Library have been specially examined by me during the early part of the present year, and the readings ascribed to them in the former edition have been verified and corrected accordingly.

J. E. S.

October, 1886.
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On the Selections included in this Volume.

TEXT.

(1) J. G. BAITER and H. SAUPPE. Oratores Attici, in one volume 4to, Zürich, 1850. (2) IMM. BEKKER. Demosthenis Oratones; stereotyped edition, 8vo. Leipzig, 1854-5 [earlier editions, Oxford 1822, and Berlin 1824]. (3) W. DINDORF. Demosthenis Orationes [Leipzig, 1825, Oxford, 1846], editio tertia correctior, (Teubner) Leipzig, 1855, reprinted in subsequent years; of vol. i Or. 1—19 there is an editio quarta correctior, revised by F. BLASS. 1885. (Vol. ii Part 2 includes Or. 36; and Vol. iii Part 1, all the remaining selections of the present volume.)

COMMENTARIES.

I. GENERAL.


II. SPECIAL.

(1) A. WESTERMANN. Ausgewählte Reden des Dem., part 3, pp. 111—134, Rede gegen Konon (Or. 54). Also contains adv. Aristocratem and in Eubulideum. Berlin (2nd ed. 1865). (2) G. HUETTNER. Dem. pro Phormione oratio adnotatione critica instructa et commentario explanata, pp. 104 [without text], (Jung) Erlangen, 1885.

LEXICOGRAPHY AND TEXTUAL CRITICISM.

(1) HARPOCRATION. λέξεις τῶν δέκα ρητόρων, ed. W. Dindorf; Oxford, 1853: (also Pollux, and Anecdota Graeca, ed. Bekker;

**DEMOSTHENIC LITERATURE.**

I. GENERAL.

(1) ARNOLD SCHAEFER, Demosthenes und seine Zeit, 3 vols., esp. vol. iii part 2, Beilagen: die Reden in Sachen Apollodors (Or. 36, 45, 46, 53 etc.) pp. 130—199. Rede wider Konon (Or. 54) pp. 247—252; gegen Kallikles (Or. 55) pp. 253—7. Leipzig, 1856–8; new ed. of vol. i, ii and part 1 only of vol. iii, 1886—; part 2 will not be reprinted.

(2) F. BLASS. Die Attische Beredsamkeit, esp. vol. iii Demosthenes; Leipzig, 1877.

II. SPECIAL.

On Or. 36, 45, 46 and 53.


SELECT LIST OF EDITIONS, &c. xv

(11) R. Duncker. Inter privatarn causarum orationes Demosthenicas quae pro genuinis habendae sint quaeseque pro falsis breviter exponitur. Greifenberg, pars i, 1877. (12) P. Uhle. Quaestiones de orationum Demostheni falso addicatarum scriptoribus, i (Or. 35, 43, 46; 50, 52, 53, 59), Leipzig (Fock) 1883 : ii pp. 32 (Or. 33, 34, 56), ib. 1886.

On Or. 54.


GREEK ANTIQUITIES.


GREEK LAW.

EXPLANATION OF THE SYMBOLS USED IN THIS EDITION IN RECORDING VARIOUS READINGS.

As a general rule, wherever our text (that of W. Dindorf's third Edition) agrees with that of the Zürich editors, we have not thought it necessary to notice any variations in the mss. Where Dindorf differs from the Zürich editors, the difference is in most cases due to the greater weight given by the latter to the readings of the Paris ms Σ.

Z stands for the Zürich text of Demosthenes as printed by J. G. Baiter and H. Sauppe in their excellent edition of the Oratores Attici, in one volume (1850).

Bekker st. is Bekker's stereotyped edition published at Leipzig in 1854. The readings adopted in his Berlin ed. 1824 have been occasionally recorded. When Dindorf differs from the Zürich editors, he generally agrees with Bekker. When a note begins with Bekk., it is meant that Dindorf's text is supported by Bekker's Berlin and Leipzig editions; then, after a slight space, follows the reading of the Zürich editors (Z) with the mss supporting it, introduced by the word cum.

The mss thus quoted by the Zürich editors are as follows:

Σ or S in the Bibliothèque Nationale, Paris (No. 2934), on parchment; of century X. "Primae quidem classis unus superest Parisinius S" Dindorf, praef. ed. Oxon. p. vi. This is admitted on all hands to be the best ms, and its readings are very often accepted by Bekker and still more frequently by the Zürich editors. A careful description of it was published by Voemel (Σ codicis Demosthenici conditio describitur) in 1853. For a protest against excessive reference to its authority, see the Preface of Shilleto's fourth edition of the De falsa legatione, pp. vii, viii, xiv. By examining the ms I have ascertained that the readings assigned to it in the former edition, on the authority of the apparatus criticus of the Zürich editors, are wrong in the following instances, in Or. 45 § 87, the ms has καὶ παράδειγμα, not παράδειγμα; in 46 § 6 ἐν (not ἐν τῷ) γραμματεῖᾳ; in 46 § 12 ἐξείναι ἐπ' ἀνδρὶ (not ἐπ ἀνδρὶ ἐξείναι) θείναι; and in 55 § 5 it has ἵμιν, not ἵμιν. In the last instance, the same mistake has found its way into the critical notes of Dindorf's Oxford ed.
EXPLANATION OF SYMBOLS, &c. xvii

F. Codex Marcianus (No. 416), in the Library of St Mark’s at Venice, on parchment; of century XI. The best ms of the second group or family (Dindorf), but closely followed by the Codex Bavari cus (B).

Φ. In the same Library (No. 418), on parchment; of century XI.

κ. In the Bibliothèque Nationale Paris (No. 2998), on cotton paper (bombycinus), forma quadrata; of century XIV. Contains Or. 54 (κατ’ Κόρωνος).

r. In the same Library (No. 2936), on parchment forma maxima; of century XIII.

A1. Augustanus primus, formerly at Augsburg (Augusta Vindelicorum), now at Munich (No. 485), on parchment, paene quadratus; of century XI (according to Dindorf), or XII (according to the Zürich edition).

B. Bavarius, now at Munich (No. 85), on cotton-paper (bombycinus) forma maxima; of century XIII.

γρ. A contraction for γράφεται, used in the mss themselves to introduce the marginal citation of a various reading.
TABLE OF ATTIC MONEY.

<table>
<thead>
<tr>
<th>Values in English money.</th>
<th>£1 1s</th>
<th>£3 6s 8d</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 χάλκοι = 1 δβολός</td>
<td>1·62d</td>
<td>1·3d</td>
</tr>
<tr>
<td>6 δβολοὶ = 1 δραχμή</td>
<td>9·72d*</td>
<td>8d†</td>
</tr>
<tr>
<td>100 δραχμαὶ = 1 μνᾶ</td>
<td>£4</td>
<td>£200</td>
</tr>
<tr>
<td>60 μναὶ = 1 τάλαντον</td>
<td>£243</td>
<td></td>
</tr>
</tbody>
</table>

Like the τάλαντον of 6000 δραχμαὶ, the μνᾶ was not an actual coin but only a term used in keeping accounts to denote a sum of 100 δραχμαὶ.

* This is the equivalent given in Hussey's *Ancient Weights and Money*, pp. 47, 48, followed in Smith's *Dictionary of Greek and Roman Antiquities*, s. v. Drachma. It assumes that an Attic drachma contains only 65·4 grains Troy of pure silver. As a shilling contains 80·7 grains of pure silver; a drachma is reckoned as \( \frac{65·4}{80·7} \) of a shilling, or 9·72 pence.

† This is the equivalent proposed in Professor W. W. Goodwin's article on the *Value of the Attic Talent in Modern Money* in the *Transactions of the American Philological Association* 1885, xvi, p. 117—9. It has been ascertained that the Athenians coined their silver pure, and the best specimens of Attic coinage prove the weight of the drachma to be 67·38+ grains Troy of pure silver. The average price of pure silver for the last quarter of a century having been 57 pence per ounce of 480 grains, it follows that the amount of silver in a drachma is worth \( \frac{67·38}{480} \) of 57 pence = 8·001375 pence.

N.B. Neither of the above estimates takes account of the different purchasing powers of silver in ancient and modern times.
INTRODUCTION TO
Or. xxxvi.

ΥΠΕΡ ΦΟΡΜΙΩΝΟΣ.

In the early part of the fourth century B.C. there was a noted man of business at Athens, named Pasion. He was originally a slave in the employment of a firm of bankers, but by his industry and integrity he won the confidence of his employers, Antisthenes and Archesstratus, and was rewarded by receiving his liberty from the latter and by succeeding both of them in their business. In the Trapezites of Isocrates, he appears as defendant in a suit brought by the son of a trusted minister of Satyrus, prince of Pontus, and is charged, whether rightly or wrongly, with appropriating a sum of money deposited with him by the plaintiff, with destroying documents detrimental to his own interests, and with other sharp practice of a somewhat unscrupulous character. To examine the justice of these charges is no part of our present duty, nor indeed have we the data for arriving at any decisive result; suffice it to say that, in the language of his very opponent in that action, he

1 Or. 36 § 43 sq.—On the Trapezites, see Becker’s Charicles scene iv; K. F. Hermann, Privatalterthümer § 48; Büchsenschütz, Besitz und Erwerb pp. 500—510; Perrot in Revue des deux mondes 1873, 6 p. 408, reprinted in Mémoires d’archéologie, d’épigraphie et d’histoire, 1875, p. 337—444; also Göll’s Kulturbilder i 189—197, and Huettner’s Dissertation on this speech, 1885, p. 98—104.
is described as one of those bankers who enjoyed a wide connexion and had the management of large sums of money, and whose position as men of business had won them a general confidence. The speech composed by Isocrates probably belongs to the year B.C. 394, when Pasion, though no longer a slave, was only a resident alien (μετοικος); at a subsequent date, on rising to the privileged position of enjoying as a denizen (ισοτελης) such civic rights as were not of an expressly political nature, he acquired some property in land, and distinguished himself by his public spirit, on one occasion in particular presenting the State with a thousand shields from his own manufactory, and five triremes equipped at his own expense. In recognition of these services, Athens rewarded him with the rights of her citizenship.

Among those who had business relations with him we find Athenians of high position like Timotheus, the celebrated general, and Demosthenes, the father of the orator; his bank in the Peiraeus enjoyed, in the Euxine and elsewhere, a credit co-extensive with the commerce of Attica: even eight years after his death, Apollodorus, of whom we shall hear more anon, had only to declare himself as Pasion’s son to be at once enabled to raise a loan in a foreign land; and in later ages, in the imaginary letters of Alciphron, the Atticist who in the latter part of the second century of our era attempted to revive the memories of the times of Menander, we find the vulgar money-lender contrasted with a banker of

1 Isocr. Trapez. § 2.
2 Isocr. Trapez. § 41.
3 Or. 45 § 85.
4 Or. 36 § 47, Or. 46 § 15, Or. 53 § 18, Or. 59 § 2 φησισα

μένου τού δήμου τοῦ Αθηναίων Αθηναίον εἶναι Πασίωνα καὶ ἐκ

γένους τούς ἐκείνου διὰ τὰς εὐερ

γεσίας τὰς εἰς τὴν πόλιν.

5 Or. 49 πρὸς Τιμόθεον ὑπὲρ χρέως. Cf. note on Or. 36 § 53, p. 48.
6 Or. 27 § 11.
7 Or. 50 § 56 διὰ τὸ Πασίωνος εἶναι καὶ ἐκείνου ἐπεξευθύνθαι πολ

λοίς καὶ πιστευθῆραι εν τῷ 'Ελ

λάδι οὐκ ἦπόροιν, ὅποι δεηθεὶν

δανεῖσασθαι.
INTRODUCTION TO OR. XXXVI.

blameless reputation, who bears the appropriate name of Pasion\(^1\).

Pasion, in his old age, finding his eyesight failing him, and being only able to walk with difficulty up to Athens from his bank in the Peiraeus\(^2\), four or five miles distant, transferred his business, including not only his bank but also his shield-manufactory, on lease to his managing clerk Phormion\(^3\), who, like his employer, was himself originally a slave\(^4\), and obtained his freedom as the reward of honest service\(^5\). We read of him as a generous and energetic man of business, and his skilful management is said to have been the very saving of the property of his former master\(^6\). From the nature of the case, as well as from certain chronological considerations, it may be concluded that the lease to Phormion belongs to a date before, but not long before, Pasion’s death in B.C. 370\(^7\). In B.C. 372, we find the latter still managing his business on his own account\(^8\), and we may therefore fix on B.C. 371 as the probable date of the lease. Pasion left behind him a widow, Archippe by name\(^9\), and two sons by her, the elder, Apollodorus, who was four-and-twenty years old at his father’s death\(^10\), and the younger, Pasicles, who came of age eight years after (namely, in B.C. 362)\(^11\). In his will he provided that his widow should be married to Phormion, with a dowry of two

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1 Alciphron iii 3. See note on Or. 45 § 70.—Mr Mahaffy in his Social Greece gives a slight sketch of Pasion, to illustrate the business habits of the Greeks, pp. 382—6; cf. Perrot, quoted on p. xix.
2 Or. 52 § 13 quoted in note on Or. 36 § 7.
3 Or. 36 § 4, Or. 45 § 33.
4 Or. 45 §§ 71—76.
5 Or. 36 § 30.
6 Or. 36 §§ 49—53.
7 Or. 46 § 13 ἐπὶ Δυσνικήτου ἄρχοντος, Ol. 102, 3 = July 370—July 369 B.C.
8 Or. 49 §§ 29, 59. In the archonship of Alcisthenes, Ol. 102, 1 (Arnold Schaefer, Dem. u. s. Zeit, iii 2 p. 132).
9 Or. 45 § 74.
10 Or. 36 § 22.
11 Or. 36 §§ 10 and 37 compared together (A. Schaefer, u. s.).
talents, a dwelling-house valued at one hundred minae, maid-servants, gold ornaments and all that formerly belonged to his wife. By this will, Phormion also became one of the guardians to Pasion's younger son, Pasicles. He was to continue lessee of the bank and shield-manufactory until Pasicles came of age, and it was the father's wish that until that time the property should remain undivided. Owing, however, to the extravagance of the elder son, the guardians, acting in the interests of their ward, determined on a partition of all the property, with the exception of the bank and shield-manufactory leased to Phormion, half the rent of which was for the present paid to Apollodorus, and half reserved for Pasicles, the minor.

Apolloodorus was at Athens in B.C. 370 and appears to have been present at his father's death-bed, and some time after this, he was abroad in the public service as trierarch, probably in the year B.C. 368. It was during his absence that, in accordance with his father's will, his mother was married to Phormion; the son, on his return home, resented this arrangement, and as the courts were not open at that time for private lawsuits, he took steps to bring a public indictment against Phormion, for criminal outrage on his mother (γραφή οίβρεως). However, a reconciliation was brought about and the charge was not pressed.

In B.C. 362, when Pasicles came of age, his guardians gave an account of their trust, which was acknowledged as correct, and Phormion's lease of the bank and manufactory terminated with a discharge given him on the part of Apollodorus from all liabilities under the lease. The elder brother then, having the prior choice, took the

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1 Or. 45 § 28 ad fin.  
2 Or. 36 §§ 8—10, § 34.  
3 Or. 49 § 42.  
4 Or. 45 § 3; 46 § 21. See note on p. Ivii infra.  
5 Or. 45 §§ 3, 4.
manufactory, leaving the banking business to his younger brother. For a short time the brothers appear to have superintended their property in person; but not long after, possibly a year subsequent to the partition, a new lease of the bank and the manufactory was granted to certain persons, at a rent which was the same as that which had been paid by Phormion, namely, 2 talents and 40 minae, out of which one talent was due to Apollodorus for the manufactory, and the remainder to Pasicles for the bank. This second lease was granted not by Pasicles alone, but by Apollodorus acting in conjunction with his younger brother.

Phormion, meanwhile, being quit of his trust as guardian, and of his lease of the bank and manufactory, established a banking business on his own account, and, like his former master, Pasion, obtained a recognition of the general esteem in which he was held, by being presented with the citizenship. The date of this event was B.C. 361. In the year B.C. 360, after a protracted service as trierarch in the Northern Aegean and the neigh-

1 Or. 36 §§ 10, 11.
2 The Rev. A. Wright, Fellow and Lecturer of Queens' College, has favoured me with some criticisms questioning the probability of any interval having elapsed between the two leases. 'Apollodorus,' he observes, 'was not a man of business habits: Pasicles was a mere lad, not likely to undertake the management of a bank, even with the most confidential clerk. I can find nothing to indicate that they did thus hold the property except ὑστερον in § 12 which is hardly decisive, and can scarcely be maintained in face of the direct evidence the other way in § 37. It is more probable (and this will solve the further difficulty started in the note on § 12 μαθαίν ἐτέρως), that Apollodorus, knowing Phormion's lease to be expiring, looked out for some other lessees, and entered into an engagement for a lease with Xenon &c. some months before the lease expired. Xenon would enter on the property as soon as Phormion quitted it, whereas some days might pass before the νομή was completed. And so Phormion may actually have acted as lessor.'
3 Or. 36 § 12 τοι ἐσον ἄργυρον.
4 Or. 36 § 51, ef. § 11.
5 Or. 36 § 37 ad fin.
6 Or. 46 § 13, ἐπὶ Νίκοφήμου ἄρχωντος, Ol. 101, 4 = B.C. 361—360.
bouring waters, Apollodorus returned to Athens to find his mother at death's door. She died six days after; but not before she had seen and recognised her son, though according to his own account she was unable to make such provision for him as she had intended.

The mother's death was the signal for a fresh outbreak of the differences between Apollodorus and his step-father Phormion. The step-son put in a claim for 3000 drachmae, which was submitted to arbitrators, who established the claim and induced Phormion for quietness' sake to pay it to Apollodorus. The latter then gave Phormion a second release from all claims.

Phormion, however, had not yet seen the last of his litigious step-son; the latter, after numerous lawsuits with his father's debtors, in which he succeeded in recovering no less than 20 talents, was at last prompted, by pecuniary exigencies due to his extravagance, and by feelings of envy at Phormion's prosperity, to put in a claim about twenty years after the father's death for another sum of 20 talents, alleged to have been transferred to Phormion by the father as part of the working capital of the business.

The defendant, as we learn from the speech pro Phormione, expected that Apollodorus' contention, that Phormion must have received such capital, would be supported by presumptive proofs alone. He would argue that, without such a fund, it was incredible that Phor-

1 Or. 50 § 60 quoted in note on Or. 36 § 14.
2 Or. 36 §§ 15—17.
3 Or. 36 § 36.
4 Why twenty talents were claimed does not appear, but we may conjecture that that amount arose out of the eleven talents mentioned in Or. 36 § 11, with the addition of interest. Phormion's lease lasted for 8 years; 11 talents, at say 10 per cent. simple interest (not an uncommon rate at Athens), would with the interest amount to exactly 20 talents in 8 years (and a fraction of a year over, \( \frac{3}{4} \)).
mion, who was merely a liberated slave, should have managed the business and risen to opulence, while he himself, a rich man's son, had been reduced to penury (§ 43). To give stronger proof than these a priori probabilities had been made impossible, he would assert, by Phormion's having induced his wife to destroy Pasion's papers (§ 18); he would also denounce the lease and the will as forgeries, and would make out that it was only while Phormion promised him a high rent, that he kept silence on his claim, but as he had not fulfilled these promises, he was compelled to bring the case before the court (§ 33).

The arguments here anticipated by the defendant appear again in the first speech against Stephanus (Or. 45), a speech arising out of the present lawsuit. The case came in the first instance before an arbitrator, Tisias¹ by name, but was left undecided by him, and was accordingly brought before a public tribunal. The writer of the Greek argument, generally supposed to be Libanius, calls the suit a δίκη ἄφορμῆς, though it has been doubted whether there is any ancient authority for the existence of such a suit under that designation². However, the phrase ἄφορμῆς ἑγκαλεῖν occurs in the speech itself (§ 12), in reference to the plaintiff's claim to the capital of the bank.

To meet this claim, Phormion, instead of waiting for the plaintiff to bring his case before the court and then confronting his opponent with a direct denial and joining issue on the merits, preferred putting in a special

¹ Or. 45 § 10.
² Dareste, les plaidoyers civils de Dém., n. 145: 'Est-il vrai que les Athéniens eussent créé une action spéciale pour les affaires de ce genre?' But cf. Callemier, le contrat de prêt à Athènes, p. 28—31, where δίκη ἄφορμῆς is distinguished from δίκη ἀργυρίου, δίκη χρῆς and other terms, and accepted without suspicion as a term of Attic law. Similarly in Meier und Schömann, Att. Process, p. 510.

P. S. D. II.
plea in bar of action, a plea technically known in Greek law as a παραγραφή, shewing cause on the part of the defendant why the case should not be allowed to come on for trial at all. The two pleas urged on the defendant's behalf are (1) that the plaintiff had given him a discharge from the original lease of the bank and manufactory, and also a second discharge from a subsequent claim settled by arbitration (§§ 23–25); (2) that the plaintiff's suit contravened the statute of limitations, in which the term of five years was fixed as a sufficient time for injured parties to recover their dues, whereas the plaintiff was putting in a claim after the lapse of more than twenty years from the date of the lease (§ 26). To maintain these pleas is the object of the speech pro Phormione, though it is only a small portion of it that is directly concerned with them, such technical pleadings being naturally unpopular with juries, who regarded them as mere makeshifts, to gain time and evade the ends of justice. Hence a large part of the speech is devoted to arguing on the case itself, thus proving that the defendant's resort to special pleading was not due to any fear of meeting the plaintiff on the main issue. All this was of course irrelevant to the real question before the court, and counsel would hardly be permitted by any judge now-a-days to travel so widely out of the 'record.' In such a case, the defendant spoke first; thus, while he

1 Cf. Isaenus Or. 7 § 3 εἰ μὲν ἔφορον ὑμᾶς μᾶλλον ἀποδεχομένους τὰς διαμαρτυρίας ἦ τὰς εὐθύνικιας κ. τ. λ.

2 See note on Or. 36 Arg. line 25 ad fin. The writer of the life of Demosthenes in the Orations on the Crown published by the Clarendon Press appears to have overlooked this in stating: 'it is clear that in the speech to which Demos-thenes, in behalf of Phormion, composed a reply, Apollodorus had dwelt much on the fact of Phormion having been his father's slave' (p. xxxiii). Apollodorus did not address the court at all; he could not speak before the case, for the special plea had been opened on the side of the defendant, and the jury would not listen to him after.
was under the slight disadvantage of the onus probandi, he had on the other hand the benefit of the first hearing, and might at once produce a favourable impression of the strength of his case, which would put a stop to further litigation.

Phormion, being of foreign extraction and unpractised in public speaking, does not address the court in person (§ 1); his friends speak in his stead, and the case is opened on his behalf in an oration composed but almost certainly not spoken by Demosthenes¹, which forms the first of the selections included in the present volume².

The speech contains several notes of time which approximately determine the date of its delivery. In § 26 we are told that ‘more than twenty years’ have elapsed since the lease granted by Pasion; in § 19 we find that ‘eighteen years’ have passed since the partition of the property effected by the guardians in consequence of the extravagance of Apollodorus; and in § 38 the same period is described in general terms as ‘about twenty years.’ Pasion died in b.c. 370 and the above indications point to the year b.c. 350 as the probable date of the speech. As we have already observed, the lease would be granted to Phormion before b.c. 370, and

¹ The contrary might be inferred from the language of Deinarchus contra Dem. § 111, (Δημοσθένους) λογογράφου καὶ μαθοῦ τὰς δίκας λέγοντος ὑπὲρ Κηρσιππου καὶ Φορμίωνος (Compare p. xli). But the authority of Aeschines, in a speech delivered only seven years after the pro Phormione, supports the opinion expressed in the text, de fals. leg., § 187, ἔγραψας λόγον Φορμίωνι (cf. Or. 46 § 1 οἱ γραφόντες καὶ οἱ ανιθυεύοντες ὑπὲρ Φορμίωνος). Lortzing, Apoll. p. 14, who agrees with A. Schaefer, Dem. u. s. Zeit, p. 169.

² It is unnecessary in this place to give a detailed account of the speech itself, as its contents are analysed in the italicised abstracts printed at convenient intervals in the course of the commentary. The reader who desires a general view of the drift of the argument may do well to read all the abstracts consecutively before settling down to the perusal of the Greek.
probably after B.C. 372, i.e. in B.C. 371. Thus 21 years would have passed since the grant of the lease. At first sight the term of eighteen years above mentioned might seem to point to B.C. 352\(^1\), but it appears certain that the partition of property was not effected immediately after the death of Pasion. Some allowance must be made for the time during which the extravagance of Apollodorus was running its course (§ 8), before the guardians came to the conclusion that a partition of the property was inevitable; and the term of eighteen years is reckoned, it will be observed, not from the death of Pasion but from the division of his estate.

Again, the speech of Apollodorus against Nicostratus, § 13, shews that after his return from his Sicilian trierarchy which on independent grounds may be placed in B.C. 368, he was not yet in possession of his share of the estate. We find that he was compelled to raise money on the security of his house and to pledge some of his plate; we may therefore conclude that the partition was not earlier than B.C. 368, and the ‘eighteen years’ bring us once more to B.C. 350 as the date of the speech.

Further, the lease of Phormion lasted eight, that of the subsequent lessees, ten years; but it would be far from correct to assume that this points to the lapse of only eighteen years from the death of Pasion to the delivery of the speech, and consequently to B.C. 352 for the date of the latter; for (1) the previous lease began before the death of Pasion, (2) the subsequent lease does not appear to have followed immediately on the expiration of the first lease\(^2\), and (3) the second lease had ter-

\(^1\) This date is accepted by Droysen (Zeitschrift für d. Alterthumswissenschaft 1839 p. 930), Hornbostel (Apoll. p. 20), and A. Schaefer (u. s., p. 168—9).

\(^2\) § 11 εὖθες ως ἀφεὶςαν τοῦτοι τῆς μακάμας νέ μονταί τὴν τράπεζαν κ.τ.λ., § 13 ἐμιθωσεν υστερον Ξένων κ.τ.λ.
minated before the date of the speech. The date B.C. 352, besides being open to the objection that the phrase ‘more than twenty years’ has to be explained away as a round number, in other words as equivalent to less than twenty years, only just allows time for the two leases, with no margin over, either for the interval between the first and second, or for the further interval after the second; while B.C. 350 is consistent with both these data.

The only difficulty in our accepting this date arises from the reference to Callippus in § 53, as then alive in Sicily. Now Callippus left that island for Rhegium in the spring of B.C. 350 at the latest, and was killed in the same year. This would reduce us to the alternative of either supposing that the news of these events had not yet reached Athens, or resorting to the heroic remedy of striking out the words as spurious. Otherwise, it may be worth while to suggest as the date the latter part of B.C. 351; this would involve our reckoning the term of ‘more than twenty years’ from the beginning of B.C. 371 to the end of B.C. 351 inclusive, and similarly the eighteen years from the partition would be counted inclusively from B.C. 368 to B.C. 351.

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1 § 14 ελευθέρους ἀφεῖσαν...καὶ οὐκ ἐδικαζότο οὔτ' ἐκείνος τότε οὔτε τοῦτω.

2 Ol. 107, 3 = B.C. 350—349. This date is supported by Fynes Clinton; Böhmecke (Forschungen auf dem Gebiete der Attischen Redner, i 43, 67); Imm. Hermann (de tempore, d'e, p. 11 and einleitende Bemerkungen zu Dem. paragraph. Reden p. 16); Rehdantz (Jahns neue Jahrb. lxx p. 505); Lortzing (Apoll. p. 15—18); Sigg (Ipp. ap. Jahrb. f. class. Philol. Suppl. Bd. vi Hft. 2 p. 406—8); Blass, Att. Ber. iii 405; and Huettner, Disputatio p. 18.

3 This has been proposed by Sigg u. s., p. 408, who objects to them as breaking the symmetry of the sentence οὗτι Τιμωμάχου κατηγορεῖς; οὗτι Καλλίπτου; οὗ πάλιν Μένωνος; οὗτι Λύττες; οὗτι Τιμαθέου; οὗτι ἄλλων πολλῶν; But we here have six rhetorical questions divided into a set of two beginning with οὗτι, and a set of four beginning with οὗτι. The transition from the former to the latter is marked by πάλιν.
INTRODUCTION TO OR. XXXVI.

The speech is undoubtedly the genuine work of Demosthenes; this is proved not only by the testimony of Aeschines\(^1\) but by the frequent quotations of ancient lexicographers and grammarians, and the internal evidence is equally conclusive. It holds a high place in his Private Orations; among the merits of its earlier portions may be noticed the closeness of its reasoning and the lucid arrangement of its argument, while its later portions are rendered interesting by the strong invective of the personal attack on the plaintiff and the dignified tone of the appeal to the court in favour of the defendant. All the points are supported by evidence, and except where the public services of the defendant are apparently unduly depreciated\(^2\), there is every evidence of fairness on the part of the speaker. It is a forcible oration, in which we clearly recognise the characteristic feature that gives Demosthenes the superiority over Lysias, the great master of clear narration, and over his own instructor Isaeus, the best lawyer of all the Attic orators, namely, the ethical warmth of colouring, by which the dullest details are lit up with a fresh life and interest\(^3\). In the words of an able French critic, "de tous les plaidoyers civils de Démôsthène, le plus beau peut-être, celui où l'orateur a mis le plus d'art et de véhémence, c'est le discours qu'il a composé pour le banquier Phormion.' He calls it elsewhere, *un chef-d'œuvre dans son genre*\(^4\). Professor Jebb has with equal truth touched upon 'the moral dignity of the defence for Phormio\(^5\).'

The result was decisive; the court, according to the statement of Apollodorus himself, upheld the plea of the

1 *de fals. leg. § 165*, quoted in full on p. xl.
3 *die ethische Wärme welche selbst einem nüchternen Stoffe Leben verleiht*. A. Schaefer, u. s., p. 168.
5 *Attic Orators* 1 309.
defendant, and refused to listen to any reply on the part of the plaintiff. More than four-fifths of the jury must have voted for the defendant, as we learn that the plaintiff was condemned to pay the \( \epsilon \pi \omega \beta \epsilon \lambda \alpha \), i.e. a sixth part of the twenty talents claimed, a fine amounting in this case to as much as three talents and twenty minae. We are not surprised to learn that the plaintiff left the court in high dudgeon (Or. 45 § 6).
INTRODUCTION TO
Or. xlv.

KATA ΣΤΕΦΑΝΟΥ
ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ A.

The effect of the verdict given in support of Phormion's special plea in bar of the action brought by Apollodorus, was to prevent the latter from raising the same issue again, except in an indirect manner. It was still open to him to bring an action for false evidence against the witnesses on whose testimony Phormion had relied; such an action was known as a δίκη ψευδομαρτυρίων, and if the plaintiff made good his case against the accessories, he could next proceed against the principal who produced them, by an action for subornation of false witness (δίκη κακοτεχνιών'); and in the event of his succeeding in the latter, he might then bring forward afresh his original suit (in the present instance a δίκη αφομίας).

Apollo dorus accordingly brought an action for false testimony against one Stephanus, who was called on Phormion's side in the previous trial. This witness deposed to neither of the points on which the special plea was raised; he was neither produced to prove the date of the original lease, shewing the lapse of the term fixed by the Athenian statute of limitations, nor did he give evidence to the release and quittance effected between

1 Or. 49 § 56, Or. 47 § 1.
Apollodorus and Phormion; he simply attested a point which was, strictly speaking, irrelevant to the special plea and really belonged to the main issue. He was called, with others, to prove a legal challenge given by Phormion to Apollodorus, demanding that, if the latter declined to admit that a document put in evidence by Phormion was a copy of Pasion's will, Apollodorus should himself open the original; he deposed that Apollodorus declined to open it, and further that the said copy was a counterpart of the original.

The plaintiff denies that any such challenge had been made and declares that his father left no will. He contends that (1) had the challenge been given, there could have been no reason for his refusing to open the document (§§ 9—14); (2) it was unnecessary to demand his acknowledgment of the correctness of a copy, when according to his opponents the original might have been readily produced (§§ 15—19); (3) the terms of the deposition were false because it assumed that Pasion made the will alleged, whereas he made no will at all; its terms ought to have run, not 'the will of Pasion,' but 'the will Phormion asserts to have been left by Pasion' (§§ 24—26). His argument on these points is a singular combination of shallowness and subtlety, as may be seen in further detail by referring to the italicised abstract of the somewhat difficult sections here referred to.

He next argues that the terms of the 'will' prove it was forged by Phormion in his own interests (§§ 27—28), that the 'will' was inconsistent with the 'lease,' that the latter was also a fabrication (§§ 29—36), and that the discharge pleaded by Phormion was false (§§ 40—42). In anticipation of the defendant's probable reply, that his...
responsibility is limited to two points only, (1) Phormion's giving the challenge, and (2) the plaintiff's refusal of it, the plaintiff insists on binding the defendant to the exact terms of his testimony (§§ 43—46). He further submits that, if in the reply any attempt is made to denounce his original action as fraudulent, all such reference to the past must be suppressed by the court as irrelevant to the issue before it (§§ 47—50). If the defendant urged it was not his own evidence, bearing as it did on the main issue, but the evidence of those who gave witness to the special plea, that was fatal to the plaintiff in the former trial; the answer was, that the evidence on the main issue crippled his case on the special plea (§§ 51—52).

At this point the speaker passes off into petty personalities of a curious description, denouncing the defendant for giving false evidence against him, regardless of the family tie of Apollodorus' marriage with a first cousin of Stephanus, and thus transgressing what he calls by a rhetorical flourish the unwritten laws of natural affection (§§ 53—56); he declares and very inadequately proves, that a legal document on which he had relied in the former trial had been stolen by Stephanus (§§ 57—62); denounces him for truckling to prosperity, for selfishly disregarding the rights of the poor and the claims of the public on his ample resources (§§ 63—67), for his sour and sullen unsociability, and for his merciless extortion as a miserable money-lender (§§ 68—70).

Turning then from the nominal defendant Stephanus to his principal, Phormion, who is the real opponent in the present as in the previous lawsuit, he launches out into a vigorous invective against him, for his gross ingratitude towards the speaker's family who were the very founders of his fortunes (§§ 71—76), contrasts his own orderly life and public services with his opponent's immorality (§§ 77—80), charges him with appropriating
money that belonged to Pasion, from whom all his wealth had originally come. Born a barbarian and sold as a slave, he had yet had the audacity to criticize the antecedents of the plaintiff’s family (§§ 80—82).

After an ungenerous and gratuitous insinuation, to account for his younger brother Pasicles taking Phormion’s part (§§ 83—84), he turns to the jury, reminds them of his father’s benefactions to the state, implores them to protect him from one who was once a slave to his family, and from that slave’s creature Stephanus; and, while reminding them incidentally of some of the points on which he relied, concludes by claiming a verdict against the man who, by his false evidence for Phormion, had robbed him of his revenge in the previous trial (§§ 85—88).

The defendant Stephanus replied at considerable length. The purport of his defence appears to have been very much what the plaintiff had anticipated in §§ 43—46. In particular, he contended that he was responsible for attesting to the challenge alone and not for any further details incidentally included in his evidence. The existence of the will had been attested by other witnesses than himself, and the court’s acceptance of Phormion’s special plea was due to their evidence on the main issue, and also to the evidence given by others on the plea itself, proving the original lease and the subsequent discharge.

1 Or. 46 § 1.
INTRODUCTION TO

Or. xlvı

KATA ΣΤΕΦΑΝΟΥ
ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ B.

The reply of Stephanus is followed by a second speech on the part of the plaintiff, Apollodorus. In contrast to the presumptive proofs and the passionate declamation of his former effort, we here find, in a far less lengthy and less ambitious form, little more than a series of technical arguments supported by quotations from such parts of the Athenian code as appeared to bear, however remotely, on the case in question.

He charges the defendant with having given 'hearsay evidence' and cites the law against it (§§ 6—8); declares that Phormion, under the mask of the defendant's deposition, has given evidence in his own cause, which is illegal (9—10); he even deduces the falsehood of the deposition from the material on which it was inscribed; instead of being written hurriedly on an ordinary wax-tablet to attest on the spot a bona fide challenge, it was drawn up in a more permanent form implying a deliberately fraudulent design (11). He attempts to prove that his father made no will at all, and quotes a law forbidding a man's making a will if he had male issue lawfully begotten (14). He further urges that his father was disabled from disposing of his property by his 'adoption' as an Athenian citizen—a legal quibble arising from the ambiguity of the term relating to adoption, which really refers to the family and not to the state, as the
plaintiff disingenuously implies. He also insinuates that his father was debarred from making a will by being under undue influence and of unsound mind (15—17). He further contends that his mother was technically an 'heiress,' and by law held in ward by her nearest relative, namely himself; that her marriage was therefore invalid, being made in his absence, without his consent and without any legal adjudication, and that Pasion's disposal of his wife by will was thus illegal (18—23); that the father's 'will,' if ever made, was vitiated by the fact that there were sons of full age now surviving (24); and that the defendant and Phormion had conspired to defeat the ends of justice (25—26). After a parting sally on Phormion for his disregard of the laws, and a final thrust at the defendant, defying him to shew how he could possibly have known that the document attached to his challenge was a copy of Pasion's will, which he had never seen, and after also asserting that no one ever had a copy made of his own will, but kept it by him till his death, he concludes by asking the court to grant him the redress demanded by the claims of justice and the laws of Athens (27—29).

Thus the plaintiff assigns four legal reasons in support of the plea that Pasion's will was a forgery: (1) Pasion was a citizen by 'adoption'; (2) his widow was an 'heiress' legally at the disposal of her son and not her deceased husband; (3) he had legitimate sons, both of whom were now grown up and their coming of age would invalidate any will on the part of the father; (4) he was of unsound mind. On these four points we have only to remark that the first rests on a verbal quibble. (2) There is no indication elsewhere in other

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1 See Becker's *Charicles*, Scene XI, note 37.
2 See note on § 14, and M. Dareste les plaidoyers civils de Dém. ii p. 307—8, where the law is briefly discussed.
speeches of Apollodorus that his mother was technically an 'heiress,' indeed there is reason to suspect that she was not even a native of Athens at all (§ 23); besides, as regards the alleged invalidity of his mother's second marriage, the plaintiff had already in his former speech expressed his acquiescence (Or. 45 § 4). (3) The intention of the law was that if a father, having legitimate male issue, made a will independent of their interests, the terms of the will as affecting other persons were to become valid in the event of the male children dying before they came of age. Thus a father could not disinherit his lawful heir, but he was not prevented from making a will in which the rights of the heir were duly regarded; and indeed, we find that Apollodorus and his younger brother had divided their father's estate between them, and that the former in particular had succeeded to a dwelling-house which was once his father's property. (4) The suggestion of lunacy is inconsistent with Apollodorus' own description of his father's last illness in another speech, by which it appears that he was then clear-headed enough to give his son a particular account of all the sums due to him from his numerous creditors.

On the whole it is obvious that the plaintiff must have been conscious of having a very bad case indeed, and that to maintain it he was compelled to resort to the most contemptible subterfuges.

The date of the two speeches must be placed shortly after that of the speech in the suit between Apollodorus and Phormion, i.e. very soon after b.c. 351 or 350.

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1 Lortzing, Apoll. p. 82—3; Dareste, u. s., ii p. 293.  
2 Or. 49 (Timoth.) § 42.  
3 Beide reden, ganz besonders aber die zweite, sind voll bloßzer sophismen und spiegel- fechtereien so handgreiflicher und oft fast lärcherlicher art, dass u. s. w. Sigg, Apoll. p. 412 and A. Schaefer, u. s., p. 177.
INTRODUCTION TO OR. XLV, XLVI.

On the authorship of the Two Speeches against Stephanus.

We have seen that the authorship of the speech pro Phormione is undisputed; it is doubtless the genuine work of the great orator himself. Whether he is also the writer of both, or at any rate the first, of the two speeches against Stephanus, and of the others delivered by Apollodorus, which have come down to us among the works of Demosthenes, is a vexed question, an exhaustive treatment of which would demand an elaborate treatise beyond the compass of the present introduction. All that can here be offered is a brief discussion keeping in view, and where necessary correcting and supplementing, the arguments suggested by previous writers on the subject, and tested by the results of an independent investigation.

In the speech pro Phormione the case is supported by two important documents; (1) the lease granted to Phormion, (2) the will left by Pasion. In both the speeches against Stephanus (a witness, it will be remembered, in the former trial), the lease and the will are denounced as a fabrication and a fraud; more than this, while in the previous oration a warm eulogy is passed on the career of Phormion as a blameless man of business and as a generous citizen of irreproachable character, in the two latter the speaker avails himself of all the artifices of subtle insinuation, all the vehemence of unscrupulous invective, to paint his opponent's character in the darkest colours. The question arises whether the two latter speeches, or either of them, could have been written by the same person as the former.

Narrowing the enquiry for our present purpose to those speeches alone which Apollodorus delivered against Stephanus, we may in the first instance examine the external evidence (whether contemporary with Demosthenes or not) which may be adduced in support of the genuineness of the two speeches in question. In

1 The speeches by Apollodorus (with the dates assigned to them by A. Schaefer) are Or. 52 πρὸς Κάλλισπον, b.c. 369—8; Or. 53 πρὸς Νικόστρατον, after b.c. 368; Or. 49 πρὸς Τμῶθεον υπὲρ χρέως, b.c. 362; Or. 50, πρὸς Πολυκλέα περὶ τοῦ ἐπιτρεπτομαχίματος, about b.c. 357; Or. 45 and 46, κατὰ Στρά-φάνου ψευδομαρτυρίων α' and β', about b.c. 351; Or. 59 κατὰ Νεάρασ, after b.c. 343;—Or. 47, κατ' Εἰδήγαν καὶ Μνησίδειον was delivered after b.c. 356, but not by Apollodorus, though it was probably written by the same orator as most, if not all of the above-mentioned speeches, and possibly by Apollodorus himself.
the first place we must set a passage in Aeschines in which he
denounces the orator as a traitor, charges him with writing for
a pecuniary consideration a speech for Phormion the banker and
with shewing this speech to Apollodorus, who was then prosecuting
Phormion on a charge imperilling his status as a free man. Here
it will be remarked that the description of the trial is vague, and
the penalty, to which Phormion would have been liable, much ex-
aggerated; but it is more important to notice that Aeschines says
nothing of Demosthenes writing a speech for Apollodorus either
in the lawsuit with Phormion, or in his subsequent suit against
Stephanus. If Aeschines is speaking the truth, then at the worst
all that he says is, that, in his opinion, Demosthenes acted in
bad faith by betraying his client’s interests and allowing his
opponent to become informed of the arguments which would be
brought against him. But it may be noticed that this course is
not necessarily inconsistent with good faith on the part of
Phormion’s friend, as the orator may have seen no reason for
concealing his client’s case from his opponent,—especially as the
speech on that client’s behalf would be the opening speech, and
the case would be in no danger of being damaged by any previous
attack on the part of the plaintiff. Demosthenes may have been
anxious to reconcile the parties and, if possible, to put an end
to a quarrel which was threatening the disruption of Pasion’s
family; and so strong was his client’s position, that to inform
Apollodorus of the case against him and even to shew him the
very manuscript itself with the friendly advice to drop the law-
suit, would have been no detriment to Phormion’s interests.
Considering all the calumnies raked up by Aeschines against
his great rival in the two orations de falsa legatione and contra

1 Aeschines, de falsa legatione
§ 165, τὸν δ’ ἀγαθὸν σύμβολον
τῆς χρήσεως; οὗ τῇ πόλει πρὸς
τὸ παρὸν τὰ βέλτιστα συμβολο-
λεδευτ᾽ ὅτι δὲ ποιηθοὶ κατήγοροι
τῆς χρήσεως κατηγορεῖν; τὸν δὲ
ἐκ φύσεως προδότην
τῆς χρήσεως θεωρεῖν; ἀρά γε
ὑπὸ τῶν εὐτυχῶν καὶ πιστεύσας
κέχρησθαι, λόγους εἰς δικαστήρια
γράφοντα μισθὸν τούτων ἐκφέρειν
τοῖς ἀντιδίκοις; ἔγραψας λόγον
Φορμίων τῷ τραπεζῆτη ἥρματα
λαβὼν τοῦτον εὔχρηστον Ἀπολ-
λυδώρῳ τῷ περὶ τοῦ σωμάτος
κραίναντι Φορμίωνα. Id. contra
Ctesiphontem § 173, περὶ δὲ τήν
καθ’ ἡμέραν διαίτησιν τῆς ἐστιν;
ἐκ τριήριδρον λογογράφος ἀνεφάνη,
τὰ πατρία καταγελάστως προ-
έμενος ἀπίστως δὲ καὶ περὶ ταῦτα
δύσην εἶναι καὶ τοῦτον λόγον ἐκφέρειν
τοῖς ἀντιδίκοις ἀνεπηρόθην εἰπὶ τὸ
βῆμα.
2 A. Schaefer, u. s., π. 178, and Rehdantz there referred to.
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Ctesiphontem, we venture to think that, if he had had any ground whatever for asserting that Demosthenes actually wrote a speech for Apollodorus, a speech virtually directed against Phormion, though nominally against one of his witnesses only, he would certainly have seized his opportunity and made the very most of so damming a fact. But he says no such thing; and even Deinarchus, another strong opponent of Demosthenes, makes no such charge against him, though he has an opening for so doing in a passage in which he refers to the orator's 'delivering' a speech for Phormion.¹

Later writers, however, though less likely to be familiar with the facts, are bolder in their denunciations; in Plutarch's life of Demosthenes, we read that the orator 'is said to have written for Apollodorus his speeches against Phormion and Stephanus, for which he justly fell into disrepute, as he also wrote a speech for Phormion in his lawsuit against Apollodorus.' He adds, with a reminiscence perhaps of the trade of the orator's father, 'it was as bad as selling swords to both sides from the same manufactory.'²

The insertion of the speeches against Stephanus among the works of Demosthenes may perhaps be accounted for by the

¹ Deinarchus contra Demosth. § 111 p. 108, εὐρήσετε...τὸν ἀντὶ λογογράφον καὶ μισθὸν τὰς δίκας λέγουσον ὑπὲρ Κτησίππου καὶ Φορμίωνος καὶ ἑτέρων πολιτῶν πλαύσωστατον ὃτα τῶν ἐν τῇ πόλει. A recent editor of Deinarchus, Dr F. Blass, writes to me suggesting that the passage is interpolated,—a suggestion which he has recorded on p. vii of his edition. Deinarchus, he conjectures, wrote only καὶ μισθὸν τὰς δίκας λέγουσον; had he wanted to enter into detail, he must have added 'Phormion the banker' and 'Ctesippus the son of Chabrias', because these cases were by that time probably forgotten. The bare addition υπὲρ Κτησίππου καὶ Φορμίωνος καὶ ἑτέρων πολιτῶν is, he says, exactly what a grammarian would insert to remind his pupils of the speeches they had read in the course of their studies.

² Plutarch, Dem. chap. 15, Νέγεται δὲ καὶ τὸν κατὰ Τιμοθέου τοῦ στρατηγοῦ λόγον, ὁ χρησάμενος Ἀπολλόδωρος εἰλε τὸν ἀνόρα τοῦ ὀφλήματος. Δημοσθένης γράφαι τῷ Ἀπολλόδωρῳ, καθάπερ καὶ τῶν πρὸς Φορμίωνα καὶ Στέφανον, ἐφ' ὃις εἰκοτος ἡδόζεσσε, καὶ γὰρ ὁ Φορμίων ἠγουνίζετο λόγῳ Δημοσθένεως πρὸς τῶν Ἀπολλόδωρων, ἀτεχνῶς καθάπερ ἐξ ὑώς μαχαιροπολικὸν καὶ κατ' ἀλλήλων ἕξεχερίδια πολοῦστος αὐτῶν τοῖς ἀντιδίκοις. (Cf. chap. 14, Δημοσθένης ὁ πατὴρ... ἐπεκελεῖτο μαχαιροπολικός.) Compr. Dem. et Cíc. c. 3, χρηματίσασθαι ἀπὸ τοῦ λόγου Δημοσθένης ἐπιφώνως λέγεται, λογογραφὸν κρίσα τοῖς περὶ Φορμίωνα καὶ Ἀπολλόδωρον ἀντιδίκοις.

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conjecture that Callimachus, who, as head of the Alexandrine library, undertook the prodigious task of settling the canon of the Attic Orators, may have been misled either by the passage of Aeschines above quoted, or by the partial resemblance of the first speech to the style of the orator, into supposing that Demosthenes himself was the writer; or again may have included them among his orations as incidentally illustrative of his genuine works. That there was once a time when Apollodorus himself was regarded as the writer of the orations spoken by him which have been handed down to us among the works of Demosthenes, may perhaps be fairly concluded from a scholium on the passage of Aeschines above referred to, noting 'from this it is clear that the speeches referring to the estate of Apollodorus are not written by him, but by Demosthenes.' Thus, Plutarch's story of the duplicity of Demosthenes, which with slight variations is repeated by still later writers, may have originated in a misunderstanding of the language of his enemy's accusation. The phraseology used by one of them in particular (Zosimus by name, a grammarian who, if we credit the conjecture attributing to him part of the scholia on Aeschines, may have actually written the scholium in question,) shews how easily, even

1 Rekdantz ap. A. Schaefer, u. s., p. 317—322. The earliest reference to the Ten as a distinct group is to be found in the title of a lost work by Caecilius of Calacte,—χαρακτίρεσ τῶν ἰ ῥήτωρον. But the form of the title implies that it was a group already recognised (Introd. to Cicero's Orator p. xii).

2 Aesch. ed. Schultz, p. 311, ἐκ τοῦτον δῆλον ὅτι καὶ οἱ περὶ τὴν οἰκίαν (οὐσίαν copiecit A. Schaefer) Ἀπολλοδόρων λόγοι οίκοι Ἀπολλοδόρων ἀλλὰ Δημοσθένους. The rhetorician Tiberius, περὶ σχημάτων c. 14 (referred to by A. Schaefer), quotes from Or. 45 § 83, and introduces his citation with the name not of Demosthenes but of Apollodorus, καὶ πάλιν Ἀπολλοδόρος ἐγώ γὰρ—οίκοι οἴκα, though he professes in c. 1 to confine himself to ὅσα παρὰ Δημοσθένει κατανοημέναι. In c. 31 he begins an extract from Or. 36 § 52 with the words, ἐν τῷ ὑπὲρ Φορμίωνος πρὸς τὸν Ἀπολλοδόρον. Weil, les Harangues de Dém. p. xi, demurs to any weight being assigned to the quotation from Tiberius.


4 The taunt about 'selling swords to both sides' is not borrowed from the passage in Aeschines. L. Schmidt, Paed. Archiv xxv (1) 58, in a review of this volume, points out, however, that it may have been due in the first instance to some other personal opponent of Demosthenes (Weil, u. s.).
before his time, Callimachus and Plutarch may have been misled by a careless expansion of the language of the orator's rival—language which we have little hesitation in regarding as the original source of the subsequent tradition.

The argument from internal evidence is more intricate, and the style of all the orations delivered by Apollodorus has been discussed with much minuteness by several modern critics. Without entering, however, into undue detail on those speeches which are not included in the present volume, we may briefly state certain peculiarities of diction to which Arnold Schaefer, who, in his admirable work on the *Life and Times of Demosthenes*, was the first to treat the subject systematically, has specially drawn attention, as running through all the speeches delivered by Apollodorus, and distinguishing them from the genuine writings of Demosthenes.

We find, then, a feebleness of expression shewing itself in repetitions of the same word within short intervals from one another; this clumsiness is most noticeable in the case of the pronouns οὐς and αὐτός. Again, clause after clause begins with the same relative pronoun, or the same hypothetical particle. Such carelessness of expression is naturally attended by looseness of rhythm; thus, tested by the frequency of hiatus, the speeches delivered by Apollodorus are inferior in composition


2 A. Schaefer Dem. u. s. Zeit, ρ. 2, 184—199, Der Verfasser der von Apollodorus gehaltenen Reden, 1858. Since then, the subject has been elaborately discussed by F. Lortzing (1863) and J. Sigg (1873). For the full titles of their treatises, see p. xiv.

3 Or. 45 § 4, γεγονοῦσιν... γεγονούσι...εἰςγονοῦσιν, ib. § 63, συνέβαλον...βαίνων. — Or. 46 § 28, διαθήκην...διαθήκην...διατίθεμενο... διατίθενται. Simi-

larly in § 2, διατίθεμενο τῷ πατρί is thrice repeated and ὁ πατὴρ δίθετο twice. For other repetitions see §§ 3, 5, 8, 25.

4 Or. 45 § 64, τοῦτον...τούτον...τούτον...τοὺς, § 86, ἑαυτὸν... τοῦτον...ἑαυτὸν...ταῦθ'...τούτων, and similarly § 31, § 83.—Or. 46 § 21, οὗτος...αὐτὸν...αὐτὸν...τοῦτον...αὐτὰς...ταῦτ', and § 6. But cf. Or. 36 §§ 12, 20 and 42.

5 Or. 45 § 49 οὐκ...οὖς § 81, εἰ...εἰ...εἰτα...εἰ. Or. 46 § 23, εἰπέρ...εἰτα...εἰτα...εἰ μὲν...εἰδὲ...εἰπέρ. τοῦνω though common in the genuine orations occurs 14 times at least in the 29 sections of Or. 46. 'Non negarit potest viridioribus trans-grediendi figuris, quibus D. ex-cellit, carere nostras orationes' Lortzing p. 33.
to the certainly genuine speeches of Demosthenes, though an exception must be made in favour of the first speech against Stephanus¹. Even this speech supplies instances of unrhymical construction², and examples of anacloluthon or bad writing; and in particular an awkward combination of participles may be noticed in the first as well as in the second oration³.

On passing to the question of the degree of mastery over the subject-matter and the general argument which is displayed in the various speeches, a distinction may be drawn between the earlier speeches on the one hand (e.g. those against Polyclees and Timotheus) where the narrative is monotonous and tedious, and the conclusion somewhat lame and feeble; and the two speeches against Stephanus. The latter shew signs of an improvement which Schaefer ascribes to the prolonged experience in litigation which the speaker had enjoyed since his earlier efforts. The general style of all these orations, differing as it does from that of Demosthenes, and bearing marks of a kind of consistency of its own, points (so Schaefer suggests) to one person as the writer of them all, and that person in all probability Apollodorus himself. He often appeared before the law-courts not only in private suits on his own account, but also in public causes; and, when he was a member of the Council, he made important proposals, and brought them before the general assembly of the people. Even assuming that he resorted to others for assistance in his private lawsuits, yet, as soon as he appeared in a more public character, he would find it necessary to speak for himself, and without some oratorical ability he could hardly have undertaken so many public causes. In the second speech against Stephanus we find him pluming himself on his cleverness⁴; and in that against Neaera he is called upon to address the court on behalf of a younger and less experienced speaker⁵. Apollodorus obviously laid himself out

¹ Benseler de hiatus p. 147, auctor alterius orationis (Or. 45) sermonem ita conformare solebat, ut vocalium concursus evitaretur et auctor alterius (Or. 46) ita ut hiatus non evitaretur.
² The passage referred to is in § 68, ἐγὼ γὰρ — προσέλθειν πρῶτον, but the objection is perhaps hypercritical. For anacloluthon, cf. Or. 45 § 3; for bad writing, Or. 46 § 17.
³ Or. 45 § 83, Or. 46 § 13 (Lortzing p. 88, 89).
⁴ § 17 οὐδὲ ἐδοκοιν ἐμε οὕτω δεινόν ἐσεσθαί ὥστε ταῦτα ακριβῶς ἐστετάσαι.
⁵ Or. 59 § 11, νέον ἑκατοκτησαν καὶ ἀπείρως ἔχουσα τοῦ λέγειν, while Apollodorus πρεσβύτερος εστὶ... καὶ ἐμπειροτέρως ἔχει τῶν νόμων.
for attempting to play a prominent part at Athens; in the pro Phormione the jury are specially warned against his loud and impudent self-assertion\(^1\), and elsewhere we even find him apologising for his loudness of voice (as well as his hurried gait and ill-favoured countenance), as his misfortune and not his fault\(^2\).

Such then is the general drift of the arguments, to which a brief sketch can only do imperfect justice, which lead Schaefer to the conclusion that the speeches against Callippus, Nicostratus, Timotheus, Polycles, Euergus and Mnesibulus; both of those in prosecution of Stephanus; and lastly, that in accusation of Neaera,—speeches delivered in the above chronological order between the years b.c. 369 and 343,—were all composed by one person, who had a distinctive style of his own, and that person probably Apollodorus himself, with whose transactions no less than seven of these speeches are concerned.

The above conclusion is however open to criticism on the ground that it gives no adequate account of the incomparable superiority of the first speech against Stephanus, not only to the others delivered by Apollodorus, but in particular to the second speech in the very same trial. It is marked by a closeness of argument, and a forcibleness of invective, worthy of a far abler writer than the composer of the other speeches. It seems futile to explain this superiority by ascribing it to a gradual improvement in the speaker's rhetorical ability brought about by time and experience\(^3\), when the second speech is so meagre and lifeless, and when the last of the series, namely that in Neaeram, instead

\(1\) Or. 36 § 61, κραυγῇ καὶ ἀναινοήσει.

\(2\) Or. 45 § 77. A. Schaefer understands the passage differently; after referring to the loudness of voice attributed to Apoll. in Or. 36, he continues: 'Wenn dagegen Apollodor erklärt: Ich rechne mich selber, was Gesichtsbildung, raschen Gang und laute Rede betrifft, nicht unter die von der Natur glichlich begabten... so will er damit nur ein selbstgefälliges prunken und stolzieren von sich ablehnen, ohne andeuten zu wollen, er sei missgestalt triges Schrittes und schwachstimmig.' This misses the sense; the words when taken correctly as in the text, confirm the quotation from Or. 36, and do not appear even remotely to contradict it. Cf. Lysias Or. 16 §§18, 19.

\(3\) A. Schaefer, u. s., p. 191.

Prof. Schaefer, in a kind communication received since I wrote the above, endeavours to account for the greater polish of style shewn in Or. 45 by the fact that Apollodorus had the strongest motives for doing his very best in his opening speech.
of shewing any advance as compared with the first speech against Stephanus is certainly inferior to it, and is characterized by a diffuseness and laxity of style, and by other faults besides. And again, the explanation that the second speech is only a δευτερολογία, and therefore inferior to the first, is hardly adequate. Hence, while we would ascribe the second to Apollodorus himself, and find in its constant quotations from the Athenian code of law a characteristic touch, reminding us of his legal learning as attested in the oration in Neaerum¹, we are driven to the conclusion that in the first he had recourse to the assistance of an abler rhetorician than himself. There is scarcely sufficient proof that that rhetorician was Demosthenes. It must however be candidly admitted that of all the speeches delivered by Apollodorus, the one that on personal grounds is least likely to have been written by the composer of the oration for Apollodorus' opponent Phormion, is less far removed from the style of Demosthenes than any of the remainder, though again and again we have words never used by the orator himself in his undisputed writings². In one passage indeed (§ 77) we have a close parallel with the Pantaenetus (§ 55)³, which seems to point to a common authorship, and if the latter speech is rightly assigned to the year 346 or thereabout, in other words, is placed after the speeches now under consideration, we can hardly explain the parallel except by the hypothesis of a common source, or else by the less probable assumption that Demosthenes, who was almost certainly the writer of the Pantaenetus, having heard or read the first speech against Stephanus, a speech directed virtually against his own client Phormion, borrowed from the phraseology of the latter oration, with which he was thus familiar. The Attic Orator, Hyperides, is known to have written one speech at least against Pasicles⁴, who, though a brother of Apollodorus, took the side of his opponent Phormion, and a conjecture has

¹ § 14, ἐμπευτοτέρως ἐχει τῶν νόμων, and § 15 ὑπέρ τῶν θεών καὶ τῶν νόμων καὶ τοῦ δίκαιου καὶ ὑμῶν αὐτῶν, compared with Or. 46 § 29 ὑπὲρ λόγων αὐτῶν καὶ ἐμοὶ καὶ τοῦ δίκαιου καὶ τῶν νόμων.

² § 14 παρόξυσμός, § 19 παραπτάσμα, § 70 ἀδικητος (in sense 'houseless'), § 85 ἐπίχαρτος, § 63 and § 65 ὑποπίπτεν τυί (also in Or. 59 Neer. § 43).

³ Or. 37 §§ 52, 55 quoted in note on Or. 45 § 77. The Pantaenetus was probably the later speech of the two.

been half hazarded that it was for Apollodorus that those speeches were composed; but there is no adequate reason for assigning the first speech against Stephanus to that orator, and a comparison with his four extant orations has led me to notice only one important coincidence of expression.

On the whole, then, we may conclude (1) that the second speech was not only delivered by Apollodorus, but probably composed by him; (2) that the first was written for him, possibly not by Demosthenes, but by some rhetorician unknown to us, whose assistance he was led to secure either by the pressure of his other engagements, or by a consciousness of the difficulty of the task that was before him, and a mistrust of his own unaided ability to compose more than the legal rejoinder to the defendant’s reply.

Those who attribute the speeches against Stephanus, or at least the first of them, to the authorship of Demosthenes, are bound to supply some reasonable motive for his changing sides after taking the part of Phormion against Apollodorus. If such a desertion to the enemy’s camp was due to his discovery that the documents relied on in the first trial were forgeries, and that the deponents called to prove them were guilty of false witness, we cannot but think that Demosthenes, if he had been the writer of a speech immediately arising out of the former trial, would have been prompted to stronger expressions of indignation against the fraud practised on the jury on the previous occasion.

While we dismiss as irrelevant any attempt to try the alleged duplicity of Demosthenes by the standard of the professional etiquette of the English bar, and refrain from entangling our discussion with parallels suggested by questions of modern forensic casuistry, we may at any rate remark that, though we have no sufficient warrant for assuming that the orator was above pecuniary considerations, a certain sense of honour would probably have kept him from accepting a fee to write down the very side which he had but lately written up; and we may fairly conclude that such conduct was held dishonourable from the fact that even for divulging Phormion’s case to his opponent, Demosthenes is, whether truly falsely, charged by Aeschines with playing a traitor’s part.

1 Hornbostel, *Apoll.* p. 35.
2 Or. 45 § 74 ἀνεκδότους ἔρων γηράσκειν, compared with Ἱυ-
Again, it is urged that the first speech against Stephanus was written for a different trial to that on behalf of Phormion. This can hardly be regarded as an extenuating fact in favour of Demosthenes as the writer of the leading speech in both trials, since the second cause arose immediately out of the first, and there can be no question about the irreconcilable difference between the facts of the case as stated in the two orations, and the terms used in the one and the other in describing the character of Phormion. Even apart from motives of honour, the lower ground of expediency would presumably have sufficed to prevent Demosthenes from writing to defame the character of one who, by his opponent himself, was admitted to be a wealthy and prosperous man of business, and from supporting by preference the failing fortunes of an impoverished pettifogger.

Such, then, at the very strongest, are the principal arguments that may be adduced against the genuineness of the two speeches against Stephanus. In conclusion, it is only fair to submit the only hypothesis on which it is not impossible that Demosthenes may after all be the real author of, at any rate, the first oration.

We have already seen that it is highly probable that the speech against Phormion belongs to the latter part of the year B.C. 351 (p. xxix) and that the speeches against Stephanus may fairly be placed in the year B.C. 3501. It was a year in which the efforts of Athens to recover Euboea and to protect Olynthus placed her in a position of grave financial embarrassment. To meet this, Apollodorus, as a member of the senate, moved a decree that it should be submitted to the vote of the public assembly whether the surplus of the revenue should be paid to the Theoric fund for religious festivals, or applied to the expenses of the war. The proposal was approved by the senate and accepted by the public assembly; and the latter passed a decree appropriating the surplus to military purposes. Hereupon one Stephanus, who is not to be identified with the defendant in the speeches before us, impeached Apollodorus on the ground of his having brought forward an illegal decree; and he obtained a verdict, which led to the fine of one talent being inflicted on Apollodorus2. In this impeach-

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1 The archon eponymus of that year [Ol. 107, 3] was one Apollodorus, probably not the son of Pasion.

2 Or. 59 §§ 3—8, esp. § 4, διαχειροτονήσαι τῶν δήμων εἶτε δοκεῖ τὰ περί ὅπατα χρήματα τῆς διακήσεως στρατιωτικά εἶναι ἡ Θεωρία; Grote, H. G., chap. 88; Curtius, H. G., vol. v, p. 269 (Eng. Transl.); Hornbostel, Apoll. p. 39, 40; A. Schaefer,
ment, Stephanus was probably the tool of Eubulus and the peace-party, and although there is no proof that Apollodorus acted at the suggestion of Demosthenes and the opposite party, the proposal of Apollodorus would doubtless meet with the orator's approval, as is clear from the financial policy cautiously pronounced by the latter in the Olynthiac orations, and, when it was too late, carried to a successful issue twelve years afterwards in the autumn of 333, only one year before the catastrophe of Chaeroneia.

It may therefore be questioned whether political motives may not have induced Demosthenes to throw Phormion overboard and to support Apollodorus by writing the first speech against Stephanus. On this hypothesis it may be presumed that Apollodorus, having lost his lawsuit against Phormion owing to the powerful advocacy of Demosthenes, and being almost crushed by the consequences of his defeat, resorted to Demosthenes in the hope of recovering part at least of his resources, and proposed to run the risk of bringing forward his motion on the Theoric fund, on condition that the orator wrote him a speech against the obnoxious witness Stephanus.

My friend Dr F. Blass (the author of several important works on Greek Oratory) has favoured me with a suggestive letter, supporting this hypothesis and also shewing that the style of the first speech against Stephanus, apart from its general resemblance to that of Demosthenes, coincides with it in a hitherto unnoticed peculiarity, that under certain limitations the orator generally avoids the juxtaposition of more than two short syllables, the exceptions being for the most part cases where the three syllables fall within the compass of a single word. To examine the minute criterion here proposed is beyond my present purpose. It is sufficient to state (as my learned correspondent would obviously acknowledge), that while its absence may suggest the spuriousness of any given oration, its presence does not prove its genuineness. It may also be admitted

u. s. iii 2, p. 180 and (for the chronology here followed) ib. p. 330. Some (e.g. Weil, Harangues de Dém. p. 163) would place the Euboean expedition in B.C. 348, and Dr Blass would therefore place in that year the motion of Apollodorus and the delivery of Or. 45.

1 Olynth. iii §§ 10—13.
2 12 Sept. 1875; see also his Att. Ber. iii 32, 412—4 (published in 1877).
3 Sigg, Apoll. p. 415—432.
4 See p. 7 of his dissertation on the Letters ascribed to Demosthenes (Oct. 1875); also Att. Ber. iii 99—104.
that the testimony of Harpocration is in favour of the Demosthenic authorship of the first speech\(^1\) (though the value of that testimony is impaired by his attributing the second speech\(^2\) to the same author); and that the parallelism of § 77 to a passage in the Pantaenetus already noticed is on the whole more easily explained by ascribing the first speech to Demosthenes than by any other hypothesis\(^3\).

\(^1\) See quotations in notes on Or. 45 §§ 1, 15, 63, 66, 74, 80, 84.

\(^2\) Cf. Or. 46 §§ 7, 11, 20.

\(^3\) Since the above discussion was first published, it has been justly observed that the genuineness of the first speech against Stephanus 'could hardly have been doubted but for the desire to vindicate the orator's morality....The morality of Demosthenes' conduct may in this case perhaps be dubious, but it is not so palpably bad as has been supposed....But...he attacks his late client's character with a coarse violence and a wantonness which goes beyond the conventional invective of the law-courts. He writes for Apollodorus as Apollodorus would have written himself, not sparing even the speaker's own mother. And it is precisely here rather than in the change of sides that we feel the real discredit lies' (S. H. Batcheller, Demosthenes, 1881, p. 136).
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Or. liii

ΠΡΟΣ ΝΙΚΟΣΤΡΑΤΟΝ
ΠΕΡΙ ΑΝΔΡΑΠΟΔΩΝ ΑΠΟΓΡΑΦΗΣ
ΑΡΕΘΟΥΣΙΟΥ.

In this speech Apollodorus, the litigious son of Pasion, appears in support of a lawsuit arising out of an information laid against one Arethusius, for refusing to pay a fine due to the public chest. According to Athenian law, if a state-debtor concealed his effects, any citizen who discovered the fact was at liberty to draw up, and lay before the proper magistrate, a written statement containing an inventory or specification of the goods in question. The schedule thus drawn up was called an ἀπογραφή, and this name was also given to the legal process in support of it. The informant, in the event of his making good his case, was entitled to the reward of three-fourths of the valuation (§ 2); if he failed, he was fined a thousand drachmae, and suffered a partial disfranchisement which prevented his appearing again as a prosecutor in a public cause (§ 1).

In the present instance, Apollodorus has handed in a specification in which two slaves are stated to be the property of Arethusius, and therefore liable to confiscation as a partial payment of his debt to the public treasury.

INTRODUCTION TO OR. LIII.

Hereupon, a brother of Arethusius, named Nicostratus, puts in a claim to the slaves, and in the speech before us Apollodorus has to shew that the claim is false and that the slaves are really the property of Arethusius. To prove this he calls evidence in §§ 19—21, and this is the only portion of the speech which is really relevant to the issue before the court, while the greater part of it, up to this point, is devoted to a narrative of the relations between Apollodorus and the two brothers. The object of this is to shew that the former had been most ungratefully treated by the latter, especially by Nicostratus, and that he was therefore, according to the Athenian notion, fully justified in revenging himself for his private wrongs by supporting a public information against his opponent. To prove the purity of his motives and to ingratiate himself with the court, he waives at the very outset his claim to the reward to which the informant in such cases is legally entitled.

Among the speeches of Lysias we have three concerned with causes relating to claims of money withheld from the state (ἀπογραφαί): the speech ‘for the soldier’ (Or. 9), that ‘on the property of Aristophanes’ (19), and that ‘against Philocrates’ (29). The first two are for the defence; the third, for the prosecution. But in all three, the promoter of the ἀπογραφῆς is represented as the prosecutor; in the present case, although the promoter of the ἀπογραφῆς is Apollodorus, we should probably consider him as the defendant and Nicostratus as the plaintiff. Apollodorus was apparently in possession of the effects disputed; his opponent Nicostratus puts in a claim against him, and the speech before us is therefore a speech for the defence. Owing to the general character of its contents, it is usually classed among the

1 Caillemer, s.v. Apographē, in Daremberg and Saglio’s Dict.
Private Orations, and it may be conveniently studied in conjunction with them. But it cannot be too clearly stated, that, in so far as it arises directly out of a refusal to pay a fine to the public chest, it is essentially a speech delivered in a public cause.

Apollodorus states that Nicostratus was his neighbour in the country and formerly his trusted friend, that they had done kindly services for one another, and that in particular he had lent to Nicostratus, free of interest, a sum which he was himself compelled to raise on the security of part of his property. So far from being grateful, the borrower at once laid a plot to escape payment of his debt, made common cause with the opponents of Apollodorus, and induced a third party (one Lycidas) to bring against him a suit demanding that certain property should be produced in court. Among those who were entered as witnesses to the delivery of the summons requiring him to produce the property, was Arethusius, a brother of Nicostratus, as above mentioned. The summons, it is alleged, was never served, consequently Apollodorus did not appear, and judgment went against him by default. Subsequently, Apollodorus prosecuted Arethusius for fraudulent citation (ψευδοκλητείας γραφή), which was regarded by Athenian law as a criminal offence, while on the contrary a witness in the cause itself as distinguished from one who attested a summons, was, if he gave false evidence, only liable to a civil action¹. Before the case came on, Arethusius committed several acts of outrage against Apollodorus, laid waste his orchard and violently assaulted him, and when the case for fraudulent citation, and apparently for the other criminal acts, was

¹ Harpocration, quoted on § 17 ad fin., inaccurately uses the (possibly generic) term δίκη, instead of γραφή, with reference to ψευδοκλητεία.
brought before the jury, Apollodorus, under these aggravating circumstances, obtained a verdict against Arethusius with the greatest ease. Indeed, it was only owing to the entreaties of his brothers, with the acquiescence of the prosecutor, who was unwilling to face the odium which would ensue, that Arethusius escaped the penalty of death, and had inflicted on him a fine of one talent, for the payment of which his brothers became jointly responsible. Arethusius pleaded poverty and refused to pay; thereupon Apollodorus took the legal steps required (as above described) for the confiscation of his property, and in his specification claimed for the state, among other effects, two slaves as a partial security for the payment of the fine. Nicostratus resists this claim as regards the slaves in question and claims them as his own property, though even in that case, as the speaker points out, they should be confiscated, since Nicostratus had guaranteed the payment of the fine and had failed to make good his guarantee. In §§ 22—25 Apollodorus describes the unsuccessful attempt of his opponents to entrap him into accepting a legal challenge, which would have committed him to a virtual admission that the slaves were private property; and in §§ 19—21 calls evidence to prove, that the person recognised as the responsible owner of the slaves was Arethusius, and not the present claimant Nicostratus.

Passing from the general contents of the speech as above sketched, we may turn to a brief consideration of its literary style and special peculiarities. We are at once struck by the disproportionate space of twenty sections

1 Boeckh, Public Economy, trans. Lamb, p. 496 note 2, while noticing that other criminal acts are involved, considers that the present passage proves that the punishment of death might be inflicted in a case of ψευδοκλητεία, but this seems scarcely probable.
devoted to purely preliminary details, as contrasted with the short compass within which lies the real gist of the case. The long account of the reasons prompting the speaker to seek for revenge, is unlike the manner of Demosthenes, and a certain feebleness and diffuseness may be noted in the narrative immediately following the exordium. Among minor details may be observed a tendency to add unnecessary and superfluous clauses, defining more clearly what has just gone before. Again, we find needless repetitions within the limits of a single sentence; further, we have a certain clumsiness in the repetition of pronouns such as οὗτος and αὐτός; we observe a disproportionate number of harsh constructions, and it is curious to notice that a phrase occurring in this speech, which is unexampled in the undisputed writings of Demosthenes, finds its nearest parallels in speeches delivered like the present by Apollodorus. We may also trace a general resemblance to the style of that against Neaera, the greater part of which was delivered by the same person, a speech which it is impossible to attribute to the authorship of Demosthenes; and, lastly, there is a

1 e.g. not content with Ἀρεθούσιον, οὖτε ἐγέρθαττο ἐναι in § 2, the writer in § 10 has the words, 'Ἀρεθούσιος οὖν τάνδράτος ἦστι ταῦτα ἀ νύν ἀπογέραται, again in § 14 'Ἀρεθούσιος οὖτε ἦστι τάνδρατος ταῦτα, and similarly in § 19. The words in § 7 ἐδείτο μοι βοηθῆσαι αὐτῷ ὅπερ καὶ ἐν τῷ ἐμπροσθέν χρόνῳ ἦν περὶ αὐτὸν ἀληθὼς φίλος, are partially repeated in § 8 and § 12. Again in § 24, τὰς βασάνους is unnecessarily followed by the closer definition, ὅτι ἐπέοικον οἱ ἄνθρωποι. (Cf. A. Schaefer, u. s., p. 187—190; Lortzing, Ἀπολλ. p. 30 etc.; and see especially Blass, Att. Ber. iii 462.)

2 e.g. § 4, οἰκείως διεκείμενα... οἰκείως διεκείμενα. 3 § 6 ad iit. αὐτὸν...τοῦτον... αὐτῷ...αὐτός. Also, ad ἕν. τοῦτον ...τοῦτον...αὐτός...τοῦτον τοῦτον ...αὐτῷ...αὐτόν. Cf. §§ 4 and 8.

4 See §§ 11, 12, 24, 29.

5 § 15, ἐβάδιζον ἐπὶ τὸν κλητῆρα τὸν ὁμολογοῦντα κεκλητευκέναι...ὑπὲρ ψευδοκλητείας compared with Or. 49 § 56, μη... ἐπὶ τόνδε κακοτεχνίων ἐλθομε... and esp. Or. 52 § 32, ἐπὶ τὸν Κηφισαίον βαδίζειν τὸν ὀμολογοῦντα κεκομίσθαι καὶ ἔχειν τὸ αργύριον.

6 Or. 59 (κατὰ Νεάρας) is condemned by ancient critics
certain want of warmth in the peroration, unlike the vigorous style of the great orator himself.

On the whole, without entering into minuter detail, we may consider the internal evidence is such as to throw grave doubts on this speech being the genuine work of Demosthenes, and we are not surprised to find its genuineness called in question by the lexicographer of the Attic Orators, Harpocration¹, though Plutarch refers it without suspicion to the authorship of Demosthenes, and fancifully contrasts the literary fame of the orator with the military reputation of that name in the Peloponnesian War².

We have now to consider the data for arriving at the time when the speech was delivered. In § 9, Apollodorus describes himself as short of money, owing to differences between himself and Phormion, who was keeping him out of the property left him by his father Pasion, who, it will be remembered, died in B.C. 370. Again, in § 14 we are told, that at the time of the events there related, Apollodorus had not yet brought to a preliminary hearing the suits he had instituted against his relatives (Phormion and others). The suit against Phormion respecting the banking capital (Or. 36) was delayed until about B.C. 350. But a much more direct indication is given by a reference

¹ Harpocration, a 4th century BC Attic lexicographer.
² Plutarch, a 1st century AD classical historian and biographer.
in § 5, to a trierarchy involving the speaker’s absence from Athens; and it was shortly after his return that the events described in the context occurred. He had to sail round the south of the Peloponnesus, and after touching there to take certain ambassadors to Sicily. It seems probable that we should identify this trierarchy with that mentioned in Or. 45 § 3, which belongs either to B.C. 369 or B.C. 368. The latter date is more probable, not only for the reason given in the note on that

1 On a ψήφισμα respecting the alliance with Dionysius I see Kirchhoff in Philologus xii 571, where the writer holds that there were embassies sent to Sicily in 369 and also in 368. Cf. Lortzing, Apoll. pp. 3 f., 10; Sigg, Apoll. p. 403 f. (Blass, Att. Ber. iii 460).

Droysen (Zeitschrift für d. Alterthumswissenschaft 1859 p. 929) places the speech in Ol. 107, 1 = B.C. 352—1, and Böhnecke (Forschungen p. 675) in Ol. 107, 2 = B.C. 351—350. They connect the Sicilian trierarchy of Apollodorus (1) with the dispatch sent to Athens in Ol. 106, 3 = B.C. 354—3 by a leading man in Syracuse, Callippus by name; and (2) with a request for assistance on the part of the Messenians, recorded by Pansanias (iv 28 § 2). Arnold Schaefer, however, points out that we have no authority for stating that the Athenians sent any reply to the overtures of Callippus by sending a special embassy to Sicily, and Apollodorus would have been the last man in the world to have anything to do with Callippus, who was his personal enemy (see note on Or. 36 § 53). Besides, Apollodorus would then be in the 40th year of his age, and would have had considerable experience of business, whereas when he undertook this trierarchy, and when he shortly after assisted Nicostratus, he was quite a young man and inexperienced in the ways of the world (§§ 12—13). As was seen by Rehdantz, who places the speech in B.C. 368 (John’s Neue Jahrbücher lxx 505), we must not refer the allusions in §§ 9 and 14 to the lawsuit of Apollodorus against Phormion which was met by the latter’s special plea (Or. 36), but to the threatened litigation of the first few years after his father’s death. Now, after the summer of 369 the Athenians, in consequence of help sent by Dionysius I. to his allies the Spartans, were engaged in negotiations with that tyrant which led to the conclusion of a peace and alliance. With these negotiations we may connect the Sicilian trierarchy of Apollodorus. The ambassadors whom he had on board could not confer with the Spartans without landing at Gytheion, as the Peloponnesus was for the most part in arms on the side of the Thebans. (Abridged from A. Schaefer, u. s., p. 145—6.)
passage, but also because at this period no one was required to be trierarch oftener than once in three years, and we know that Apollodorus was so employed in B.C. 362; hence he may have been trierarch in B.C. 365 and B.C. 368, but probably not in B.C. 369. Thus if we allow a fair interval of time for the events mentioned in the speech subsequent to the triarchy, we may fix on B.C. 366 as the probable date of its delivery. Now, if Demosthenes was born in B.C. 381, he was still a minor in B.C. 366 and too young to have been the writer of the speech; if, as is most probable, his birth was in B.C. 384, he was only just of age when the speech was delivered, and had enough to do in looking after his own affairs, and preparing, under the guidance of Isaeus, to join issue with his guardians, without writing speeches for other people. Consequently, the probable date of the speech, coinciding as it does with the internal evidence and with the doubts of Harpocration, makes it almost impossible to ascribe it to the authorship of Demosthenes.

But whether written by Demosthenes, or, as is much more probable, by another, most likely by Apollodorus himself, there can be no reasonable doubt that the speech was actually delivered before an Athenian tribunal. As a study of character, the narrative of the relations between the speaker and his opponents is not without an interest of its own; and the moralist may there find a fresh exemplification of the wise saw of Polonius,

1 Cf. Sigg, *Apoll.* p. 404, who (with Lortzing) also draws attention to the indication of time in § 4 ἐπιειδὴ ἐτελέσθησεν ὁ πατὴρ... ἧρον δὲ προβαίνωντος. But it is fair to remark that the subsequent expression 'when ever I was abroad, either on public service as trierarch, or on my own account on some other business,' while it is not necessarily inconsistent with a single voyage as trierarch, which is all we can assume if we place the period in B.C. 366, is better suited to a date which would allow of more than one absence on public service.
INTRODUCTION TO OR. LIII.

Never a borrower or a lender be,
For loan oft loses both itself and friend.

The speech includes several passages of peculiar intricacy, in which the language of Athenian lawcourts and the vocabulary of Attic horticulture will demand special illustration in the course of the commentary\(^1\). The knotty points of legal terminology, which may embarrass the beginner, may prove attractive to experts,

\[\text{qui iuris nodos et legum aenigmata solvunt;}\]

though others perhaps will be better pleased to dwell on the details of the speaker's country-home, and will not be sorry to leave for a while the lawcourts of Athens, for the vineyards and orchards, the olives and roses of Attica.

\(^1\) notes on §§ 14—16.
This is a speech for the plaintiff in an action for assault and battery, which arose as follows. One evening the plaintiff, a young Athenian named Ariston, accompanied by a friend, was taking his usual stroll in the market-place of Athens, when he was attacked by the defendant Conon, and his son Ctesias and four others. One of these last fell upon Ariston's friend and held him fast, while Conon and the rest made an onslaught on Ariston, stripped him of his cloak which they carried off with them, threw him violently into the mud, and assaulted him with such brutality that he was for some time confined to his bed and his life despaired of (§§ 7—12).

Ariston, on his recovery, had more than one legal course open to him (§§ 1 and 24). Conon had, in the first instance, rendered himself liable to summary arrest for stripping off his cloak, and he was still amenable either to a public indictment for criminal outrage (ὑπέρτερας γραφής) or to a private suit for assault and battery (αἰκίας δίκης). To take the former of these last two courses would have proved a task too arduous for so youthful a prosecutor as Ariston, and he accordingly followed the advice of his friends and adopted the safer and less ambitious plan of bringing an action for
assault. The case was submitted in this form to a public arbitrator, and as his award, whatever it may have been, was not final, the plaintiff brought his suit before one of the legal tribunals, possibly that known as the Forty, state-officers chosen by lot who went on circuit through the demes of Attica, and under whose cognisance, besides some minor matters, all private lawsuits for assault were placed. Two points were essential to the proof of the case, (1) that the defendant struck the plaintiff who was a free-man, with intent to insult him; and (2) that the defendant struck the first blow and was not acting in self-defence under the provocation of a previous assault.

The plaintiff, after a brief statement of the reasons which led him to prefer bringing a private suit instead of a public indictment against his assailant, and after the usual request for a favourable hearing, gives a graphic account of the origin of the feud between Conon’s sons and himself (§§ 3—6); he then passes on to a vivid description of the scene in the market-place and the brutal assault there committed by Conon and one of his sons (§§ 7—9), and calls medical and other evidence to prove the serious nature of that assault and its nearly fatal result (§§ 10—12).

He next anticipates the defence which is likely to be set up by Conon, who, he understands, will make light of his son’s misconduct and try to pass it off as a mere freak of youthful pleasantry; he contrasts the flippancy of the proposed defence with the more serious spirit of the laws of Athens, which provide penalties for even minor offences to preclude the perpetration of

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1 Or. 37 (Pant.) § 33, ἥ μὲν αἰκία καὶ τὰ τῶν βαιών πρὸς τοὺς πετταράκοντα, αἱ δὲ τῶν ὑβρεως (δικαί) πρὸς τοὺς θεσμοθέτας. See esp. Caillemer in Dict. des Antiquités (Daremberg et Saglio) s.v. Aikias dîkê; or Meier and Schönmann, Att. Process p. 80.
graver crimes (§§ 13—20); and he submits that the plea of youth can only be urged in mitigation of punishment and is at any rate inapplicable to Conon himself, a man of more than fifty years of age, who, so far from restraining his sons and the other assailants, was actually the ringleader of them all (§§ 21—23). The defendant was amenable to the laws against highway robbery and brutal outrage and, had death ensued, would have been chargeable with murder (§§ 24, 25).

He further describes the evasive conduct of the defendant during the preliminary arbitration (§§ 25—29); denounces the falsehood of the evidence put in by persons who were boon-companions of the defendant, deposing that they found the plaintiff fighting with the defendant's son, and that the defendant did not strike the plaintiff; contrasts it with the evidence of impartial persons on his own side attesting to his having been assaulted by the defendant (§§ 30—33); and comments severely on the bad character of the witnesses for the defence (§§ 34—37).

He then warns the court not to allow themselves to be imposed upon by the hard swearing and the sensational imprecations which, he is informed, will be resorted to by the defendant, whose antecedents prove his reckless disregard of things sacred; while he himself, averse though he was to taking even a lawful oath, had for the truth's sake offered to take such a pledge; and, as that offer had been declined by the defendant, he would now for the satisfaction of the court swear solemnly that in very truth he had been brutally assaulted by his opponents (§§ 38—41).

After pointing out that even in this private suit public interests were at stake, he very briefly refers to the way in which his family and himself had done their duty towards their country, while his opponents had
INTRODUCTION TO OR. LIV.  lxiii
done nothing of the kind. 'Even supposing,' he says in conclusion, 'we are of less service to the state than our opponents, *that* is no reason why we should be assaulted and brutally outraged.'

The only clue to the date of the speech is to be found in a passage in § 3, whence we conclude that it was delivered two years after orders were given at Athens for a military force to go out on garrison duty to Panactum, a fort on the Boeotian frontier. We read of such an expedition in B.C. 343; and this would bring us to B.C. 341 as the year of the trial. It has been suggested, however, though no reason is assigned, that this is too late a year, and that there is warrant for believing there was regular military service, as opposed to a special expedition, on the Boeotian frontier in B.C. 357, to protect Attica from a diversion on the part of the Boeotians shortly before the Phocian war, during which there was no occasion for such precautions, as the Phocians kept the Boeotians occupied in another direction. Thus, the military movements referred to in § 3 belong to the time either shortly before or shortly after the Phocian war, in other words, either to B.C. 357 or 343, the speech being thus placed in B.C. 355 or 341 respectively. In the course of an *Excursus* on p. 229, I have pointed out that the reference to the Triballi in the days of Conon's youth supplies us with a hitherto unnoticed coincidence in favour of the later date.

The speech has deservedly won the admiration of

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1 Dem. de fals. leg. (B.C. 343) § 326, περὶ...τῆς πρὸς Πανάκτων χώρας μεθ’ ὀπλῶν ἔξερχόμεθα, ὃ ἔσχαν Φοκείς σῖς οὐσέπωστον ἐποίησαμεν.

ancient and modern critics alike. It is one of the few private orations whose genuineness has never been doubted. The orator Deinarchus is reported to have plagiarized from it, the old grammarians often refer to it, and the Greek writers on Rhetoric quote it more frequently than any of the other private orations. In particular Dionysius of Halicarnassus, in his treatise on the eloquence of Demosthenes, after quoting a vivid description from the orator Lysias, one of the highest merits of whose style was the power of clear and graphic narration, selects for comparison the vividly vivid passage in the present speech where the plaintiff describes the disorderly doings of his opponents in the camp at Panactum and in the market-place of Athens (§§ 3—9). His criticism is to the effect that the extract from Demosthenes is fully equal to that from Lysias in clearness, correctness, and perspicuity of style, in conciseness and terseness, in unadorned simplicity and in truthfulness of detail. He also commends the skill with which the language of the speaker is kept true to character, and appropriate to the subject, and finds in the narrative much of the winning persuasiveness, the charming grace, and the other merits of style that mark his quotation from Lysias. A modern writer on the literature of the speeches of

1 Blass, Att. Ber. iii 399.
2 Eusebius, Praepar. Evang. quoting from Porphyry (περὶ τοῦ κλέπτας εἶναι τοὺς Ἐλλήνας), x 3 p. 775 Migne, Δέωραχος ἐν τῷ πρῶτῳ κατὰ Κλεομέθοιης αἰκίας πολλὰ μετενήρθησαν αὐτοῖς ὑμμα- σιν ἐκ τοῦ Δημοσθένους Μετὰ (sic) Κώμοιν αἰκίας.
3 e.g. Hermogenes quoted on §§ 1, 4.
4 Dionysius, de admir. vi dicendi Dem. 13, ταῦτα οὐ καθαρὰ καὶ ἁκριβῇ καὶ σαφῆ καὶ διὰ τῶν κυρίων καὶ κωνών ὑπομάτων κατε- σκευασμένα, ὧσπερ τὰ Λυσίαν;... τὶ ὁ γὰρ σύντομα καὶ στρατηγόλα καὶ ἀληθείας μεστά καὶ τὴν ἀφελή καὶ ἀκατάκεκυτον ἑπιφανείαν φύ- σιν, καθάπερ ἐκείνα;... οὐχὶ δὲ καὶ πολλὰ καὶ ἐν ἰδίᾳ λεγομένα τινι καὶ τὸ προσόν τοῖς ὑποκειμένοις προσώπωσι τε καὶ πράγμασι ψυχ- ἀπότομα; ἤδονής δὲ ἀρα καὶ πει- φοδίς καὶ χαρίτων, καὶ προς τέ καὶ τῶν ἄλλων ἀπάντων, ἢ τοῖς Λυ- σίασιοι ἐπανδούντων, ἢρα οὐχὶ πολλῇ μοῖρᾳ;
Demosthenes has well remarked that no selection from the Private Orations can be considered complete which does not include the Conon; and many years after that remark was made, it was excellently edited for school-reading with a brief German commentary by Westermann. It has also been the subject of an appreciative criticism by Perrot who writes as follows:

'Dans le discours contre Conon...Démosthène réunit aux qualités qui firent le succès de Lysias celles qui distinguent Isée. De Lysias, il tient l'art d'entrer dans le caractère et dans le rôle du personnage qu'il fait parler, de se transformer en lui, si l'on peut ainsi parler, de produire l'illusion la plus complète. Par la vraisemblance et la vivacité du récit, par l'art d'y semer des détails sensibles et pittoresques, de faire voir la chose telle que l'on a intérêt à la présenter, il est bien près d'égaler son modèle...Où Démosthène est tout à fait supérieur à Lysias, c'est dans ce qu'il a appris d'Isée : il tire des témoignages un bien autre parti, il les place, les encadre, les développe et les discute avec une bien autre habileté ; il connaît bien mieux les lois, il remonte à leurs principes, il en expose les sens et la portée avec une autorité dont rien chez Lysias ne peut donner l'idée. Enfin, pour n'insister que sur les différences les plus notables, les figures de pensée dont Lysias ignore encore l'usage animent et colorent son style : c'est le dilemme, c'est l'apostrophe, ce sont des interrogations brusques et passionnées, ce sont des mouvements oratoires dont l'élan et la variété nous avertissent que l'éloquence attique n'a plus de progrès à faire, qu'elle touche à sa perfection.'

One of our own scholars, in the course of a short chapter devoted mainly to the Private Speeches contained in the present volume, has well observed:—

The whole story is told and commented on with exquisite grace. The tone is that of a middle-aged man of precise habits, who knows little law, and would have known less had it not been for the defendant; anxious to seem calm, but not quite able to smother his indignation; a little wanting in a sense of the ludicrous, and so keenly alive to his own respectability—which is a recurring topic—that he must apologise for being aware that such rowdyism even exists.

To the modern reader the main interest of the speech is to be found perhaps in the lifelike pictures of Athenian manners incidentally sketched in its pages; and several scenes have accordingly been borrowed from it and interwoven with the narrative of Becker's *Chariicles* in illustration of the private life of the ancient Greeks. In particular, we here read of the disorderly clubs formed by young men about town, who, after holding a carouse, would sally forth into the streets to assault quiet people and play practical jokes at the expense of inoffensive citizens. To these indecorous societies the defendant's sons belonged, and the defendant himself in his youth was a member of a club called after a lawless tribe of Thrace, an association that finds its modern parallel in the fraternity, which in the days of Addison took its name from the wild Mohocks of North America, and was for some time the terror of the streets of London. The practical jokes of young Athens in the days of Demosthenes re-appear, some seven centuries later, in a less objectionable, not to say harmless form, in the pleasantries practised by students at the University of Athens at the expense of the 'freshmen' (οι νερήλενδες), who, at the first moment of their arrival, were struggled for by the young allies of the rival lecturers, good-humouredly

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1 Youth, rather than middle age, is suggested by § 1 ἅπερ Ἰη ναυ (and the context).
chaffed by them, and escorted with mock gravity through the market-place to the public bath, where, after a feint of frightening them, their tormentors considered the act of initiation completed, and were very good friends to the freshmen ever after.

The pages of the Greek orators abound in references to house-breaking and highway robbery, to street-brawls and other disorderly acts imperilling the public security; and in the present speech we find that the plaintiff could not take a quiet walk along the market-place of Athens, beneath the rock of the Aeropolis, past the temple erected as a memorial of the patriotic self-sacrifice of the daughters of an ancient king of Attica, and by the very scene where the tyrant Hipparchus was slain, without finding himself the victim of a brutal and outrageous assault. In times such as these at Athens, one who was tempted to take an evening stroll with a friend, if invited in language like that of Sebastian in Twelfth Night,

I pray you, let us satisfy our eyes
With the memorials and the things of fame
That do renown this city,

might have replied, with Antonio,

Would you’d pardon me,
I do not without danger walk these streets.

1 Gregor, Nazianzen, Or. 43 in laudem Basilii magi c. 16, who describes the initiation as tois agnoouv lían phoibeov kai anhemerov tois de proeidosi kai malà ydou kai phalantherowv. Gregory’s young friend Basil was one of the few who were spared the ordeal on coming into residence (in A.D. 351).

2 e.g. (Dem.) Or. 47, kat’ Edégron kai Mnouthołov, Lysias Or. 3, πρὸς Σίμωνα and fragm. 75 (ed. Scheibe), a long passage quoted by Dionysius as a parallel to the Conon (as already stated, p. lxiv). Cf. Becker’s Charieties, Sc. v, note 9, and Mahaffy’s Social Life in Greece, p. 319.
INTRODUCTION TO
Or. LV
ΠΡΟΣ ΚΑΛΛΙΚΛΕΑ ΠΕΡΙ ΧΩΡΙΟΥ¹.

This is a speech on the side of the defence in an action for damages alleged to have been incurred by the plaintiff, Callicles, by reason of a wall having been built on the defendant's property to the obstruction of a water-course carrying off the drainage of the surrounding hills. The farms of the plaintiff and defendant lay in a hilly district of Attica, separated from one another by a public road; and the defendant's father, Tisias, on coming into possession of his farm and finding that the water which flowed from the high ground had made an inroad into his property and was cutting itself a regular channel, built a stone-wall round it to prevent the water from making any further encroachment. No protest was raised on the part of the plaintiff's family either at the time or for many years subsequently; Tisias lived fifteen years after building the enclosure, and, after his death, a mountain-torrent caused by a heavy shower of rain overthrew an old wall on the plaintiff's land, flooded his property and damaged some of his stores. Thereupon the plaintiff brought an action for damages, alleging that the flood was due to the stream being diverted to his own side of the road by the proper water-course having

¹ περι χώριον βλάβης is the title given by Harpocration, in one of his articles (s.v. χληδός Or. 55 § 22). But cf. § 15.
been blocked up by the building of the wall on the defendant’s property.

The speech for the defence opens by casting on the plaintiff the imputation of bringing the action with a view to getting possession of the defendant’s property (§ 1). The speaker, a son of Tisias, whose name is not given, pleads that the wall was built by his father fifteen years before his death, without any objection on the part of the plaintiff’s family, and challenges the other side to prove the existence of the water-course alleged to be obstructed by the wall (§§ 3—7); he had offered to refer the dispute to the arbitration of impartial persons familiar with the neighbourhood, but the plaintiff had refused the offer (§§ 8, 9); he then describes carefully the position of the two properties on the opposite sides of the public way, and accounts for the building of the wall (§§ 10, 11). He next calls evidence to prove that the alleged water-course was part of his private ground, as it contained an old burial-place, and an orchard besides (§§ 12—15); he further shews that, as the water would naturally flow down the public way, there was no occasion for such a water-course (§§ 16—18), and that there was no such channel immediately above or below his own property (§ 19). The plaintiff’s loss was due to his own carelessness and he was most inconsistent in bringing this action (§ 20); the other neighbours who had suffered severely made no complaint, whereas the plaintiff had lost nothing worth mentioning (§§ 21, 23—25). Again, his opponents had themselves advanced their wall (and thus encroached on public property); they had also raised the level of the road (and thus led to the water being liable to be diverted from the road itself to the lands adjacent). After once more referring to the plaintiff’s interested motive in bringing the action, he states
in conclusion that, though the plaintiff had refused his offer, he had been ready to take the legally recognised oath and to swear that he had not caused the damage alleged, feeling that that would be the strongest argument with a jury who were themselves on their solemn oath.

The general style of the *Callicles*, as indeed that of the *Conon*, is not unlike that of Lysias, and speeches on similar subjects, one on a water-conduit and another on a disputed boundary, are known to have been composed by the orator Hyperides, but the genuineness of the speech before us can hardly be seriously contested, though it has been suggested that it was written by Demosthenes in his younger days. It is quoted without hesitation by Harpocratio and the rhetoricians alike, as the work of Demosthenes himself. The narrow limits of the speech and the somewhat trivial nature of the subject will account for the exordium not being succeeded, as elsewhere, by any formal narrative or statement of the case; instead of this, the narrative of the facts is only incidentally included in the course of the speech, and is blended and interwoven with the thread of the argument. Here and there the argument is brightened by a touch of quiet humour, as in the passage where the speaker, arguing on the supposition of his allowing the rain-water to make an inroad into his property, after exhausting several alternatives of dealing with the stream when once it was there, exclaims in conclusion, 'What am I to do with it? for I presume the plaintiff won't compel me to drink it up!'

1 περὶ ὀχετοῦ and περὶ τῶν ὀρίων p. 88 (ed. Blass) fragm. 131 ὀποῖως τὸ ἀνώμαλον τοῦ χωρίου τῇ τῶν ἀνδήρων καὶ ὀχετῶν ἀφαιρετοῦ κατασκεύην fragm. 158, ὀχετόκρανα (= αἱ τῶν ὀχετῶν ἀρχαὶ).

2 Bekker however in the Leipzig ed. vol. iii, 1855 considers it doubtful; and it is rejected by Sigg, *Apoll.* p. 401 note.

3 A. Schaefer, u. s., iii 2, 256.
In the course of the speech we have also several indications of the provisions of Athenian law respecting those rights of water, with the Roman law of which we are far better acquainted. We gather that the inferior tenant held his land subject to the limiting obligation, or servitus as Roman lawyers would have called it, of giving free passage into his own land for the water, in particular the rain-water, flowing from the superior tenement; and in a passage of Plato’s Laws we find provisions suggested for regulating the relations between neighbours in rights of this description and requiring the superior proprietor to do everything in his power to relieve the inferior proprietor from unnecessary inconvenience. Again, the law did not allow the diversion of the natural and regular channel of the water by the building of a wall or by any similar construction. Callicles appears to have had no case, as his property did not immediately adjoin that of the defendant but was separated from it by a public way which provided sufficiently for carrying off the water. In some instances, but (as the defendant contends) not in the present, a regularly recognised water-course, or ditch, traversed several successive properties, and it is clear that no individual proprietor could intercept this. It also appears that the proprietor of any land bordering on a public way generally turned his drainage on to the road (§ 26). The legal issue in the Callicles appears to turn in a great measure on the nature of the water-course, the existence of which is maintained by the plaintiff and denied by the defendant. The encroachment made by the floods, before the defendant’s father became the pro-

1 p. 844, quoted in note on § 19.
2 Cf. M. Caillemers article on Aqua in Daremberg et Saglio, Dict. des Antiquités.
priestor, led to a stream of intermittent rain-water gradually forming a channel for itself (μᾶλλον ὀδοποίει § 11) through a burial-ground\(^1\) planted with fruit-trees. The plaintiff appears to have contended that the channel thus formed was a water-course within the terms of the law; the defendant relies on the existence of the trees and the tombs to prove that it was not a recognised channel, but part of his private ground, accidentally inundated, and repeatedly traversed by water, more than fifteen years before. It was this damage, he contends, that led to his father building the wall for the protection of his property.

Lastly, we have several points that are curiously suggestive on the state of the country-roads in the hilly districts of Attica; the road itself is assumed to be the natural channel for the drainage of the neighbouring hills, and a proper water-course beside the road is declared to be a thing unheard of. In fact, like some of the present roads of Attica, as described in a modern writer's amusing sketches of Greek brigandage, the road and the stream were one and the same thing, and, except in dry weather, the former hardly existed\(^2\).

\(^1\) For purposes of irrigation, Plato would allow the tenant to divert water from streams that were common property by cutting himself a channel anywhere except through a private house or through temples or tombs. Legg. p. 844 a, τῶν ἱδάτων πέρι γεωργοῖς παλαιαί καὶ καλοὶ νόμοι κείμενοι οὐκ ἄξιο παροχετεύειν λόγοις, ἀλλ’ ὁ βουληθεὶς ἐπὶ τὸν ἀυτὸν τόπον ἄγειν ὑδάω ἄγετω μὲν ἀρχόμενος ἐκ τῶν κοινῶν ναμάτων... ἔ ὁ ἄν βουληθεῖ ἄγειν, πλὴν ἐὰν οἰκίας ἣ ἱερῶν τι νῦν ἣ καὶ μνημάτων, ἄγετω.

\(^2\) Edmond About, quoted on p. 231.
XXXVI.

ΠΑΡΑΓΡΑΦΗ ΥΠΕΡ ΦΟΡΜΙΩΝΟΣ.

ΤΠΟΘΕΣΙΣ.

Πασίων ὁ τραπεζίτης τελευτῶν ἐπὶ δύο παισίν ἐξ Ἀρχιππης, Ἀπολλοδόρῳ καὶ Πασικλεῖ, Φορμίωνοι οὐκέτην ἐαυτοῦ γενόμενοι, τετυχηκότα δὲ ἐτε πρότερον ἐλευθερίας, ἐπίτροπον τοῦ νεωτέρου τῶν παιδῶν Πασικλέους κατέλυπε, καὶ τὴν μητέρα αὐτῶν, παλ- λακὴν ἐαυτοῦ γενομένην, ἔδωκεν ἐπὶ προικὶ γυναῖκα. Ἀπολλόδωρος οὖν νέμεται πρὸς τὸν ἀδελφὸν τὴν πατρῴαν οὐσίαν πλην τῆς τραπέζης καὶ τοῦ ἀσπιδοπηγείου ταῦτα γὰρ Φορμίων ἐμείσθωτο παρὰ Πασίωνος εἰς ὄρισμένου χρόνου τινὰ. καὶ τέως μὲν ἐλάμβανε τὸ ἤμισυ τῆς μισθώσεως ἐκάτερος, ύστερον δὲ καὶ αὐτὰ νέμονται, καὶ γίγνεται τὸ μὲν ἀσπίδο-

1. τελευτῶν ἐπὶ δύο παισίν] 'Dying with (in possession of) two children,' i.e. 'leaving two children behind him at his death'; an idiom not unrequent in late Greek, e.g. Herodian (θ. λ.δ. 238) τινὶ δὲ εἰς τοὺς ἔκτοις ἐπὶ παισὶ διαδόχοις τελευτήσαντας. Or. 27 Ἀγι. 5. παλλακῆς] 'Quo iure Libanius Archippam, quae et in testimonio Pasionis (Or. 45 § 28) et alibi (36 §§ 30, 31; 46 § 13) uxor (γυνἰ) eius dicitur, hoc loco παλλακὴν vocaverit, non apparebat' (Huettenner).

6. ἐπὶ προικὶ] For the construction cf. Or. 28, Aphob. B, § 16, τοῦτῳ τὴν ἔμνῃ μητέρα ἐγγυνών ἐπὶ ταῖς ὀγδοϊκοις μναίς, ib. § 19; 41 § 6. The marriage portion of Archippe amounted to five talents, as we learn from the First Speech against Stephanus, Or. 45 § 74, cf. ib. § 28, ἡκούσατε τὸ πλῆθος τῆς προικὸς, τάλαντον ἐκ Πεταρῆβου, τάλαντον αὐτόθεν, συνοικίαν ἕκατον μνῶν, θεραπείαις καὶ χρυσία κ.τ.λ.

12. αὐτὰ] They share between them the properties themselves, viz. when Phormion’s lease of them had expired.
21. εἰληφε] In Grammarian's Greek, this stands either for λαγχάνει or ἐλαχε. So πέπομφε is used in the Argument to Or. 31, line 31, and so πεποληκεν below. P.

deltai άφορμής] 'A suit referring to capital,' 'a suit for the recovery of banking stock.' §12 ἐγκαλούντες άφορμήν.

22. οἱ Ἀττικοί] Harpocration s.v. άφορμή ήταν τίς άργυρων δὲ ἐνθηκή, άφορμή καλεῖται ἰδίως παρά τοῖς Ἀττικοῖς. And similarly Hesychius, and Phrynichus, ed. Rutherford p. 304. For this late Greek equivalent to άφορμή references are given in Sophocles' Lex. of Rom. and Byzantine Greek to Phrynichus 223 (fl. łąd 180) and Basilius of Caesarea 3320 (fl. c. łąd 379).

παραγράφεται κ.τ.λ.] 'Phormion raises a special plea in bar of action, by appealing to a statute enacting that, on matters on which a release and quittance has once been granted, no subsequent litigation shall be lawful.' See note on § 25 αφείς καὶ ἀπαλλάξας. Pollux: παραγραφὴ όταν τίς μη εἰλαγχώρων λέγη εἶναι τὴν δίκην, ἢ ὡς κεκρυμένος, ἢ διαίτης γεγενημένης, ἢ ὡς ἀφεὶ μένος, ἢ ὡς τῶν χρόνων ἐξηκότων (§ 20) ἐν αἰσ ἔδεα κρίνεσθαι: where are enumerated the four principal circumstances under which an ordinary action is not maintainable. (Cf. C. R. Kennedy, Dem. Lept. &c. Vol. iii Appendix, ix p. 378; Meier and Schömann, Att. Process, p. 644—9.)

παρεχόμενος] 'adducing,' προφυλάχομενοι. A use of the participle analogous to παρέχεσθαι μάρτυρας (Or. 27 § 8), said of one who is pleading his own cause, and so, inf. § 34, and often elsewhere. P.

25. ἀπτεται της εἰθελας] Sc. δίκης. 'Touches on, handles, grapples with, the general issue,' εἰθελίκια being the direct course
to the

of an action argued on the merits of the case, as opposed to 

an action, the defendant Phor- 

mion's obvious inexperience and incapacity for public speaking make it necessary for his friends to state his case on his behalf. They confront the plaintiff Apol- lodorus with a special plea in bar of action, not to waste time and evade the main issue, but to secure a final settlement of the case. Their friend, the defend- ant, has conferred many kind- nesses on the plaintiff; and has further been released from all the legal claims of the latter, only to find himself at last the victim of a vexatious lawsuit. However, a brief recital of the transactions of the litigants will prove that the plaintiff's case is utterly untenable.

1. τήν ἀπειρίαν τοῦ λέγειν]

Like all slaves at Athens, Phor- mion (once the slave of the banker Pasion) was of barbarian birth; and though subsequently re- 

1—2

and the audience is paid by the Mytilenaean in Antiph'on's De Caede Herodis (Or. ν § 5) δέομαι μόνων ...

καὶ τῆς εὐθείας ὁ ρήτωρ, δεικνύσ ὡς οὐκ εἶχεν ἡ τρα- 

καὶ ἵνα ἡ παραγραφὴ μᾶλλον ἰσχύῃ, τῆς εὐθείας δεικνυμένης τῷ Ἀπολλοδόρῳ σαθρᾶς.

τὴν μὲν ἀπειρίαν τοῦ λέγειν, καὶ ὡς ἀδινάτως 

α δεικνυμένης Ζ.
Similarly in Or. 20 § 163 λέγειν καὶ διεξόντω, 21 § 17 εἰπεν καὶ δισχισθαν (Huettn.). This characteristic of his style is noticed by Dionysius Hal. περὶ τῆς Δμ. δενόντως 58, and is illustrated by Blass, Att. Ber. iii 94.

α ἄν ἡ δίκαια κτ.λ.] The relative clause to ταῦτα ψηφίσησθε is placed before it partly for increased emphasis, partly to bring δίκαια closer to τὰ δίκαια in the previous context.

2. ἐκκρούοντεσ χρόνους ἐμποιώμεν ἔρημοιν] ‘With the evasive object of wasting time,’ or (with Kennedy) ‘for the sake of evasion and delay.’ The phrase χρόνους ἐμποιών occurs in Or. 9 § 71, 23 § 93. Cf. Or. 47 § 63, διατριβὰς ἐμποιοῦν... τεχνάζει τὸν χρόνον ἐγγενέσθαι. For ἐκκροῦντε, cf. Or. 54 § 30; 40 § 45 τὴν δίκην ὅτι πλείστον χρόνον ἐκκροῦν, ib. 43; and for the general sense, Thuc. iii 38, χρόνον διατριβὴν ἐμποιεῖν καὶ κατὰ Στεφ. Λ, § 4, p. 1102, χρόνον γεγομένον καὶ τῆς γραφῆς ἐκκροομένης. Liddell and Scott (ed. 6) give a phrase ἐκκροοίχα χρόνον, ‘to waste time,’ and, to prove it, inadvertently refer to the last passage and to the words of the text, where χρόνος clearly comes after ἐμποιώμεν (corrected in ed. 7, 1883).
THEP ΦΟΡΜΙΩΝΟΣ.

P. 945] Reiske

αδικονθ' έαντόν ούτοςι, ἀπαλλαγή τις αυτῷ γέννηται παρ’ ὑμῖν κυρία. ὅσα γὰρ παρὰ τοὺς ἄλλους ἐστὶν ἀνθρώπων ἱσχυρὰ καὶ βέβαια ἀνεύ τοῦ παρ’ ὑμῖν ἀγωνι-945 σασθαί, ταῦτα πάντα πεποιηκός Φορμίων ούτοσί, κἂν πολλά μὲν εὐ πεποιηκός Ἀπολλόδωρον τοιοῦτοι, πάντα 3 δ', ὅσων κύριος τῶν τούτων κατελείφθη, διαλύσας καὶ παραδόνσι δικαίως, καὶ πάντων ἀφεθεῖς μετὰ ταύτα τῶν ἐγκλημάτων, ὡμοί, ὡς ὅρατε, ἐπειδὴ φέρειν τού-τον οὐχ οἶδας τ' ἐστί, δίκην ταλαντών εἰκοσὶ λαχῶν αὐτῷ ταύτην συκοφαντεῖ. ἐξ ἀρχῆς οὐν ἀπαντα τὰ


ἀνεύ τοῦ παρ’ ὑμῖν ἀγωνισά-θαι 'Without standing a trial in your court.'

πεποιηκός...εὐ πεποιηκός...... διαλύσας ... παραδόνσι ... ἀφεθεῖς] Although all these participles refer to Phormion, who is the subject of the first part of the sentence, the principal verb συκοφαντεῖ refers to Apollodorus. To obviate the harshness of this anacolouthon it has been proposed (by G. H. Schaefer) to follow one of the ςς, the Augustus primus, in reading πε-ποίηκε for πεποιηκός, and also to strike out καί before πολλά, and place a full stop at ἐγκλη-μάτων. [But we should still expect ὡμοί δ’, or ἄλλ’ ὡμοί. Perhaps it is better to regard this as an instance of the no-minatives pendens.' P.] The Zürich editors refer to Funkhaeuel, quaest. Dem. p. 75 sq.


dιαλύσας κ. παραδόνσι κ.τ.λ.] 'Having duly paid and delivered up everything—and having thereafter received a discharge from all further claims.' For διαλύειν τι, cf. 20 § 12 κοινῆ διαλύει τὰ χρήματα, 23 § 2; 29 § 7; 41 § 8. For another con-struction διαλύειν τινα, cf. § 50. ἀφεθεῖς—ἐγκλημάτων] Or. 45 §§ 5, 40; Lys. 3 § 25 ἐφεύμουν τῶν ἐγκλημάτων, Isaeus 5 § 1 ἀφήκαμεν ἀλλήλους τῶν ἐγκλη-μάτων.

ἐπειδὴ φέρειν τούτον οὐχ οἶδας τ’ ἐστί i.e. since (or, at a time when) Phormion cannot submit any longer to the unconscionable claims of Apollodorus (and therefore declines to make any further concessions), the latter has vexatiously instituted the present action. The subject of the subordinate clause appears to be Phormion. For the sense, compare the language ascribed to Apollodorus in § 38, μετόθω-σιν ἥθελεν αὐτῷ φέρειν Φορμίων πολλάν...ἐπεί δ’ οὐ ποιεῖ ταύτα, τυγκαίτα, ψηλῆ, δικαίωμα, and especially κατὰ Στεφ. Α, § 5, ἐπειδὴ ποιεῖ τοῦτον ὑπὸ δεῖν ὁν ὢν τότε ὁμολόγησε, καὶ τὰ χρήματα ἀποστειρεῖ ἐνεχείρησεν ἀ τῆς τραπέζης ἐξεν ἀφορμῆν, δίκην ἴππαγκάθην λαχεῖν. For φέρειν cf. 21 § 197 ὡν...οὐ φιλοι δύναν-ται φέρειν.—Γιὰ δίκην λαχῶν, cf. Or. 51 § 1, ἑλάχιν δίκην ν. συκοφαντεῖ] Cf. Or. 55 § 1 n.
πραγμάτευτα τούτω πρός Πασίωνα καὶ Ἀπολλόδωρον ὡς ἀν δύνωμαι διὰ βραχυτάτων εἰπεῖν πειράσομαι, ἐξ ὅν ἐν οἴδ' ὅτι ἦ τε τούτων συκοφαντία φανερὰ γενήσεται, καὶ ὡς οὐκ εἰσαγόγυμος ἢ δίκη γνώσεσθε ἁμα ταῦτ' ἀκούσαντες.

4 Πρώτον μὲν οὖν ὑμῖν ἀναγνώσεται τὰς συνθήκας,

—πραγμάτευτα τούτω, Or. 34 § 36 n.

Πασίωνα] Pasion, originally the slave of Archestratus (§§ 48), and acountant to the banking-firm of Archestratus and Antisthenes, was set free by his masters and succeeded them in their business (§§ 43—48). The \textit{Trapeziticus} of Isocrates, which belongs to B.C. 394, while Pasion was probably still a μέτοικος, and not yet rewarded with the citizenship of Athens, purports to be a speech written in prosecution of Pasion for defrauding a subject of Satyrus, king of Bosporus. The father of Demosthenes had some money in Pasion’s bank (Or. 27 § 11). Pasion, according to his son, Apollodorus, had conferred many benefits on the state, e.g. by presenting five triremes and a thousand shields (Or. 45 § 85), and his credit was good throughout all Greece (Or. 50 § 56). He died in B.C. 370 (Or. 46 § 13). \textit{Introd.} pp. xix—xxi.

οὐκ εἰσαγόγυμος] Or. 45 § 5 (of this very trial), παρεγράφατο τὴν δίκην ἦν ἐφευρὲ Φορμίων οὐκ εἰσαγόγυμοι εἶναι. See ἐπίθεσις l. 23, παραγράφεται, n.

§§ 4—11. \textit{Statement of the transactions of Phormion with Pasion and Apollodorus}. After Phormion had become his own master, but before he had received the rights of Athenian citizenship, Pasion gave him a lease of the Bank and the Shield-Manufactory. Subsequently Pasion became ill and died, leaving a will whereby Phormion married his former master’s widow (Archippe), and became guardian to his younger son (Pasicles). The elder son (Apollodorus) proceeded to appropriate large sums out of the common estate, and the guardians accordingly deemed it prudent on behalf of their ward to determine on a partition of all the effects except the Bank and Shield-Manufactory, leased to the defendant, who was one of the guardians. The defendant paid a moiety of the rent of that property to the elder son, Apollodorus, who when Pasicles came of age discharged the defendant from his liability under the lease and from all further claims. The said property was thereupon divided between the two brothers, the elder exercising his option in favour of the Shield-Manufactory, as the safer though less remunerative business, and leaving the Bank, with its higher but more hazardous revenue, to his younger brother.

4. ἀναγνώστει] sc. ὁ γραμματεύς, the clerk of the court, as in §§ 21, 24, 40. —συνθήκας: The terms are given in Or. 45 § 32, μισθώσιν φέρεων τούτων ἄνει τῆς καθ’ ἡμέραν διοικήσεως δύο τάλαντα καὶ τεταράκοντα μιᾶς τοῦ
καθ' άς έμίσθωσε Πασίων την τράπεζαν τούτω καὶ
tο ἀσπιδοπηγεῖον. καὶ μοι λαβεῖ τὰς συνθήκας καὶ
tὴν πρόκλησιν καὶ τὰς μαρτυρίας ταυτασί.

ΣΤΝΘΗΚΑΙ. ΠΡΟΚΛΗΣΙΣ. ΜΑΡΤΤΡΙΑΙ.

Αἱ μὲν οὖν συνθήκαι, καθ' άς έμίσθωσεν ὁ Πασίων
τούτῳ την τράπεζαν καὶ τὸ ἀσπιδοπηγεῖον ἢδη καθ'
έαυτὸν άντι, αὐταὶ εἶσιν, ὃ ἀνδρεῖς 'Αθηναίοι: δεῖ δ' ήμᾶς
άκουσαι καὶ μαθεῖν ἐκ τίνος τρόπου προσώφειλε
τὰ ἐνδεκα τάλαντα ὁ Πασίων ἐπὶ τὴν τράπεζαν. οὐ 5
γάρ δι' ἀπορίαν ταυτ' ὥφειλεν, ἀλλὰ διὰ φιλεργίαν. ή

έαυτοι ἐκάστου...προσγέγραπται
de τελευταίον ὥφελειν ὁ Πασίων ἐνδέκα τάλαντα εἰς τὰς παρακατα-
θήκας,

ἀσπιδοπηγεῖον] Or. 45 § 85, ὁ έμός ὕμιν πατήρ (Pasion)
χιλιάς ἐδωκεν τά πειδιάσ.

ἡν τὴν πρόκλησιν] Probably a challenge to Apollodorus for the
production of the articles of agreement between Pasion and Phormion. On the term in
general, see Or. 54 § 27, προ-
καλοῦνται, n. and infr. § 7 n.

ἡδη καθ' ἐαυτῶν δύναι 'Doing
business on his own account, as
his own master,' no longer sub-
ject, as a slave, to the control of
another, though still a μέτοικος.

This rendering is supported by C. R. Kennedy and M. Da-
reste. Similarly in Reiske's in-
dex: 'when he had left his master's service, and gone into
business for himself, in his own
name, at his own risk.' καθ' ἐαυτῶν
is often used of being
'by oneself,' separate from
others; 21 § 140 καθ' ἐαυτῶν
ξώνη, 10 § 52 γεγονασι καθ' ἐαυτῶν ἐκαστοι.

προσώφειλε κ.τ.λ.] The de-
fendant has to explain how it
comes to pass that Pasion is

entered in the articles of agree-
ment as owing eleven talents
to the bank. He shows that
this sum had been lent by
Pasion on the security of certain
lands and houses on which
Pasion as the creditor, being an
Athenian citizen, would have
a claim, in the event of the
loan not being refunded or the
interest regularly paid. As
Phormion the lessee of the bank-
ning business had not yet ac-
quired the rights of citizen-
ship, it was therefore arranged
that Pasion should not transfer
these securities to Phormion
but keep them in his own
hands, and credit Phormion with
their value: in other words,
enter himself in the articles of
agreement as debtor to the bank
to the amount of eleven talents.

For προσώφειλε, the compound
verb followed by the simple
ἄφελε where the repetition of
the preposition is not neces-
sary, cf. Cic. Catil. iv 1, per-
ferrem...feram. Cf. Or. 53 § 4.

5. ἀπορίαν...φιλεργίαν] 'Not
want but thrifty,' or (with Ken-
nedy) 'Not on account of po-
verty, but on account of his
industry in business.' In Or.
"Property in land," real property outlaying real estate, Heldoros, ἀφανὴς οὐσία καὶ φανερά ἀφανὴς μὲν ἢ ἐν χρήματι καὶ σώματι καὶ σκέψει, φανερά δὲ ἢ ἐγγεγείρον. Λυσιάς, fragm. 91, τοῦ οἴου μεν κελευ
οντος τοὺς ἐπιτρόπους τοῖς ὅρφαι
νοῖς ἐγγεγείρων τίνι οὔσιαν καλιστάναι (Sudas s. v. ἐγγεγείρω).

ἀργύρων πρὸς ταύτην] In addition to this he had money of his own (personal property) lent out on interest to the amount of more than fifty talents. The larger amount so employed shows that he was a usurer by practice or profession. [P.]

ἐν οὐν τοῖς πεντήκοντα...ἐνδέκα] We have just been told that Pasion had more than 50 talents of his own money (ἀργύρων ἵδιον) lent out at interest, and we now find that ἐν τοῖς πεντήκοντα ταλ
άντοις there were 11 talents from the bank-deposits, profitably invested. The latter could hardly be called ἵδιον ἀργύρων, unless the words are used loosely in the general sense of ‘personal property’ as opposed to ἐγγεγείρον οὐσία or ‘real property.’ But we should perhaps strike out ἵδιον and attribute its in
sertion to an accidental repetition of πλέον, as ΠΑΙΟΝ and ΠΑΙΟΝ are not very unlike one another. Blass accepts this,

pointing out that ἵδιον is also open to objection on rhythmical grounds. Or again, keeping ἵδιον we might alter ἐν οὐν into ἐπ.” οὐν ‘in addition to,’ ‘over and above’ the 50 talents. He
ralds proposed σὺν οὖν, and G. H. Schaefer unsuccessfully attempts to show that ἐν may mean ‘besides,’ by quoting the quasi-adverbial use of ἐν δὲ in Soph. Α. 675, O. C. 55, and O. Τ. 27.

[In the sense of ‘in addition to’ he should rather have said πῶς than ἐπτ. Perhaps ἐν means ‘mixed up with,’ i.e. out at loan to the same borrowers as his own money was (Boeckh P. E. p. 480 Lewis² = 622 Lamb). A man may borrow of me, as a banker, privately £500, and I may let him have £500 more belonging to the bank. On the large pro
fits thus made by bankers, see Boeckh, P. E. p. 127 Lewis². [P.]

‘Pasion a prêté en tout 50 talents, à savoir 39 de ses fonds personnels, et onze des fonds provenant des dépôts faits à la banque...Tous ces fonds sont indistinctement prêtés au nom de Pasion (ἵδιον), qui est seul créancier des emprunteurs, tout en restant débiteur des dépô

ἐνεργά] ‘Out on interest,’ ‘profitably invested,’ as opposed to ἀργά ‘lying idle.’ Or. 27 § 7
οδε την ἐργασίαν ταύτην την της τραπέζης καὶ τὰς παρακαταθήκας λαμβάνων, ὅρων ὅτι μήπω τῆς πολυ-
τείας ἀυτῶν παρ’ ύμῖν ὑπήρχει οὐχ ῥώς τε ἐσοιτο εἰσ-
πράττειν ὅσα Πασίων ἐπὶ γῆ καὶ συνοικιάς δεδανει-
κώς ἢν, εἰλετο μᾶλλον αὐτῶν τῶν Πασίωνα χρήστην
ἐχειν τούτων τῶν χρημάτων ή τοὺς ἄλλους χρήστας,
οῖς προειμένος ἢν. καὶ οὖτω διὰ ταύτ’ ἐγράφη εἰς

τά τ’ ἐνεργὰ αὐτῶν καὶ ὅσα ἦν ἀργά, ταύτα μὲν ἐνεργὰ κατέλεπτεν...


παρακαταθήκης] Plato defin. p. 415 δόμα μετὰ πίστεως. Claims for

the repayment of such banking deposits form the subject of two

of the forensic orations of Isocrates, the Trapesiticus and

the ἀμάρτυρος πρὸς Εὐδόνων.

6. μήπω τῆς πολιτείας κ.τ.λ.] No one could lend money on the

security of land unless in default of payment (Or. 35 § 12)

the lender had the right to take possession of such land, and

this right of possession was confined to citizens to the ex-

clusion of μέτακοι (or resident aliens) like Phormion.

In a similar case a special exception was once made by the

Byzantines: Aristot. Οἰκον. π. 4 μετοχών των ἐπιδανεικτῶν

ἐπὶ κτήμασιν οὐκ οὕτως ἀυτοῖς ἐγκτήσεως, ἐψηφήσαντο τὸ τρίτον

μέρος εἰσεφέροντα τοῦ δανείου τῶν βουλόμενον κυρίως ἐχειν τὸ κτήμα

(Büchenschütz, Besitz und Er-

werb im Griechischen Alterthume,

pp. 492—3, K. F. Hermann,


[On the insecurity of lending

money on houses or lands, ex-

cept for citizens, see Boeckh,

P. E. pp. 140 and 654 Lewis,

who observes on this passage

that ‘no resident alien could

safely lend money upon houses

or other landed property, a

privilege which was confined to

the citizens.’ Of course μήπω

ὁδος, ‘so nonandum esset,’ is very

different from ὁδοὶ ὁδος, ‘cum

nonandum esset.’ P.]

ἐπὶ γῆ...δεδανεικώς] Cf. ἐγ-

γυνον, or ἐγγυειον, ὁδάισσαμα and

Or. 34 § 23 ἐγγυεῖον τόκοι. (K.

F. Hermann, Privatalterthümer

§ 49, 9 and Büchenschütz u. s.

p. 490.)

συνοικιάς] See n. on Or. 53

§ 13 τίθημι τὴν συνοικίαν ἐκκαί-

δεκα μνών. Houses built in

blocks and let out to families

were commonly so called. [This

is ὁδεῖν μετ’ ἄλλων opposed to

μονόρρωθιοι δόμοι in Aesch. Suppl.

960. The συνοικία were chiefly

let as lodgings for the μετοχοῦ.

(See C. R. Kennedy, Dem. 1 p.

252.) Boeckh, P. E. p. 140. P.]

ἢ τοῦ ἄλλου χρήστας, ‘Than the

others, to whom Pasion had

lent it, debtors to the bank.’

Perhaps the word χρήστας is

interpolated. P.]

οἰς προειμένοις ἢν] In the ma-
dial sense, Liddell and Scott s. v. προθήμιον B iii refer to this passage for the sense ‘to give away,’ ‘to give freely.’ But it here means ‘to lend’ as in Plato Demod. 384. Cf. Or. 56 §§ 2, 48, 50.

έγραφη ... προσοφείλων ένδεκα τάλ. [Or. 45 § 29 προσέγγισται ένδεκα τάλαντα οι πατήρ (Pasion) οφείλων είς τάς παρακαταθήκας τούτων, and § 34 εώς τάλλις] δι' αν περι τών ένδεκα τάλ. έχουμε εἰπένειν, ώς οὐκ οφείλειν οι πατήρ, ἄλλοι οὕτως ἵστηριν.

‘Ces onze talents provenant de dépôts constituaient une dette exigible de la part des déposants, et par suite un danger pour la banque du moment que le contre-valet n’était pas facilement et promptement réalisable. C’est pourquoi Pasion donne à Phormion sa garantie pour les onze talents. Il reste créancier de ses emprunteurs, mais il devient débiteur, envers la banque, d’une somme égale de sa créance sur ces derniers.’ Dareste.

7. τοῦ ἐπικαθήμενον] ‘The manager, the clerk, of the bank.’ Elsewhere Phormion himself is described by Apoll. as τῶν ἐπικαθήμενον ἐπὶ τῆς τραπέζης (Or. 49 § 17) and καθήμενον καὶ διοικοῦντα ἐπί τῆς τραπέζης (Or. 45 § 33), Isocr. Or. 17 (Trapez.) § 12, Pollux ii 84 ἐπικαθήμενος τραπέζης, S. Matt. ix 9 καθήμενον ἐπί (in charge over) τὸ τελώνιον. ἀρρωστίας] Pasion’s failing health is touched upon in Or. 52 § 13 ἀδυνάτως ἦδη ἔχοντα καὶ μόνης εἰς ἀστὴν ἀναβαινοντα καὶ τῶν ὀφθαλμῶν αὐτῶν προδιδόντα καὶ in Or. 49 § 42 ἐλεγεν ἀρρωστῶν ὅ τι ὀφείλετο αὐτῷ ἔκαστον.

μαρτυρίας..παρ' οἷς = μ. τοίνυν τῶν μαρτυρῶν παρ' οἷς, ‘the depositions of the persons to whose keeping the will has been entrusted’ (cf. Isaacs 6 § 7; 9 §§ 5, 6, 18). In times when there were no probate-courts, it is obvious that the greatest precautions had to be taken to prevent forgeries by interested parties. In Or. 45 § 19 one Cephisophon deposes that his father had left behind him at his death, a document endorsed ‘Pasion’s Will,’ which Apollo- dorus (ib. §§ 5, 22) denounces as a forgery (οὐδεπώτερο γενομένη...κατεσκευασμένη). The alleged terms are given ib. § 28, quoted in part in ὑπάθεσις 1. 6 n. The plural παρ’ οἷς is inaccurate, as the will appears to have
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διαθήκην ἑπεδιδεῖ τοῖνυν ὁ Πασίων εὐτελευτῆκε ταῦτα διαθέμενος. Φορμίων οὔτοσι τὴν μὲν γυναῖκα λαμβάνει κατὰ τὴν διαθήκην, τὸν δὲ παῖδα ἐπετρόπευεν. ἀρ-πάξοντος δὲ τούτου καὶ πολλὰ ἀπὸ κοινῶν ὄντων τῶν χρημάτων ἀναλίσκειν οἰομένου δειν, λογιζόμενοι πρὸς ἑαυτοὺς οἱ ἐπίτροποι ὅτι, εἰ δεισεῖ κατὰ τὰς διαθήκας,

been in the custody of a single person only.

Probably the only instances we have of a will being in official custody are (1) Isaenus 1 §§ 14, 15, where it is in the hands of one of the ἀστίνιμων, and (2) an inscription from Amorgos (C. I. G. 2264) κατὰ τὰς διαθήκας τὰς κειμένας ἐν ἱερῷ τῆς Ἀφροδίτης καὶ παρ' Ἐυνομίδι τῷ ἀρχοντὶ καὶ παρὰ τῷ θεομοδήτῃ Κτησιφῶντι (Meier and Schömann, p. 37, note 31 ed. Lipsius).

8. προκλήσεις] To establish Pasion's will, Stephanus and two others deposed that they were present when Phormion challenged Apollodorus to open the will, and that the latter refused. In Or. 45 Apollodorus sues Stephanus for having given false evidence in the present case and discusses this challenge in §§ 8 —19, denying that any such challenge ever took place or that his father left such a will.

Πασίων εὐτελευτῆκε] Or. 46 § 13 ἐστελευτῆσαν ἐπὶ Δυσικίτην ἀρχοντος (b.c. 370).

τὴν γυναίκα λαμβάνει κ.τ.λ.] Similarly the father of Dem. left Aphobus guardian of his children, and gave him his widow with a marriage-portion and the use of his house and furniture (Or. 27 § 5). The object of such legacies was to secure a faithful performance of the guardian's trust by connecting him more closely with the family of his ward (cf. 55 § 31). Diogenes Laertius, i 56, quotes a law, perhaps wrongly ascribed to Solon, τὸν ἐπίτροπον τῇ ὁρ-φανῶν μητρὶ μὴ συνοικεῖν. (K. F. Hermann, Privatallt. § 57, 16 = p. 13 of Rechtsalt. Thalheim.)

tοῦ παῖδα] i. e. Pasicles, who was a minor for 8 years (b.c. 370—362), as appears by comparing § 10 with § 37. He was probably 8 or 10 years old when his father died; his elder brother was 24 (inf. § 22).

τοῦτον] The claimant Apollodorus, whom the orator purposely represents as thriftless and unscrupulous at the very first.

λογιζόμενοι] 'The guardians, calculating among themselves, that if, by the terms of the will, it proved necessary to subtract from the common fund all that the plaintiff should have spent, and then divide the remainder equally, there would be no surplus whatever, decided in behalf of their ward on an immediate division of the property.'

κατὰ τὰς διαθήκας] goes with ἐξελύντας alone, and not with τὰ λοιπὰ νέμειν. The partition of the property was sufficiently provided for by the law, ἀπαντας.
XXXVI. ΠΑΡΑΓΡΑΦΗ [§§ 8—11

οσ' ἀν οὔτος ἐκ κοινῶν τῶν χρημάτων ἀναλώσῃ, τούτως ἔξελόντας ἀντιμορεῖ
tὰ λοιπὰ νέμειν, οὐδ' ὁπιῶν ἔσται περίον, νείμασθαι τὰ ὑπὲρ τοῦ παιδὸς 947
καὶ νέμονται τὴν ἀλλὴν οὐσίαν πλὴν ὧν ἐμεμίσθωτο οὔτοσι· τούτων δὲ τῆς προσόδου τήν ἥμι-

1 τούτων Ζ et Bekk. st. cum Σ. τούτων Reiske, Bekk.

1 Bekk. st. et Voemel. ἀντιμορεΐ (sine accentu) Σ, ἀντιμορεΐ (sic)

Ff. τὰς ἀντιμορίας Reiske et Bekk. 1824 cum Αἰ.

τοῦς γνησίους ἵσομαραν εἶναι τῶν

αργίτών (Isa. 6 § 25), and did not require to be directed by the will. It may be presumed that

κοινῶν τῶν χρημάτων] κοινῶν, predicative; while yet undivided and belonging to both alike.

τούτων] can only refer to τοῖς ἐπιτρόποις, a construction that is so harsh that the text is almost certainly wrong.

ἀντιμορεῖ] 'Share for share,' cf. § 32 τὰ μητρώα πρὸς μὲ ρός ζέιονυ νέμεσθαί. The adverb
does not appear to occur elsewhere, and its form is suspiciously like the late Greek

words ἄνωνυμι, αὐτολέξει, αὐτο-

ψει, παμπληθεί, πανεθεί. In earlier Greek almost the only instances found are ἀυτοβοεί

(Thuc.) and πανδημεί (Thuc. Andoc. Lys. Isocr.).

A more probable reading would be τούτως ἔξελόντας ἀντι-

μορίας, 'taking out (and laying aside for the minor) equal sums to those taken on each occasion out of the general property by Apollodorus.' The syntax ἀντι-

μορεῖ νέμεω seems unnatural, to say nothing of the form of the adverb; and ἔξελόντας seems to require a definite accusative. P.] Blass prefers τούτως (neut. re-

ferring to οὗτος) and takes ἀντι-

μορεῖ with ἔξελόντας.

νέμεω...νέμονται] Donaldson,

Gk. Gr. p. 450, observes that νέμεω is here used 'of a distribution of property by executors;

we have immediately afterwards, νέμονται τὴν ἀλλήν οὐσίαν, because the obligation to divide, under the will, stands in a certain opposition to the act of division, which the executors performed with the same amount of care and interest as if they had divided the property among themselves...Afterwards we have

(§ 10) ἐνείμαστο οὔτος πρὸς τὸν ἀδελφὸν, of one of the parties immediately interested.' For

νείμασθαι used in the middle voice generally (but not always) of the heirs, cf. §§ 11, 32, 38, Or. 39 § 6
tὸ τρίτον νείμασθαι μέρος, 47 § 35

νευμαθεύον εἰ(τὴν οὕτων πρὸς τὸν ἀδελφόν), Lysias 16 § 10; 19 § 46; 32 § 4; Isa. 1 § 16

ὁ τούτων φίλοι...ζεύγον νείμασθαι τὴν οὕτων; 7 §§ 5, 25. The active δένειμεν is applied to the

father dividing his property among his sons in Or. 43, Mac.

cart. § 49 (followed by νειμάμε-

νοι, of the sons) and in Lysias 19 § 46.

νείμασθαι] The subject is not the 'brothers,' but the 'guardians,' as is clear from the subsequent verbs νέμονται and ἀπε-

δίδοσαν.
THE FORMIONES.

9. άπειδόσαν.] The guardians paid Apollodorus the share due to him, viz. half the rent of the bank and shield-manufactory. άποδόσαν is 'to pay a man his due,' as in Isaeeus 5 § 21 óiς άδεί αυτών άποδόσα τήν τιμήν, ἡμῖν τά μέρη άποδόσαν, and frag. 29 άποδέοτοκότας μισθώσεις. Cf. Or. 41 § 9 τήν τιμήν: 34 § 13 δένειον; 15 § 17 χάριν; 16 § 2 εινοιεν. See note on 53 § 10.

Άχρι μέν οὖν κ.τ.λ.] 'Down to this date, then, there is not the slightest claim against Phormion in respect of the lease.' For the rather rare construction of έγκαλείν c. gen. cf. Or. 54 § 2 and Plat. Arist. 10,9 τῆς βραδύτητος αὐτοῖς ένέκαλε. In § 12 we have έγκαλούνται άφορμίν.

10. δοκιμασθέντος] The δοκίμασια (see Diet. Antig.) took place on 'coming of age,' usually at 18, but in the case of orphans it might be accelerated a year or two. (A. Schaefer, Dem. u. s. Zeit, iii 2, 19—38 Der Eintritt der Mündigkeit nach Attischen Rechte.) άφήκαν τῆς μισθώσεως κ.τ.λ.] Or. 45 § 5 μαρτυρούσας άφήκα άυτού τῶν έγκλημάτων παρέσχετο ψευ- δείς, καί μισθώσεώς τινος έσκευο- ρριμείνης καί διάθήκης οὐδεπώποτε γενομένης.

[The forms άφήκαστε and άφή- καν and παρέδωκαν §§ 14, 14 are rather unusual. The Atties prefer in the plural the inflexion of the second aorist, άφειςεν, άφείνε, άφείσαν. Cf. §§ 11, 14, and see Veitch's Greek Verbs.—The two brothers Apollodorus and Pasicles are directly addressed in άφήκατε, not the jury, as is shown by άπητείτε following.—For this sense of προσοφίλειν cf. Ar. Ran. 1134. Ρ.]
XXXVI. ΠΑΡΑΓΡΑΦΉ

11. αἵρεσιν] The choice lay with him by virtue of being the elder brother (§ 34).

καὶ τὸν κ.τ.λ.] Phormion argues that if the plaintiff had had any private capital of his own in the bank, he would have chosen the banking-business in preference to the manufactory. He did not, and therefore he contends there was no such fund.—

ιδία αὐτομῆ is private banking-stock, as opposed to deposits, παρακαταθήκαι (cf. § 11).—τάλαντον = 60 minae.

τὸ μὲν γὰρ—αὐτοτρίην] 'For the manufactory is a property free from risk, whereas the bank is a business yielding a hazardous (speculative, precarious) revenue from other people's money.' The bank was not a κτήμα, but only an ἐργασία, not a secure property, but a precarious trading with other people's money.

§§ 12—17. The plaintiff's claim to a sum of banking-stock alleged to have been held by the defendant may be proved groundless by many arguments: (1) Plaintiff's father is entered in the lease, not as creditor on account of banking-stock assigned to defendant, but actually as debtor to the bank. (2) On the partition of the property, plaintiff put in no claim to such stock. (3) After the termination of defendant's lease of the bank, plaintiff let it to others for the same sum and no less; and did not specially transfer to them any banking-stock besides. (4) The plaintiff during the life of his mother, who was perfectly familiar with all these details, made no demand on the defend-

in itself than a banking business. But the bank business was speculative, and involved the risk of losing the deposits, and therefore the manufactory, with all its drawbacks, was preferred by Apollodorus, as being at least safe. P.]
ant; it was only when she died that he set up a fraudulent claim, not for any banking-stock as now, but for a sum of 3000 dr. The claim was submitted to the arbitration of some relatives of the plaintiff, and upon their award the defendant for peace and quietness sake paid the money and a second time received from the plaintiff a release from all his claims.

12. τολλα—ἐπιδεικνύναι] Or. 20 § 163 τολλά δ' ἄν τις ἔχοι λέγειν ἐτι καὶ διεξεναι.

σημεία...τεκμήριον] Or. 54 § 9. συκοφάντειν κ.τ.λ.] Kennedy: 'This claim of the plaintiff's to a sum of banking-stock is false and fraudulent,' — ἔγκαλοντ' ἀφομην, the first distinct reference in the speech to the nature of the plaintiff's case. He alleges that the defendant had a grant of capital from Pasion and had appropriated it.

tοῦτοι...τοῦτοι...τοῦτον] The first two refer to the defendant, the third to the plaintiff, Apollodorus. The ambiguity arising from the same pronoun being applied to two different persons, would be readily dispelled by the orator's delivery. Cf. § 42 προσοφείλοντα] se. 11 talents, §§ 4—6. τῇ νομῇ, § 8 fin. μεθὸς ἐτέρως κ.τ.λ.] i.e. to Xenon and the others in § 13. The argument is: assume the defendant defrauded the plaintiff of bank-stock amounting to 20 talents. Then the stock in question could not have formed part of the business when the plaintiff let it to the later lessees. The plaintiff then should either have let it to them at lower terms than to the defendant, or have handed over to the bank an equivalent to the stock alleged to be missing. He did neither; he made no fresh transfer and he charged them the same rent. Therefore the property must have been in the same condition as when the defendant originally leased it from the plaintiff's father.— The context compels us to make Apollodorus the subject of the sentence μεθὸς.—φανήσεται,
but the bank, it will be remembered, became the property not of Apollodorus, but of Pasicles, when the latter came of age and Phormion’s lease expired; we must therefore conclude that the elder brother acted as agent on behalf of his less experienced younger brother.

τοῦ ἰσοῦ ἀργυρίου] viz. 240 for the whole business, 1 for the shield-manufactory, and 140 (≈ 100) for the bank (cf. § 11). It has been suggested that τοῦ ἰσοῦ ἀργυρίου is a false statement, but a careful consideration of §§ 11 and 37 shows that this is not the case.

13. τοῦτο...αὐτὸν] Defendant and plaintiff respectively.—νῦν ‘in that case,’ referring to the hypothesis ei — ἀπεστέρητο.— αὐτὸν, standing first in the clause, must mean ἵπσυμν.

The sense is: ‘Surely, if Apollodorus had been defrauded by Phormion of capital supplied by Pasicles, he would himself (on that supposition) have had to provide capital from other sources, and deliver it to those new lessees.’ Otherwise, he could not have got the same amount of rent.

ἐμίσθωσεν] Granted the lease (on behalf of Pasicles). Below we have ἐμισθώσαντο, referring, as usual, to the lessees.

αὐτὸν] ‘ Alone’; explained by οὗ παρέδωκαν ἵπσαν ἀργυρίῳ. 14. ἐμίσθωσαν ... παρέδωκαν] The plurals refer to the two brothers.

ἐλευθέρους ἰπείσαν] Or. 29
μεγάλα εὐ πεποιθότες, καὶ οὐκ ἐδικαζόντω ὦτ' ἐκεῖνος τότ' οὔτε τοῦτο. ὃν μὲν τοῖνυν χρόνον ἢ μήτηρ ἢ ἡ πάντα ταῦτ' ἀκριβῶς εἰδίνια; οὐδὲν ἐγκλημα πότετε ἐποίησατο πρὸς τούτοι Φορμίωνα Ἀπολλό-
4949 δώρος: ὃς δ' ἐτελεύτησεν ἐκεῖνη, τρισχιλίας ἐγκαλέσας ἀργυρίου δραχμάς πρὸς αἰσ ἐδωκεν ἐκεῖνη δισχιλίας τοῖς τούτοι παιδίοις, καὶ χιτωνίσκουν τινὰ καὶ θερά-
παναν, ἐνυκοφάντες, καὶ οὐδ' ἐνταῦθα τούτων οὔτεν 15 ὃν νῦν ἐγκαλεὶ λέγων φανήσεται. ἐπιτρέψας δὲ τῷ τῇ ἀειτοῦ γυναικὸς πατρί καὶ τῷ συγκήδεστῃ τῷ

\[\begin{align*}
\text{§§ 25, 31 τῶν Μιλώνων ἐλεύθερον εἰναι ἀφεθέντα, 47 § 55 ἀφειμένη}\ &
\text{ἐλευθέρα...ἀφείθη ἐλευθέρα, § 72 ἀφείτο...ἐλευθέρα. Χενόν,}\ &
\text{Εὐ-

phaicus and the other lessees appear (like Phormion) to have been slaves originally. The family show their gratitude for their services by giving them freedom (ὡς μεγάλα εὐ πεποι-
θότες). It is so translated by M. Daresthe, G. H. Schaefer and C. R. Kennedy (perhaps less satisfactorily) understand the words; ‘set free from all further claims’; ‘gave them a complete discharge’; a sense which is at first sight partly supported by καὶ οὐκ ἐδικαζόντω below.

\[\text{ὡς ἐτελεύτησεν] The speaker}
\text{insinuates that Apollon purposely}
\text{waited till his mother's death, as}
\text{her familiarity with all the}
\text{details of her late husband's}
\text{property would have thwarted}
\text{his plots against Phormion. Her}
\text{death is described by Apol-

lo-dorus in Or. 50 § 60, 'While I}
\text{was abroad my mother lay ill}
\text{and was at death's door, and}
\text{therefore little able to help in}
\text{retrieving my affairs. It was}

just six days after my return that, when she had seen me and spoken to me, she breathed her last, when she no longer had such control over her property as to be able to give me all that she desired.' The death took place in Feb. B.C. 360.

\[\text{πρὸς αἰσ] She had left Phor-

mion's children 2000 drachmas,}
\text{but Apollodorus claims more}
\text{than that sum also as his own.}
\text{His avaricious and mean char-

acter is shown by his claim to a}
\text{χιτωνίσκος, a chemise or 'slave's}
\text{frock,' perhaps. A man who}
\text{would make such demands was}
\text{little likely to omit his present}
\text{claims, if he had then believed}
\text{in the justice of them. P.]

\[\text{χιτωνίσκον] Or. 21 § 216}
\text{θολόμενον προσέβα Καὶ μικρὸν}\ &
\text{γυμνὸν ἐν τῷ χιτωνίσκῳ γενέσ-

θαι.}

\text{}\text{15. ἐπιτρέψας κ.τ.λ.] The}
\text{plaintiff submitted the claims}
\text{to the arbitration of Deinias and}
\text{Nicias (§ 17), his own father-in-

law and brother-in-law respectively.}
\text{Pollux: ἐλέγων δὲ ἐπιτρέ-

ψας διαιταν, καὶ ἡ διαιτή ἐκαλεῖτο}
\text{ἐπιτροπῆ.}
antou' & kal Lusipho & kai 'Andromenei, peisiantwv toutos Fornimion toutou' doynai doryeiv tais trisxhilias kai to prosou' kai filon malkon exein toutou' 'dia taut' ekrhov antou' eina, labwv to sympan penteaka
tis trisxhilias, kai pantwv afheis toutou' ekgelamatos to
16 deuteroun eis to ieran tis 'Athenas elhovn, palin, os oraste, dikezetai, pasas aitias sumplassas kai ekgelhma
e kai pantwv afheis toutou' ekgelamatos to
16 deuterou eis to ieron tis 'Athenas elhovn, palin, os oraste, dikezetai, pasas aitias sumplassas kai ekgelhma
eta ekt pantwv toutou' chronou toutou' (tou to
iya esti megistov aptantov), ou oudepotop' ytiastato.
ous toinw taut' allthei lege, labex moi toin
geosein en akropolei, kai tine martrianin toun
parageneomenon, 'ot' efivei toun ekgelamatos aptantow
'Apollodoro, lambyanow toutou' to argyron.

u' eautou' Z.

v afiei Z emt. S. afiei F. 'codices modo hoc modo illud ex-
hibet; vid. Dion. ad 21 § 79, 36 § 24; Rehdantz, ad 3 § 5,'
Huettner.

doi nae doryeav] By 'making a
present' of the 3000 drachmee, Phormion satisfies Apollodoros
without admitting his legal
claim to the sum. Or. 19 § 170;
42 § 19; Isaeus 2 § 31 deytrasan
hmas aposthain av outos amphi-
sethsai kai doynai doryeav' ou'

16. symplasas 'Having con-
cocted,' 'fabricated,' 'patched
up,' 'put into shape,' Aeschin.
3 § 77 tewn thewn symplasas eautw
enupion katefebasto. The meta-
phor (as in the words feigning
and fition) is from the mould-
ing of clay in the hands of the
potter. Cf. § 33 plasiva.

tin geosein] 'The award' of
the arbitrators. Or. 27 § 1,
tois oikeios e pitre pein ou tois
on's money! But (he argues) the
discharge then given justifies
the para
gaphia now put in. P.]

afis...to deuterou'] The for-
mer release is mentioned in
§ 10 fin. This second release is
solemnly given in the temple of
Athene on the Aeropile. Isocr.
Trarpe. § 20, taute symgrage-
ontes kai anagagontes eis akro-
polion Purovov......didomev autw
fylattew tas synteKas, ib. 17
and Andoc. 1 § 42.

10. symplasas 'Having con-
cocted,' 'fabricated,' 'patched
up,' 'put into shape,' Aeschin.
3 § 77 twn thewn symplasas eautw
enuptinov katefebasto. The meta-
phor (as in the words feigning
and fiction) is from the mould-
ing of clay in the hands of the
potter. Cf. § 33 plasiva.

tin geosein] 'The award' of
the arbitrators. Or. 27 § 1,
tois oikeios e pitre pein and tois
THEPE FORMIOUS. 19

ΓΝΩΣΙΣ. ΜΑΡΤΥΡΙΑ.

'Ακούστε τῆς γνώσεως, ὦ ἀνδρεῖς δικασταὶ, ἢ 17 ἐγγὺς Δεινίας, ὦ τὴν θυγατέρα οὗτος ἔχει, καὶ Νικίας ὁ τὴν ἀδελφὴν τῆς τοῦτον ἀνακόσῳ ἔχων. ταῦτα τοῖνυν λαβὼν καὶ ἀφεὶς ἀπάντων τῶν ἐγκλημάτων, ὠσπερ ἡ πάντων τεθνεώτων τούτων ἡ τῆς ἀληθείας οὐ γενησομένης φανερὰς, δίκην τοσούτων ταλάντων λαχῶν τοὔμη δικάζεσθαι.

Τὰ μὲν οὖν πεπραγμένα καὶ γεγενημένα Φορμίων 18 πρὸς 'Απολλόδωρον ἢ ἄρχος ἅπαντ' ἀκηκόατε, ὃ 950 ἀνδρεῖς Ἀθηναίοι. οἴμαι ὧ 'Απολλόδωρον τούτου ὄνδὲν ἔχοντα δίκαιον εἶπεῖν περὶ ὧν ἐγκαλεὶ, ἀπέρα παρὰ τῷ διαίτητῇ λέγειν ἐτόλμα, ταῦτ' ἔρειν, ὡς τὰ

w Σ. οἴμαιτ Z (see Veitch, Gk. Vbs., and Dindl. Praef. p. xiii).

ὺπ' ἐκείνων γνωσθεὶσιν ἐμμένειν. Cf. §17.—ἐν ἀκροπόλει. So supra τὸ ἱερὸν τῆς Ἀθηνᾶς. Pollux, δίκη−
tων ὧ ἵπτει θεῶν (viii 126), Or. 59 § 46 (of two arbitrators) συνελθόντες ἐν τῷ ἱερῷ, and Or. 54 § 26, τὸν λίθον, n.

Λαμβάνων] 'On the receipt of this money,' viz. the 5000 drachmae.

17. τούτων] τῶν μαρτύρων τῶν παραγενομένων, § 16.

tοσοῦτων ταλ.] § 3, ταλάντων ἐκὸς.

τολμᾷ] It was acting in open defiance of the law to bring an action after a full acquittance had been given.

§§ 18—21. Anticipation of the arguments likely to be brought forward by the plaintiff. He will repeat what he stated before the arbitrator, that his mother destroyed his father's papers at the defendant's instigation. If so (1) how came the plaintiff to make a partition of his patrimony, without any papers to determine its amount? Unless those claims were false and fraudulent, which the plaintiff will scarcely admit, he must have gained possession of his father's papers, and his mother could not have made away with them. (2) Why was no question raised when the plaintiff's younger brother came of age and was receiving from his guardians an account of their trust? (3) On what papers did the plaintiff base all his many law-suits for the recovery of large sums due to his father?

18. τὰ μὲν ὠνὸν κ.τ.λ.] Transition from the διήγησιν or πρόθεσιν to the πίστεις or 'proofs' (Ar. Rhet. iii 13), from the brief recital of the transactions between plaintiff and defendant (§§ 4—17) to the legal and other arguments.

τῷ διαίτητῃ] Pollux: τάλαι ὧ οὖν ὁμιλιὰ τῆς πρὶν ἐπὶ δι'aiτη

tάς ἔκθεν εἰσῆγετο (viii 126). Cf. 54 § 26, ἡ διάτα n.
XXXVI. ΠΑΡΑΓΡΑΦΗ [§§ 18—21

γράμματα ἡ μῆτρῃ ἡφάνικε πεισθείσα ὑπὸ τοῦτον, καὶ τοῦτων ἀπολογλότων ὑπὲρ τοῦτον ταῦτ' ἐξελέγχειν ἀκριβῶς. περὶ δὴ τοῦτων καὶ ταύτης τῆς αἰτίας σκέψασθε ἥλικ᾽ ἃν τίς ἤχει τεκμήρια εἰπεῖν ὅτι ψεύδεται. πρότον μὲν γὰρ, ὃ ἀνδρεὶς Ἀπεθαναῖοι, τίς ἢν ἐνείματο τὰ πατρίδα μὴ λαβὸν γράμματα εἰ δὲν ἐμελλενείσθαι τὴν καταλείψευσιν οὐσίαν; οὔδε εἰς δὴπον. καίτοι δυνών δέοντα εἰκοσιέν ἑτη στίν εἰς ὅτου ἐνείμω, καὶ οὐκ ἢν ἐχοῖς ἐπιδείξαι ὁς ἐνεκάλεσας ποτέ ὑπὲρ τῶν γράμματων. δεύτερον δὲ, τίς οὐκ ἢν, ἡνίκα ὁ Πασικλῆς ἀνήρ γεγόνος εἰ ἐκομίζετο τὸν λόγον τῆς ἐπιτροπῆς, εἰ δὲ αὐτοῦ τὰ γράμματα ὃκνει τὴν μητέρα αἰτιάσθαι διεφθαρκέναι, τοῦτο ταῦτ' ἐδή-

x ἐμελλεν Ζ cwm Σ (see Isoc. Paneg. § 83 ss.).

τὰ γράμματα] Not Pasion's will, but his private papers and ledgers or banking-books, τὰ γράμματα τὰ τραπεζικά (Or. 49 §§ 43, 59 quoted below in note on § 21, ἐκ ποιῶν γραμμάτων). Cf. Or. 49 § 5, τὸ τραπεζικὸν εἰσώσαν ὑπὸ πνεύματα γράφειν οὐ μὴν ἤν τὸ διόδασον χρημάτων, κ.τ.λ. and Or. 52 § 4.

19. ἐνείματο] Who would have taken his share of his father's property, if he had not the books from which alone he could know the amount of property left? He refers to the division of the patrimony decided on by the guardians in consequence of the elder brother spending largely out of the common fund, § 8 fin. This event took place eighteen years before the date of the speech; which, if we could assume that the partition was in the same year as the father's death, viz. 370, would belong to B.C. 352. This however we cannot assume, indeed the language of

§ 8, πολλὰ ἀνάλογα, κ.τ.λ., implies that the elder brother's course of extravagance lasted some time before the partition was decided on. We may therefore perhaps place the partition in B.C. 368, and the speech in B.C. 350. See Introd. p. xxvii f. ὑπὲρ τῶν γραμμάτων] sc. περὶ τῆς ἀφανίσεως αὐτῶν.

20. ἀνήρ γεγόνος] Cf. § 10, δοκιμασθήσετο Πασικλέους.

ἐκομίζετο κ.τ.λ.] 'Was getting in an account of the guardianship,' i.e. the accounts from his guardians. Or. 27, κατ' Ἀρόμου ἐπιτροπῆς, § 50, πότερον ἐπιτροπεῖς ἀπεδέχασ' ἃν τοῦτον τὸν λόγον παρὰ τῶν ἐπιτρόπων; τοῦτο...τοῦτο] It is best to refer these pronouns to Pasicles (with Reiske, Kennedy and Dareste); not to Apollodorus (with G. H. Schaefer). The sense is: 'Assuming Apollodorus hesitated with his own lips to accuse his mother of destroying the documents; at any rate, when Pasicles came of age and
was in course of receiving the report of his guardians' administration, is there any one who, under the circumstances, would not have stated the fact to his younger brother, and by his instrumentality had the matter investigated?"

"ὅπως ἡλέγξη" inf. § 47 ἦνα, 'that so they might have been proved true or false,' &c.

πολλά χρήματα εἰσπέπρακται] 'He has succeeded in recovering large sums of money.' The famous general Timotheus, under pressure of political exigencies, in the years 371 to 372 B.C., borrowed more than forty-four minae from the banker Pasion, on whose death his son Apollodorus sues Timotheus for payment in a speech still extant, belonging probably to the year b.c. 362. (Or. 49, πρὸς Τιμόθεων ὑπὲρ χρέως.) Cf. infr. §§ 36 and 54.

21. ἐκ ποιῶν γραμμάτων] If there were no papers, then the grounds of your actions were fraudulent, συνοφαντια, inf. In Or. 49, Pasion's papers are expressly cited, e.g. § 43, κελεύοντος ἐνεγκεῖν τὰ γράμματα ἀπὸ τὴς τραπέζης καὶ ἀντίγραφα αὐτοῖσιν...ἐξενέγκας ἔδωκα γητεῖν τὰ γράμματα καὶ ἐκγράφεσθαι ὅσα ὦφειλεν, and § 59, τοῖς γράμμασι τοῖς τραπεζεῖται. Ἡξεων μαρτυριῶν] 'The depositions in support of' (or 'verifying') 'these plaints.' For ἡξεις, cf. supr. δῖκας ἐλάγχανεν, also Or. 45 § 50, τῇ τοῦ διώκοντος ἡξεις ἦν ἐγὼ τούτῳ ψευδομαρτυρίων ἑλληχα, and Or. 33 § 35, ἐγκέκληκε καὶ...τὴν ἡξιν πεποίηται.
22. Argument from the silence of plaintiff's younger brother. Passicles, as a minor, had been much more liable to be wronged by the defendant, who as testamentary guardian had control over his ward's property. Passicles makes no complaint. Therefore (it is tacitly assumed) he had no complaint to make. A fortiori defendant is not likely to have wronged the plaintiff, who at his father's death was a man of four and twenty, and fully able to defend himself.

§ 22. No claim against Phormion, i.e. for property of his father's withheld. Cf. Or. 45 §§ 83, 84, where Apolloedorus meets the objection arising from the silence of Passicles by broaching a suspicion that he is his half-brother only and by insinuating he is really a son of Archippe and Phormion. 'Say no more, pray, of Passicles; no! let him to the person of the ward (Schömann on Isaeeus 1 § 10).
MARITRIA.

"A toinνν ἦδη περὶ αὐτοῦ τοῦ μὴ εἰσαγωγόμουν 23 εἶναι τὴν δίκην δεὶ σκοτεινὸν ύμᾶς, ταῦτ' ἀναμνήσθητε ἐκ τῶν εἰρημένων. ἡμεῖς γὰρ, ὦ ἀνδρὲς Ἀθηναῖοι, γεγενημένου μὲν διαλογισμοῦ καὶ ἀφέσεως τῆς τραπέζης καὶ τοῦ ἀσπιδοπηγείου τῆς μισθώσεως, γεγενημένης δὲ διαίτης καὶ πάλιν πάντων ἀφέσεως, οὐκ ἑώς τῶν νόμων δίκας ὅν ἂν ἀφῆ τις ἀπαξ λαγχάνειν, συκοφαντοῦντος τοῦτον καὶ παρὰ τοὺς νομοὺς 24 δικαζομένου παρεγραφήμεθα ἐκ τῶν νόμων μὴ εἶναι τὴν δίκην εἰσαγαγόμουν. ἵνα οὖν εἰδήθ' ἢ ὑπὲρ οὗ τὴν ψήφον οἴσετε, τὸν τε νόμον ὑμῖν τοῦτον ἀναγράφεται 952 καὶ τὰς μαρτυρίας ἐφεξῆς τῶν παρόντων, ὅτ' ἤφειβ' τῆς μισθώσεως καὶ τῶν ἄλλων ἀπάντων ἐγκλημάτων Ἀπολλόδωρος Φορμίωνα. λαβέ μοι τὰς μαρτυρίας ταυταῖοι καὶ τῶν νόμων.

a οὗτος ζ. cum correcto Σ. εἰδήθ' Βεκκ. ιδήθ' Βεκκ. st.
b ἀφείς ζ. cum Σ.
c om. ζ. cum Σαλ. add. Βεκκ.

be called your son, Phormion, not your master; and my opponent (he is bent upon it)—not my brother.'

§§ 23—25. The speaker now passes from the arguments in support of the main issue (or the case upon its merits) to those on which the defendant raises a special plea in bar of action.

The plaintiff's case cannot come before the court because he has given the defendant a discharge from the original lease of the Bank and Manufactory, and a second discharge from a subsequent claim which was settled by arbitration; and the laws allow no right of action where a release and discharge have been given or received.

23. μὴ εἰσαγαγόμουν] Cf. ὑπόθεσις 1. 23, n. — διαλογισμῷ, a reckoning up, or producing of accounts as between the two parties, Phormion and Apoll. Cf. § 60.

ἀφέσεως — μισθώσεως] The order is (γεγενημένης) ἀφέσεως τῆς μισθ. τῆς τραπέζης κ.τ.λ. Cf. § 24, ἤφεις τῆς μισθώσεως and supra. § 10. Or. 33 § 3, πάντων ἀπαλλαγῆς καὶ ἀφέσεως γεγενημένης. 45 § 41; 38 §§ 5, 9, 14. διαίτης κ.τ.λ.] § 16.

24. ἐκ τῶν νόμων] Contrasted with παρὰ τοῖς νόμοις. As he brought his action contrary to the law, we have put in an objection to it which is fully allowed by the law.
XXXVI. ΠΑΡΑΓΡΑΦΗ

ΜΑΡΤΥΡΙΑΙ. ΝΟΜΟΣ.

25 Ἀκούστε τοῦ νόμου λέγωντος, ὡς ἀνδρεῖς Ἀθηναίοι, τά τε ἄλλα ὡς μὴ εἶναι δίκας καὶ ὁμα τις ἀφήκεν ἡ ἀπῆλλαξεν. εἰκότως εἰ γὰρ ἐστὶ δίκαιον, ὡς ἂν ἀπαξ γένηται δίκη, μηκέτι ἔξειναι δικάζεσθαι, πολὺ τῶν ἀφεθέντων δικαιότερον μὴ εἶναι δίκας. οὐ μὲν γὰρ ἐν ὑμῖν ἡπτηθεῖς τάχ', ἀν ἐποίη τοῦτο ὡς ἐξηπατήθητε ὑμεῖς; ὦ δὲ αὐτῶν φανερῶς καταγγοῦς καὶ ἀφεῖς καὶ ἀπαλλάξας, τίν' ἂν εὐαυτὸν αὐτίαν αἰτιασάμενος τῶν

καὶ ὁμα—μὴ εἶναι δίκας propter ὄμωστέλευτον omisit Σ, supplevit manus multo recentior.

25. Ἀκούστε κ.τ.λ.] Or. 38, παραγραφὴ πρὸς Ναυσίμαχον, § 5, ἀκούστε τοῦ νόμου σαφῶς λέγωντος ἐκαστα ὡς μὴ εἶναι δίκας, ὡς ἐν ἑστιν, όμοιος τοῖς ἄλλοις κύριον, περὶ ὡς ἂν τις ἄφη καὶ ἀπαλλάξῃ, μὴ δικάζεσθαι. Cf. 37 §§ 1, 19; 33 § 3. ὡς μὴ εἶναι δίκας] Infin. in relative clause influenced by λέγοντος. ‘Among other cases in which an action cannot be maintained, those especially in which a discharge and release have been given or received.’

εἰ γὰρ κ.τ.λ.] The sense is, ‘If it is just that, when once a case has been tried, it should not be tried again, even although the defeated litigant might fairly plead that the court had been imposed upon, a fortiori there is no ground for re-opening the question when a man has judged his own case and has palpably decided against himself by giving and receiving a discharge.’

μηκέτι ἔξειναι δικάζεσθαι] Or. 38 § 16 ἀπαξ περὶ τῶν αὐτῶν πρὸς τὸν αὐτὸν εἶναι τὰς δίκας. 20 Lept. § 147 οἱ νόμοι δ' οὔκ ἔστι δις πρὸς τὸν αὐτὸν περὶ τῶν αὐτῶν

οὔτε δίκας οὔτε εὐθύνας οὔτε δια- δικασίαν οὔτε ἄλλο τοιοῦτ οὐδὲν εἶναι.

ἐξηπατήθητε] Or. 37 § 20 περὶ ὡς ἐγὼ τὸ δικαστήριον, ἐστίν εἰπείν ὡς ἐξαπατήθην τούτ' ἐποίησα ... ἃ δ' αὐτός ἐπείπῃ καὶ ἀφήκεν, οὐκ ἐν δήποτεν εἰπείν ὡς αὐτόν αἰτιάσασθαι ὡς οὐ δικαίως ταύτ' ἐποίησεν.

αὐτῶν...καταγγοῦς] The two subsequent participles are subordinate in construction to καταγγοῦς. ‘He who has clearly condemned (given a verdict against) himself by both granting and getting a release and discharge.’ Madvig Gr. Synth. § 176, d.

ἀφεῖς καὶ ἀπαλλάξας] It is clear the words do not mean the same thing, for below we have γέγονεν ἀμφότερα καὶ γὰρ ἀφήκει καὶ ἀπῆλλαξε. Similarly 37 § 1 and 38 § 1 after ἀφεῖς καὶ ἀπαλλάξας we have γεγενημένων ἀμφότερων, and in 37 § 19 after ὡς ἂν ἀφῆ καὶ ἀπαλλάξῃ τις we have ἀμφότερον ἐστὶν πεπραγμένα.

ἀφίέναι is very frequently used of the lender, or the landlord, who, on settlement
of his claims, releases the borrower or the tenant from all further liability (§§ 10, 15, 16, 17, 24). Similarly of a ward releasing his guardian from all further claims, in 38 §§ 3, 4, 6, 18, 27; and of a creditor forgiving a debt, 53 §§ 8, 13. Cf. 56 §§ 26, 28, 29.

απαλλάττων often refers to the debtor or tenant getting quit of his creditor or landlord by discharging or compromising the debt (34 § 22 τῶν δανειαστὼν ἀπήλλαξεν, 49 § 17; 53 § 11; 33 § 9 and Isaens Or. 5 Diceag. § 28 ἀπαλλάσσει τῶν χρήστας). Setting a cross account between lessor and lessee (e.g. Apoll. and Phormion) would involve a double release and quittance on either side. Cf. 33 § 12, τῶν συναλλαγμάτων ἀφείμεν καὶ ἀπηλλάξας ἀλλήλους ὡστε μὴ τούτω πρὸς ἐμὲ μὴ ἐμόν πρὸς τούτον πράγμα εἶναι μηδέν.

The present passage is the subject of the following article in Harpocration. ἀφεῖς καὶ ἀπαλλάξας: τὸ μὲν ἀφεῖς ὅταν ἀπολύσῃ τις τινα τῶν ἐγκαλμάτων ὡν ἐνεκάλει αὐτῷ, τὸ δὲ ἀπαλλάξας, ὅταν πέσῃ τῶν ἐγκαλοῦτα ἀποστῆναι καὶ μηκέτι ἐγκαλεῖν (recte). Δημοσθένεις ἐν τῇ ὑπὲρ Φορμίωνος παραγραφῇ, ἔστι δὲ καὶ οὕτω εἰπεῖν, ὅτι ἀφίσαι μὲν τις αὐτῶν μόνον ὡν ἐν ἐγκαλῇ, ἀπαλλάττει δὲ, ὅταν μηδὲ ἄλλον τινὰ λόγον ὑπολίπηται ἑαυτῷ πρὸς τὸν ἐγκαλοῦμεν. Δημοσθένεις ἐν τῇ ὑπὲρ Φορμίωνος παραγραφῇ "Β' ἀπαλλαγῇ τις αὐτῷ γένηται παρ' ὑμᾶς κυρία." (§ 2). Cf. Or. 37 §§ 1, 16, 19; Or. 38 §§ 1, 5; Or. 33 § 3. In Bekker’s Anecdota pp. 202, 469 we find the same explanation as that which is given in the first part of Harpocration’s article.

[From the frequency of this legal formula, though a shade of difference may be traced, and perhaps originally existed, between these verbs, I agree with Mr Kennedy (Dem. Pant. p. 230) that it had passed into a technical expression, and that practically they became synonyms. P.]

In Shilleto’s copy of Mr Kennedy’s translation I find a manuscript note in which, after quoting the explanation given in Bekker’s Anecdota, he adds: “This is a clear statement and exactly in accordance with the meaning of the words: αφίσαι, ‘I let go, one whom I have a hold of’; ἀπαλλάττω, ‘I get rid of one who has a hold of me.’ So I ἀφίσαι a man on whom I have a claim by my condoning the debt, by receiving payment, postponing it, &c.; ἀπαλλάττω a man who has a claim on me, by his condoning the debt, by my paying it, by my putting off the payment-day. So he who ἀφίσαι, ἀπαλλάττεται [passive]; he who ἀπαλλάττει, ἀφίσαι [passive]. I cannot conceive anything plainer.” But owing to the two-fold use of ἀπαλλάττω, both of setting free and getting rid of another, the question is not really quite as simple as this would make it appear. Thus in Isoc. Trpez. § 26, after ἀφείμονος and ἀφείσαι τῶν ἐγκλημάτων have been used in §§ 23, 25 of one who is ‘released from all claims,’ the same person is described as ἀπηλλαγμένος τῶν ἐγκλημάτων, which is possibly a middle use, ‘having got himself
quit of all claims.'—The distinction drawn in Platner's Proces...
συκοφαντείσθαι ύμᾶς. τοὺς μὲν γὰρ ἀδικουμένους τὰ 953 πέντε ἐτη ἱκανόν ἡγήσατ' εἰναι εἰσπράξασθαι· κατὰ δὲ τῶν ψευδομένων τὸν χρόνον ἑνόμισε σαφέστατον ἔλεγχον ἑσεθαί. καὶ ἄμα ἐπειδὴ ἀδύνατον ἔγνω ὅν τοὺς τε συμβάλλοντας καὶ τοὺς μάρτυρας ἀεὶ ζῆν, τὸν νόμον ἀντὶ τούτων ἐθηκεν, ὅποσ πάρτις εἴη τοῦ δικαίου τοὺς ἑρήμους.

ο Bekk. καὶ ἄμα καὶ Ζ et Voemel cum Σ.
καὶ μάρτυρσείν Voemel (μάρτυρσαι η Σ).

τοὺς ἀδικουμένους...τῶν ψευδο-

μένων] i.e. the legal term of five years would be quite sufficient for injured parties to recover their rights if their claim were an honestone, where-
as those who set up false claims, (a pointed thrust at the present plaintiff,) would be con-

victed by the fact that they had allowed the statutable period to elapse without taking action. (ἔλεγχον ἑσεθαί sc. si per tot annos taeuissent. G. H. Schae-

fer.) τῶν ψευδομένων is some-
times wrongly supposed to im-

ply that as in Roman law there was no statute of li-

mitations against right of re-

covery of things stolen, (quod subreptum crit, eius rei aeterna auctoritas esto,) so in Attic law there was none in case of false-

hood, i.e. that even after five years a claim based on a false assertion might be disputed. (Telfy, Corpus Iuris Attici§1587, and K. F. Hermann, Privatalt. § 71, 6 = Rechtsalt. p. 106 Thal-

heim.) Here therefore it merely means κατὰ τῶν συκοφαντω-

των.

τὰ πέντε ἐτη] The well-

known legal term of five years.

τῶν χρόνων—ἔλεγχον] Lysias

Or. 19 § 61 τῶν χρόνων ὃν ὑμεῖς

σαφέστατον ἔλεγχον τοῦ ἀληθοῦς νομίσατε.

τῶν νόμων ἀντὶ τούτων κ.τ.λ.] That is, 'the contracting parties themselves, and the witnesses to that contract, could not live for ever; and therefore the legisla-
tor laid down the law, with its limit of time, designing that, in lieu of living witnesses, the destinte should find therein a deathless witness on the side of right.'

§§ 28—32. Plaintiff's prob-

able reply anticipated. Surely he will not ask his audience to resent the defendant's marriage with the plaintiff's mother. A-

mong bankers, there are many precedents for such an arrange-

ment, and on grounds of expedi-

ency, as the only means of keep-

ing up the business, Pasion acted prudently in directing that Phor-

mion should marry his widow and thereby binding him more closely to his own household.

As to the point of honour, 'you may turn up your nose at Phormion's marrying into your family, but remember that in high character, he is more like your father than you are.'

That the marriage was direct-
ed by Pasion is not only express-

ly proved by the will, but is in-
ferentially concluded from the plaintiff's own admission; for on his mother's death he permitted her two children by Phormion to share her property equally with himself and Pasicles, her two children by Pasion, and thus allowed the legality of this second marriage.

28. θαυμάξω κ.τ.λ.] Or. 37 § 44 ἐγώγε, δὲ τι ποτ' ἐρεὶ πρὸς ὑμᾶς, θαυμάξω. τὶ ποτ' ἐστὶν ἃ] Cf. note on 54 § 13. μηδὲν ὀρῶντες] i.e. ἢρ καὶ μηδὲν ὀρᾶτε. Goodwin, Moods and Tenses, § 52, 1. παρὰ τῶν κυρίων ἀπαλλαγές ἄστερ ὁ τούτων παθῆρ] A very close parallel. The banker referred to, like the plaintiff's father, had himself been a slave once, had been set free by his masters, and had given his wife in marriage to one who was formerly his slave. Cf. § 43 fin. and § 48 ἐγένετο Πασίων Ἀρχεστράτου. [On ἐκεῖνος see Or. 40 § 28.]

29. ὃντι καὶ ἵππων] Who is still 'alive and in being.' The redundancy is intended to strengthen the emphasis. Cf. De Corona § 72 τὴν Μυσίων λείαν καλοβιένην τὴν Ἐλλάδα οὕτων ὀφθήναι ἥπων καὶ ὄντων Ἀθηναίων. τελευτησάσθαι...ἐδωκε τὴν δυ- γατέρα] After the will had been made, the wife apparently died before the husband and the latter then gave his daughter in marriage to his former servant. The first ἐδωκε therefore must mean, 'directed in his will that, after his own death, his widow should marry Hermaeus.' M. Dareste, however, supposes that there is no reference to any will. He holds
that the woman had either been divorced from her husband, or was not his lawful wife.

30. \(\psi\mu\nu...\tau\omicr o\) γενεί πολιταίς κ.τ.λ.\] A compliment to the audience, designed to smooth the way for what might otherwise prove an invidious reference to the money-making of bankers in general and to the wealth of Pasion in particular. 'For you, gentlemen of Athens, you who are citizens by birth, it is discreditable to prize any amount of money, however large, more highly than that honourable birth (lit. 'no amount of wealth is honourable for you to accept in place of your free birth'); but those who (like Pasion) have received the rights of citizenship as a free gift either from yourselves or from others, and who, thanks in the first instance to their good fortune, were deemed worthy of the selfsame privileges, by reason of having prospered in money-making and acquired more wealth than their neighbours, must do their best to preserve their pecuniary advantages.'

The sense is, 'though it would be wrong for those who are citizens by birth to prefer wealth to citizenship, it would also be unreasonable for those who are citizens by adoption to be careless of the wealth which has gained them that very honour and privilege.'

\(\alphaυτόν \, \upsilon ριζον κ.τ.λ.\] Disgracing, outraging, casting contumely on, himself and his family. Though you threatened Phormion with a γραφή ὑβρισεως for marrying your mother (Or. 45 § 3—4), your father was guilty of no ὑβρισεως to his family in arranging for that marriage.

\(\alphaνάγκη\] Necessitate, 'by a family tie.' Isocer. ad Dem. 10, Lys. 32 § 5.

\(\upsilon\mu\nu...\upsilon\mu\eta\tauεραν\] 'You and yours.' 'Your family.' Cf. Or. 55 § 5, n.
καλῶς βεβουλευμένων αὐτὸν εὐφήσεις· εἰ δὲ πρός γενός δόξαν ἀναίνει· Φορμίωνα κηδεστήν, ὅρα μὴ γελοῖον ἢ σὲ ταύτα λέγειν. εἰ γὰρ τις ἐροτήσει, ποιόν τιν ἤγει τὸν πατέρα τὸν σεαυτοῦ εἶναι, χρήστον εὑ ρι ὁ ὁ φήσειας ἂν. πότερον οὖν οἶει μᾶλλον εὑρίκειν τὸν πρόπον καὶ πάντα τὸν βιόν Πασίωνι, σαυτὸν ἢ τουτού; ἐγὼ μὲν γὰρ εὑ ρι ὁ ὁ τοῦτον.

32 εἴθ’ ὁς ἐστίν ὁμοίότερος σοῦ τῷ σῷ πατρὶ, τούτων, εἰ τὴν μητέρα τὴν σὺν ἔγνημεν, ἀναίνει· ἀλλὰ μὴν ὁτι γε δόντος καὶ ἐπισκήψατος τὸν σοῦ πατρὸς ταῦτ’ ἐπράξθη, οὐ μόνον ἐκ τῆς διαθήκης ἐστίν ίδεῖν, ὁ ἀνδρεῖς Αὐθηναίοι, ἀλλὰ καὶ σὺ μάρτυς αὐτῶς γέγονας. ὅτε γὰρ τὰ μητρόδα πρὸς μέρος ἥξιον νέμεσθαι, ὄντων παιδῶν ἐκ τῆς γυναικὸς Φορμίωνι τούτῳ, τότε ὁμολόγεις κυρίως δόντος τοῦ πατρὸς τοῦ σοῦ κατὰ τοὺς νόμους αὐτὴν γεγαμήσθαι. εἰ γὰρ αὐτὴν εἴχε λαβῶν ἀδίκως ὀδε ὁ μηδενῶς δόντος, οὐκ ἦσαν οἱ παῖδες κληρο-

1 ἀναίνῃ ᾿Ζ.  
2 ἡγη ᾿Ζ.  
3 κ Σ. σαυτοῦ ᾿Ζ.

31. πρὸς γενός δόξαν] Se. βλέπων. ἀναίνει] ‘Disdain,’ ‘scorn,’ ‘disown,’ ‘turn up your nose at’ in family pride. Ἡπαροε. ἀναίνεσθαι κοινώς μὲν τὸ ἀφεὶσθαι, ἴδιως δὲ ἐπὶ τῶν κατὰ τοὺς γάμους ...λέγεται. Δὴμ. ἐν τῇ ὑπὲρ Φορ-

mιῶνος παραγραφῆ.—κηδεστήν in general a relation by marriage, here used of the stepfather. σὲ ταύτα λέγειν] Notice the emphatic pronoun. [ποῖον—πότερον. In Greek the difference between the direct and the indirect question (qua-

lem putas, and qualem putes) cannot be expressed from the want of subjunctivity.’ P.] πό-

terov being probably masculine, a comma (omitted in Dindorf’s text) has been added after Ha-

32. δόντος κ. ἐπισκήψατος] By your father’s special grant and injunction. πρὸς μέρος] ‘Share and share alike.’ § 8, ἀντιμαιρεῖ νέμειν, νέμεσθαι. Ον παῖδων...Φορμίωνι see note on τὸ τέταρτον μέρος infr. οὐκ ἦσαν κληρονόμοι] The proposition is categorically, not conditionally stated, ‘then the children were not heirs; and if they were not heirs, then they had no share in the property.’ The right of inheritance was confined to the children born ἐξ ἀστῆς καὶ ἐγγυνῆς γυναῖκος Isae. de Ciron. § 19, pro Eu-

THEP FORMIΩΝΟΣ.

νόμοι, τοῖς δὲ µὴ κληρονόµοις οὐκ ἢν μετονοµία τῶν ὁµῶν. ἀλλὰ µὴν ὅτι ταύτ' ἀληθῆ λέγω µεµαρτύρη-
ται τῷ 1 τὸ τέταρτον µέρος λαβεῖν καὶ ἀφεῖναι τῶν ἐγκληµάτων ἀπάντων.

Κατ' οὖνδὲν τούννυν, ὡς ἀνδρεὶς 'Αθηναῖοι, δίκαιον 33
οὖνδὲν ἔχων εἰπεῖν ἀναίδευσάτονς λόγους ἐτὸµα λέγειν 955 πρὸς τῷ διαιτήτῃ, περὶ ὅν προαικηκοέναι βέλτιον ἔσθ' ὑµᾶς, ἕνα µὲν τὸ παράπαν µὴ γενέσθαι διαθήκην, ἀλλ' εἰναι τούτῳ πλάσµα καὶ σκευόρηµα ὄλον, ἐτερον δ' ἔνεκα τούτου πάντα ταῦτα συνχωρεῖν τὸν πρὸ τοῦ

1 addidit Reiske.

Aves, 1610—73. (K. F. Hermann Privatalt. § 29, 5 = p. 253 Blüm-
ner, and § 57, 2 = Rechtsalt. p. 7 Thalheim.)

tο τέταρτον µέρος] The property is divided into four parts, one of which is taken by Ἀρρό-
dorus, another by his brother Pasicles. The other two go to the children of the second mar-
riage, who must have been two in number.

ἀφεῖναι τῶν ἐγκλ.] § 3 ἀφε-
θεῖς, § 25 ἀφεῖς κ. ἀπαλλάξας, n.

§§ 33—35. Anticipation of plaintiff's arguments, continued.
He will impudently assert (1) that his father made no will and
that the document produced was a forgery; and (2) that the reason
why he forbore to press the charge at the proper time was that defendant promised to pay
him a high rent.

In answer to (1), if there was no will, how came the plaintiff
to succeed to the lodging-house which he holds in accordance
with the terms of the will? In answer to (2), it is in evidence
that after the termination of the defendant's lease, the plaintiff
let the business to others; had

the plaintiff any lawful claim
on the defendant, he ought cer-
tainly to have brought it forward
at the time of the subsequent
lease.

33. εἰπεῖν...λέγειν] Almost identical in meaning and used, as
often, for variety of expression.
Phil. π § 11, ταῦθ' ἀ πάντες µὲν
ἀεὶ γλύχονται λέγειν, ἄξιως δ' οὖ-
δεις εἰπεῖν δεδώνται. Isocr. ad
Dem. § 41 and Paneg. § 11 n.

πλάσµα κ. σκευόρηµα ὄλον] 'A
fi gment and a forgery from be-
ginning to end.' Hesych. σκευό-
rηµα: πλάσµα, κακουργία, κατα-
σκευη, τὸ γνώµενον κατασκευάσαµα
eis βλάβην, and id. σκευωρία:
κατασκευή. Pollux x 15 τάχα δ' ἀπὸ
tούτων (sc. σκευῶν) καὶ ἡ
sκευοποία καὶ ἡ σκευορία καὶ τὸ
ἐκσκευοιηµένον πράγµα, ὥς 'Ι-
σαίος ἐν τῷ πέρι τοῦ 'Αρχεπόλιος
κλήρου διαθήκην δὲ τεττάρων ὅπ'
αυτῶν ἐκσκευοιηµένων.

In Or. 45§42 Apollodorus him-
self, in criticising the διαθήκη,
concludes with the words πάντα
πεπλασµένα καὶ κατεσκευασµένα
ἐλέγχεται. Cf. ib. 29 πλάσµα
ὅλον ἐστιν ἡ διαθήκη, and 41 § 24
σκευόρηµα.

τὸν πρὸ τοῦ χρόνον] 'During
the former period.' 

πρότοι sometimes spelt as one word προτοῖ. 


müσθωσιν φέρειν] We have frequently had müσθωσιν in the sense of 'lease'; we here find it used like müσθωμα for 'rent' (§§ 36, 51). Or. 28 § 12 ἀποδέδωκε τὴν müσθωσιν followed by λαβὼν τὴν πρόσοδον.

34. πρεσβεῖα] By right of primogeniture (§§ 29). Poly- 
xu: πρεσβεία ἐστὶ γέρα τὰ τοῖς πρεσβυτέροις δεδομένα. The re- cognition of any such right seems quite exceptional in Attic law. See Hermann's Rechtsalt. p. 54 Thalheim.

τὴν σωκοκίαν] 'It should be observed that the Attic language distinguishes between dwelling-houses (οἰκία) and lodging-houses (σωκοκίαι); accidentally indeed a dwelling-house might be let out for lodgings, and a lodging-house have been in- 
habited by the proprietor himself' (Boeckh, Publ. Econ. 190).

36, 37]. See, however, E. Scholz, Thallaeim. 35. ὑποσχέσεων] For a long time (ten years as appears by § 37), acc. of duration of time, to be taken with μισθωσιν ἐγγυ- 
nοντο. Kennedy seems to be mistaken in taking it with τοῦτο ἀπηλλαγένου and translating 'who, long after the defendant's retirement, took a lease.' On the contrary, the new lease must have been granted not long after the defendant's connexion with the business ended, as eighteen years elapsed from the division of the property to the date of the speech, and the first eight belong to Phormion's lease and the last ten to the later
We have proved that, after Phormion had given up the bank, others became and long remained lessees (§ 13) of it. Apollodorus ought, the moment they took it, to have looked after his dues, and seen that all his money was in the business. But he made no claim at all, nay even thanked Phormion for his good services in the management.

§§ 36—42. The plaintiff will complain that he is utterly destitute and ruined. You must know then that, from the debts due to his father and the rents due to himself, he has received more than forty talents. Oh, but he has lavishly spent his money in the public service on trierarchal and choragic charges! On the contrary, all that he gave on his own account after the property was divided, barely amounted to twenty minae. Even assuming his boasted liberality to be true, that is no reason for giving the defendant’s property to the plaintiff, and thus reducing the former to poverty, while we see the latter squandering his money in his customary manner.

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37 λόν γάρ τα μέρη τοῦ ἀδελφοῦ ἀπεστέρει. έκ δὲ τῶν μισθώσεων, ὅκτω μὲν ἐτῶν ἐς Φορμίων εἴχε τὴν τράπεζαν, ὄγδοίκοντα μνᾶς τοῦ ἐνιαυτοῦ ἐκάστου, τὸ ἡμισον τῆς ὀλίγης μισθώσεως· καὶ ταῦτ' ἐστὶ δέκα τάλαντα καὶ τετταράκοντα μνᾶς. δέκα δὲ ἐτῶν μετὰ ταῦτα, ὄν ἐμίσθωσαν ὥστερον Ξένων καὶ Εὐφραῖος καὶ Εὐφρονι καὶ Ἀλλιστράτῳ, τάλαντον του ἐνιαυτοῦ ἐκάστου. χωρίς δὲ τούτων, ἐτῶν ἵσως εἰκοσι τῆς ἕξ ἀρχῆς νεμηθεί-

* Z et Dindf. et Voemel cum Σ. ἀποστερεῖ Bekk. ἀποστερῶν Αʳ omissο γάρ.

καὶ δισχύλας sine causa addidit Voemel.

ἀπεστέρει.] 'Was continually defrauding,' his brother of his shares in many of the debts.

37. τὴν τράπεζαν] The bank alone is mentioned, but it must not be forgotten that Phormion had a lease of the shield-manufactory as well.

ὁγδοίκοντα μνᾶς] The share of Apollodorus, eighty minae, is half the annual rent of the whole business, the shield-manufactory and the bank. Consistently with this, the whole rent, as stated in § 51, Or. 45 § 32, is 2 talents and 40 m (i.e. 160 m) per annum. Of this (as appears from § 11) one talent was paid for the shield-manufactory, and one talent and 40 m for the bank.

Εὐφραῖω] In Or. 49 πρὸς Τιμόθεον § 44, Phormion and Ephraeans are mentioned by Apollodorus, as having paid from Pasion's bank certain sums of money to persons named by Timotheus. Like Phormion, Ephraeans had risen from a subordinate position, to be one of the lessees of the bank. Cf § 14 ἔλευθερος ἀφείσαν, ἀ.

τάλαντον] This is the rent of the shield-manufactory alone, as appears from § 11 τὸ (ἄσπιδο-πηγείων) τάλαντον ἐφέρεν. It is this rent alone that is here referred to. Xenon and his partners paid a total sum of 2 40 m for the whole business, consisting of the manufactory and the bank. The rent of the manufactory (1') belonged to Apollodorus, that of the bank to Pasicles (1 40 m). The rent thus paid for the whole business was the same as that which had been paid by Phormion (τοῦ ἴσου ἀργυρίου, § 12). It is from not understanding this, that Voemel was led to conjecture τάλαντον καὶ δισχύλας, i.e. 1 20 m = 80 m = the sum paid by Phormion to Apollodorus. But it was only the total rent that was the same in both cases; the way in which it was divided between the brothers was different.

38. ἐτῶν ἴσως εἰκοσὶ] In § 19 the interval is more strictly stated at eighteen years. It has been suggested by Mr A. Wright that it is here put at 'nearly 20' to help the audience to follow the arithmetical. If so, the item ἐνείπαρων may become 10 m, though it is really less; and the half of the item ἐσεπράξατο may be put
σης ούσιας, ἥς αὐτὸς ἐπεμελεῖτο, τὰς προσόδους, πλέον ἣ μνᾶς τριάκοντα. ἦν δὲ ἀπανταὶ συνθήτε, ὁσα ἐνείματο, ὁσα εἰσεπράξατο, ὅσο εἶληφε μίσθωσιν, πλέον ἢ τεταράκοντα τάλαντα εἰληφώς φανήσεται, χωρίς ὅν οὔτος εὖ πεποίηκε, καὶ τῶν μητρὼν, καὶ ὁ ὅπο τῆς τραπέζης ἔχων οὐκ ἀποδίδωσιν πένθ᾽ ἡμιταλάντων καὶ ἔξακοσίων δραχμῶν. ἀλλὰ νὴ Δία ταῦθ᾽ ἡ πόλις 39 εἰληφε, καὶ δεινὰ πέπουθας πολλὰ καταλειτουργη-

at 10<sup>1</sup>, though it is really more. But the total would remain the same.

τῆς εἰ ἄρχης κ.τ.λ.] See § 11. Apollodorus had chosen the shield-manufactory; and the rents of it, under his own management, are now reckoned as part of his general income.

πλεον ἢ τεταράκοντα τάλαντα] ἔνειματο more than 30<sup>α</sup>
for eighteen years = more than 540<sup>α</sup> = more than 9<sup> ε</sup>
εἰσεπράξατο 20<sup>ε</sup>; ἔχει πλεον ἢ τά ἡμίσην or more than 10<sup>ε</sup>, say 11
εἰληφε μίσθωσιν from Phormion for the bank and manufactory 80<sup>α</sup> for eight years = 10 40<sup>α</sup>
from Xenon, &c., for the manufactory alone, 1<sup>ε</sup> for ten years = 10

Total more than 40<sup>ε</sup> 10<sup>α</sup>

ὅν οὔτος εὖ πεπ.] Referring probably to Phormion's free gift of 3000 dr. (§ 15).—τῶν μητρών, a fourth part of his mother's property (§ 32). Otherwise we must understand it of an occasional bonus for the good-will of the bank: and to this εἰςἡφε might refer in § 35.

πένθ᾽ ἡμιταλάντων] Two and a-half talents, not four and a-half as Jerome Wolf and Kennedy translate it (which would require πέμπτον ἡμιταλάντων). The plaintiff's unpaid debt of 156<sup>α</sup> is with a bitter emphasis mentioned last in the list of his resources.

39. ἀλλὰ νὴ Δα] Introducing a supposed rejoinder on the opposite side. 'Oh! but he will say, All this wealth has been received, in fact, not by him, but by the city.' Cf. Or. 54 § 34 n.

cataleitourγήκας] You make out that you are cruelly wronged, after having lavishly spent, (as it were) 'liturgised away,' your money in the public service. For this use of κατα- cf. Isaeus Or. 5 § 43 οὔτε γὰρ εἰς τὴν πόλιν οὔτε εἰς τοὺς φίλους φαινεσ εἰ δαπανήθητε οὐδέν. ἄλλα μὴν οὐδὲ καθιστηρόφηκας, οὐ γὰρ πώτερον ἐκτησάμεν ἐπί θανόν πλεόν ἢ τριῶν μνῶν οὔτε κατευγοτρόφηκας, ἐπεὶ οὐδὲ ἕξυγος ἐκτησάμεν ἐμφιάσαρ εἰς τούτοις ἄγροι καὶ κτήμασιν.

[So καταχαρίζεσθαι, 'to give away in presents,' καταχρησθαι, καταπροδύναι, καταπροδύναιν, καταπολιτεύεσθαι, καθυποκρίνεσθαι, τινα, De Fals. Leg. §§ 362, 389. P.]

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κώς. ἀλλ' ἂ μὲν ἐκ κοινῶν ἐλειτούργεις τῶν χρημάτων, σύ καὶ ὁ ἀδελφὸς ἀνηλώσατε. ἂ δ' ὑστερον, οὐκ ἔστων ἀξία μὴ ὅτι δυοῦν ταλάντων προσόδου, ἀλλ' οὐδ' εἰκοσι μνῶν. μηδὲν οὖν τὴν πόλιν αἵτιν, μηδ' ἂ σὺ τῶν ὄντων αἰσχρῶς καὶ κακῶς ἀνήλωκας, ὡς ἡ πόλις 40 εἰλήφε, λέγε. ἦν δ' εἰδήτε, ὃ ἀνδρές Ἀθηναίοι, τὸ τε πλήθος τῶν χρημάτων ὁν εἰλήφε, καὶ τὰς λειτουρ-γίας ἃς λειτουργηκεῖν, ἀναγρώστει ύμῖν καθ' ἔν ἐκσσσ. λαβέ μοι τὸ βιβλίον τούτι καὶ τὴν 957 πρόκλησιν ταντην" καὶ τὰς μαρτυρίας ταντασι.

Μηττρίαιν. ΠΡΟΚΛΗΣΙΣ. ΜΑΡΤΤΡΙΑΙ.

41 Τοσαῦτα μὲν τοῖνυν χρήματα εἰληφῶς καὶ χρέα πολλῶν ταλάντων ἔχων, ὅπερ τὰ μὲν παρ' ἐκόντων, τὰ δ' ἐκ τῶν δικῶν εἰσπράττει, ἃ τῆς μισθώσεως ἐξω τῆς τραπέζης καὶ τῆς ἀλλης οὐσίας, ἥν κατέλιπε Πασίων, ὥφειλετο ἐκεῖνῳ καὶ νῦν παρειλήφασιν οὕτωι, καὶ τοσαῦτ' ἀνηλωκός ὥς ὑμεῖς ἱκουσάτε, οὐδὲ πολλοστὸν μέρος τῶν προσόδων, μη ὅτι τῶν ἀρχαίων, εἰς τάς λει-

† Bekk. om. Ζ cum Σ.

* addidit Reiske.

ἐκ κοινῶν κ.τ.λ.] i.e. You cannot take the sole credit for the sums spent before the property was divided. Half of that expenditure came out of your brother's money (§ 8).

ἐλειτούργεις] See Dict. Antiq.; also F. A. Wolf's preface to Dem. Leptines (Beatson's trans. p. 40 sqq.) and Boeckh's Public Econ., Book 4 §§ 10—15. Among the λειτουργίαι were the τραπαρχία and χρημία referred to in § 41 fin.

μη ὅτι...ἀλλ' οὐδ'[ See note on Or. 34 § 14, and cf. 27 § 7; 43 § 9; 56 § 39. (Madvig's Παλαιστινιακοὶ συγγραφείς, § 212, and Kühner's Ausf. Gram. der Griechischen Sprache, ii § 525, 4.)

δύοι] i.e. more than 40 for about 20 years, § 38.

μηδὲν—αιτία] 'Don't accuse the state then,' 'don't be charging the state with being the cause and object of your lavish expenditure,'

41. ἄ τῆς μισθ. κ.τ.λ.] The order is ἄ (ἐξω τῆς μισθώσεως τῆς τραπέζης κ.τ.λ.) ὥφειλετο τῷ Πα-σίων καὶ ἂ οὕτωι (sc. ἀπολλ. κ.τ.λ.) παρειλήφασιν.

οὐδὲ πολλοστὸν κ.τ.λ.] 'The smallest fraction of his income,
not to say (I needn’t say) of his capital.’ This explains τοσαύτ’, tantilla.

αλαξονεύσεται …… τριηραρχίας ἑρεί 

‘Will in bragging terms talk of his trierarchal (and choragic) expenses.’ Of such αλαξονεία there are instances again and again in Dem. and the other orators, e.g. Mídias p. 566 seqq. Or. 38 § 25 τάχα τῶν ἰσων καὶ τριηραρχίας ἐρωσί καὶ τὰ ὑπάτα ὡς ἀνηλώκασιν εἰς ύμᾶς, 20 § 151. In Or. 45 § 85, Apollodorus appeals to his father’s trierarchies, and in § 66 taunts one of Phormion’s witnesses, Stephanus, with having never done the smallest service to the state by τριηραρχία or χορηγία or any other λειτουργία whatever.

The plaintiff had really some good reason for being proud of his trierarchial services. Among the orations of Dem, a speech has come down to us (Or. 50, πρὸς Πολυκλέα) in which Apollodorus states that being appointed trierarch (in B.C. 362) he gave his vessel a splendid equipment and liberal wages to the crew; and for more than seventeen months traversed the Hellespont and other waters, often encountering perilous storms, in the public service.

12. τὸν ἀπὸ τῶν αἰτοῦ] 

‘That he should continue to serve you from his own resources,’ &c.—pointing to Phormion, who is also referred to in τὸν ἀπὸ τῶν αἰτοῦ δύνασται τα τούτω, i.e. handing over to the plaintiff (Ap.) the property of the defendant (Phormion). For a similarly ambiguous use of demonstrative pronouns, see above, § 12 n.

τὸν ἀπὸ τῶν αἰτοῦ] 

Defendant and plaintiff respectively.

εἰς ἀπερ εἰςθεν ἀναλ.] A deliberately vague innuendo, which is partly justified by the details of a subsequent section (§ 45). In Or. 45 § 77, Apollodorus says with some self-complacency: τῷ μέτριοι κατὰ πάσας τὰς εἰς ἐμάντον δαπάνας εἶναι πολὺ τοῦ τούτων και τοῦ τοῦτων ἑτέρων ἐντακτο- 

terov ξῶν ἄν φανεῖν.

§§ 43—48. As to the defendant’s wealth, and his having got it from your father’s estate, you should be the last man in all the world to use such language. The defendant, like your own father, made his money by faithful and honest service, by personal integrity of character, and by that good credit and fair name which in the commercial world is the best kind of capital.
XXXVI. ΠΑΡΑΓΡΑΦΗ [§§ 43, 44

εὐπορίας, ὡς ἐκ τῶν τοῦ πατρὸς τοῦ σοῦ κέκτηται, καὶ ὁν ἐρωτήσειν ἐφήσατα, πόθεν τὰ ὁντα κέκτηται Φορμίων, μόνῳ τῶν ὁντων ἀνθρώπων σοι τοῦτον ὑπ' ἐνεστ' εἰπεῖν τὸν λόγον. οὐδὲ γὰρ Πασίων ὁ σὸς πατὴρ ἐκτῆσαθ' ἐυρὼν οὐδὲ τοῦ πατρὸς αὐτοῦ παραδόντος, ἀλλὰ παρὰ τοῖς αὐτοῦ κυρίοις Ἀντισθένει καὶ Ἀρχεστράτω τραπεζιστένουσι τείραν δοὺς ὁτι χρη-44 στός ἐστι καὶ δίκαιος, ἐπιστεύθη. ἔστι δ' ἐν ἐμπορίῳ

καὶ ὁν ἐρωτήσειν—Φορμίων secludenda esse censet Huettner.

* ένεστ' Ἕλλ' Ζ.

b αὐτὸς Ἕλλ' Ζ.

Again, if you claim the defendant's property on the ground that he was once your father's slave, then Antimachus, a surviving son of your father's former master, might go still further, and claim your own estate and the defendant's too; yet, though now in a humble position, far below his merits and his proper rank, he does not go to law with them, because they have money to spend while he is in destitution.

Instead of making the most of the good fortune by which your father and the defendant alike received the rights of freedom and citizenship, you are heartless enough to cast contemptuously on yourself and your parents, and on Athens too, for granting her privileges to people like yourself; you are senseless enough to forget that, by insisting that the defendant's former servitude should not be brought up against him, we are really speaking on your side and defending your own position. The rule, that you lay down to the detriment of the defendant, can as easily be advanced against yourself by the house to which your father was once a slave.

43. ὁν = περὶ τούτων δ'.

πόθεν—κέκτηται Φ. ] In Or. 45 § 80, Apollodorus unfairly says of Phormion, εἶ ἢ δίκαιος; πένης ἄν ἦν τὰ τοῦ δεσπότου διωκήσας.

...Had I dragged you off to prison as a thief caught in the act, with your present property clapped upon your back, ...and had I, supposing you denied the theft, demanded the name of the person from whom you received it, to whose name would you have appealed? οὔτε γὰρ ὁ σὸς πατήρ παρέδωκεν, οὔθ' εὔρεσ.

ἐκτῆσαθ' εὑρὼν] 'Got it by good luck' as a 'godsend,' a 'windfall,' a εὑρώμα, εὑρετον. Passages like the present and the parallel from Or. 45 § 81 (given above) should be quoted in Liddell and Scott (s. v. εὐρίσκον, 4).

'Αρχεστράτω] Isocr. Trapez. § 43, Πασίων δ' Ἀρχεστράτων μοι ἀπὸ τῆς τραπέζης ἐπὶ τὰλαντών ἐγγυηθην παρέσχεν. (A. Schaefer Dem. n. s. Zetit π 2, 131.)

δίκαιος] 'Honest.'

ἐπιστεύθη] 'Won his master's confidence,' 'was trusted.' So in Or. 50 § 56, Apollodorus describes the wide extent of his
καὶ χρήμασιν ἐργαζομένους ἀνθρώπους φιλεργὸν δόζαι καὶ χρηστὸν εἶναι τὸν αὐτὸν θαυμαστὸν ἥλικον. οὔτ' οὖν ἐκείνῳ τοῦθ' οἱ κύριοι παρέδωκαν, ἄλλ' αὐτὸς ἐφ' χρηστός, οὔτε τῶδε ὁ σὸς πατήρ; σὲ γὰρ ἄν πρότερον τοῦτο χρηστὸν ἐποίησεν, εἰ ἦν ἐπ' ἐκείνῳ. εἰ δὲ τούτῳ ἀγνοεῖς, ὅτι πίστις ἀφορμὴ πασῶν ἐστὶ μεγίστη πρὸς χρηματισμοῦν, πᾶν ἄν ἀγροίσθαι. χωρὶς δὲ τούτων

father's connexion and good credit (ἐπεξευθένθαι πολλοῖς καὶ πιστεύθη ἦν εἰ τῇ Ἑλλάδι).

44. ἐν ἐμπορίῳ καὶ χρήμασιν ἐργαζομένους] Kennedy: 'In the commercial world and the money-market it is thought a wonderful thing, when the same person shows himself to be both honest and diligent.' The order is: θαυμαστὸν ἥλικον ἐστὶν ἀνθρώποις ἐργαζομένους ἐν ἐμπορίῳ καὶ (ἐργαζομένους) χρήμασι, τὸν αὐτὸν δόζαι φιλεργὸν καὶ εἶναι χρηστὸν, i.e. a reputation for business-like habits and a really honest character, when combined in the same person, have a striking influence in the money-market and the commercial world.

ἐν should be taken with ἐμπορίῳ only, the construction being (as G. H. Schaefer notices) ἐργάζεσθαι ἐν ἐμπορίῳ with the preposition, and ἐργάζεσθαι χρήμασιν without. Cf. Or. 57 § 31, ἐν τῷ ἄγορᾷ ἐργάζεσθαι with Or. 33 § 4, where τῆς ἐργασίας τῆς κατὰ θάλατταν is followed by τοῦτοι (sc. τοὺς χρήμασι πειρώματι ναυτικοῖς ἐργάζεσθαι. [ἐν ἐμπορίῳ may also be taken by itself, 'the mart it is thought a great matter,' &c. P.]

δόζαι is slightly contrasted with εἰναί, the outward reputation for business habits with the inward and inherent honesty (cf. ἐφ' χρηστός below). G. H. Schaefer says, 'dativus regitur a verbo δόζαι. Deinde τὸ ἔξος est: τὸν αὐτὸν δόζαι εἶναι φιλεργὸν καὶ χρηστὸν.' But the position of δόζαι and εἰναι makes against this construction. Cf. Æsch. Theb. 592, οἷς γὰρ δοκεῖν ἀριστος ἄλλ' εἶναι βέλει.

It is the combination of δόζαι φιλεργὸν καὶ εἶναι χρηστόν that is insisted on, because a forger, for instance, might have all the air of a painstaking man of business without being really χρηστός: and vice versa, a man of unblemished morale might never get a name for financial skill, or even ordinary business-like habits.

οὔτε—οὔτε] 'As then his masters did not bequeath to Pasion this virtue, but his honesty was natural, so neither did Pasion bequeath it to Phormion; for he would have made you honest rather than him, had it been in his power.' The philosophic questions, εἰ διδάκτος ἄρετη, καὶ τὸ φύσει ἀπὸν κράτιστον, are perhaps held in view, though it is seldom that Demosthenes enters on the region of philosophy. P.]

πίστις ἀφορμῇ] 'If you don't know that for money-making the best capital of all is good credit; then, what do you know?' ἀφορμῇ Cf. § 12 n.

χωρὶς...πατρί] An accidental
The image contains a page from a Greek text, with some modern capitalization and punctuation added. The text appears to be a section of a larger work, possibly a historical or philosophical treatise. The text includes references to various authors such as Xenophon, Demosthenes, and others. It also contains Latin words and phrases, indicating that the text may be discussing the works of these authors or their influence.

The text is written in Greek, with Latin words and phrases embedded throughout. The page contains a mix of Greek script and modern punctuation, which suggests that it is a transcription or translation of an ancient text into a more readable format.

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ασελγῶς ὡστε καὶ τοὺς ἀπαντῶντας αἰσθάνεσθαι, αὐτὸς δ' ἐκεῖνος πολλῶν ἐνδεῖς ἐστιν. οὐδὲ τὸν Φορ-46 μόνον ἐκεῖνος οὐχ ὡρᾶ. καὶ τοῖς κατὰ τοὺς οὐεὶ τοῖς προσήκειν τῶν τούτων, ὅτι τοῦ πατρὸς ποτ' ἐγένετο τοῦ σοῦ, ἐκεῖνο προσήκει μᾶλλον ἢ σοι; ὁ γὰρ αὐτὸς πατὴρ ἐκεῖνων ἐγένετο. ὡστε καὶ σὺ καὶ οὗτος ἐκεῖνω γίγνεσθε ἐκ τούτων τοῦ λόγου. σὺ δ' εἰς τοῦθ᾽ ἤκεις ἀγνωμοσύνης ὡς θ' ἄναγκασίας ἐφιέναι λέγεις, καὶ ὑβρίδεις μὲν σαυτὸν καὶ τοὺς γονέας τεθεόδοτας, προσηλακίζεις δὲ τὴν πόλιν, καὶ ἄδικα τῆς τούτων φιλανθρωπίας ἀπολάυσας εὑρετοὶ σος πατὴρ καὶ μετὰ ταῦτα Φορμίων οὗτος, ταῦτα ἀντὶ τοῦ κοσμεῖν

Σ. +οὗτος Ζ.

Ζ et Divid. cum Σ. dia om. Bekk. et Voemel; 'διὰ αὐτοῦ interpretate aliquo ad verbi (ἀπολάυσας) vim explanandum adscriptum est,' Huettner.

περάγεις] Cobet, after quoting the above passage of Xenophon (to alter σκεύη καλὰ into σκεύην καλῆν), takes the hint suggested by the last word περάγωνται, to propose the middle for the active in the present passage. 'Reponendum est necessario perágyei. Discrimen inter περάγω et περάγων tamen perspicuum est quam perpetuum. Si quem circumductamus spectaturam aliquid, aut omnino si cui damus operam ut circumieam inspiciat aliquid aut agat, eum περαγεις dicimur; sin autem quis quaqua incedit secum trahit aliquem, eius opera officioque utatur, eum περαγειας dicitur, ut herus pedissequos, aut tyrannus satellites.' (Novae lectiones, p. 652.)

46. οὐδὲ τῶν Φορμίωνων 'Nor is Phormio's position unknown to him.' Kennedy. For the double negation, see on § 22. Though Phormion was once a slave of one who was himself a slave of the father of Antimachus, the latter, who is well aware how Phormion has risen, does not grudge him his success and does not hold himself aggrieved by him. ὑξ', § 50 and 23 § 100 ἡδ' ἐν τινα εἰδων. —ἐκεῖνο, to Antimachus. ἀγρωμοσύνης] 'Heartlessness,' 'want of proper feeling'; 'churlishness.' Or. 54 § 14, ἀγρωμοσυν ὡς παρουσίης. Or. 44 § 5; 18 §§ 207, 252; 60 § 20. [The polite Greeks had many terms of this kind, ἀγροκία, σκαύτης, ἀμάθα, ἀπαιδευτικός, -περικαλλα. P.]

47. ὑβρίδεις ... προσηλακίζεις] Or. 23 § 120, ὃν θύρουν καὶ προῃπήλακια, 9, § 60; 18 § 12. 'Adorning and cherishing,' the right
of citizenship. [A metaphor from putting on and gracefully adjusting clothes. Whence he adds ευσχημονεστάτα. P.]


ἀγείς εἰς μέσον κ.τ.λ.] 45 § 16. 'You drag it into public view, point (the finger of scorn) at it, criticize it; and all but taunt Athens with naturalizing (admitting to the freedom of the city) such a character as yourself.'


μηδὲν ὑπόλογον εἶναι] Lit. 'should not be taken into account against him,' should not detract from his credit.' A metaphor from book-keeping, appropriate in a speech on banking-stock. Lys. 28 § 13, οὐδὲ δόκιμος τοῦτος φημὶ ἂν εἶναι ὑπόλογον τὴν ἐκείνου φιλίαν, ib. 4 § 18; Plat. Lach. 189 b.

[Cf. ὁ παράλογος, ὁ κατάλογος, ὁ μετάμελος, words formed from a primary use of the simple noun governed by the preposition, Translate: 'And now we, in requiring that, as Phormio has left Pasion's service, it should not be remembered against him that he was once Pasion's property, are in fact speaking in your behalf; while you, in demanding that Phormio shall not be put on the same footing as yourself, are speaking against yourself.' P.]
THE PAPYRUS.

MARTYRIAI.

Εἰτὰ τὸν σώσαντα μὲν ἐξ ἀρχῆς τὰ πράγματα καὶ τὸν κρήσιμον αὐτῶν παρασχόντα τῷ πατρὶ τῷ τούτῳ, τοσαῦτα δ᾽ αὐτῶν τοῦτον ἀγαθὰ εἰργασμένον ὥσις ὑμεῖς ἀκηκόατε, τοῦτον οἴεται δεῖν ἐλῶν τηλικαύτην δίκην ἀδίκως ἀκβαλεῖν. οὐ γὰρ ἄλλο γ᾽ ἔχοι οὐδὲν

k Συλ. ἀκβάλλειν ζ.

§§ 49—52. The defendant's management of the family property was the very saving of the business, and in this and many other respects he has been a great benefactor to the plaintiff's father and to the plaintiff himself; and yet the latter is now demanding a verdict, which, if granted, will turn the defendant out of house and home, a ruined bankrupt, like those whom we remember. The plaintiff's father, esteeming the defendant more highly than his own son, wisely and prudently left him manager of his leases when he died, besides showing his esteem for him during his lifetime. And that esteem was well deserved, for while the other bankers, to whose losses allusion has just been made, did business on their own account, and therefore had to pay norent to another, and were nevertheless ruined; the defendant not only paid a rent for the bank but kept up the business for the family of the plaintiff, who, so far from being grateful, takes no account of all this, but even persecutes and calumniates him. Our friend, if for a moment we may call him so, little thinks that honesty is the best policy (as is proved by the defendant's prosperity). The plaintiff at any rate is a case in point; he has (if we are to believe him) lost all his money; had he been a man of sound sense he would not have thrown it away.

49. ἀκβαλεῖν In Or. 45 καὶ Στεφάνων Α § 70, Apollodorus taunts Stephanus (one of Phormion's witnesses in the present trial) with turning his own uncle out of his patrimony for arrears of debt: τοκισών ... ἀκβαλεῖς ἐκ τῆς πατρίδος οὐσίας.

οὐ γὰρ ἄλλο γ᾽ i.e. If heavy damages are granted the plaintiff, the penalty will prove none other than (will not fall short of) turning the defendant out of house and home. 'Examine the nature of his property closely and you will soon see whose it really is, and into whose hands it will fall, if (which heaven forbid) the court is misled into condemning him.' The property consists largely of deposits at the bank, invested in different speculations, and incapable of being realized at a moment's notice. If Phormion has to pay damages, there will at once be a run upon his bank; his customers, to secure their property before it is paid away in damages, will claim their deposits, and Phormion, like others before him, will be bankrupt.

ἔχοι οὐδὲν ἄν] Notice the strong affinity or attraction that ἄν has to the negative; which is the reason of the common hypothesis οὐκ ἄν οίμαι σε ποιεῖν,
ζν ποίησαί. εἰς μὲν γὰρ τὰ ὄντα εἰ βλέπεις ἀκριβῶς, ταῦτ' εὑρήσεις δὲν ἐστίν, εἰδὲν', οἱ μὴ γένοιτο, ἐξαπατημένος ὑποτείνου. ὁρᾶς τὸν 'Αριστόλοχον οὗ τὸν Χαριδήμου; ποτ' εἶχεν ἀγρόν, εἰτά γε νῦν πολλοί. πολλοῖς γὰρ ἐκεῖνοι ὅφειλον αὐτὸν ἐκτήσατο. καὶ τὸν Σωκόνομον καὶ τὸν Τιμόδημον καὶ τοὺς ἄλλους τραπεζίτας, οἱ, ἐπεὶ διαλύειν ἐδέσμευεν οἷς ὅφειλον, ἐξέστησαν ἀπαντῶν τῶν τῶν ὄντων. σὺ δ' οὔδεν οἷει δεῖν σκοπεῖν οὐδὲν ὁ πατὴρ σοῦ πολλά, θελίσων ὅν καὶ ἄμεινον σοῦ υποθέσει. 51 φρονοῦν πρὸς ἀπαντ' ἐβουλεύσατο ὅπερ, ὁ Ζεὺς καὶ θεὸς, τοσοῦτο τοῦτο ἤγειτο σοῦ πλείονος άξιον εἶναι καὶ σοὶ καὶ ἐαυτῷ καὶ τοῖς υἱοῖς πράγμασιν, ὡστε ἀνδρός ὄντος σοῦ τοῦτον, ὥς εἰ τῶν μυθώσεων κατελύτειν ἐπίτροπον κἂν τὴν γυναῖκα ἔδωκε καὶ ζων αὐτὸν ἐτίμα, δικαίως, οἱ ἀνδρεῖς 'Λημναῖοι οἱ μὲν γὰρ ἄλλοι τραπεζίται μισθωτοὺς οὐ λυποῦντες, ἀλλ' αὐτοὶ ἐαυτοῖς.

&c. Goodwin's Moods and Tenses, § 42, 2, n., and Short's Order of Words in Attic Greek Prose, p. xciiv (3) (b).

50. 'Αριστόλοχος. In 45 § 64 Stephanus is described as erasing to Aristolochus the banker in his prosperity, and deserting his son when in great distress after Aristolochus was ruined and had lost all his property.

'ποτ' εἶχεν ἀγρόν κ.τ.λ.] 'He had a farm once,'—'he owned some land in his day; that land has passed to many owners now.' 'ποτ' (οἷς) is seldom found in so emphatic a position.

—πολλοὶ (sc. ἐξουσία τῶν ἀγρών).

διαλέγει] sc. (τοῦτοις) οἷς ὅφειλον 'to settle with, to satisfy, their creditors.' Cf. Or. 37 § 12 note; 30 § 8; 34 § 40; 49 § 29. ἐξέστησαν] 'Had to give up,' 'were ousted from.' 45 § 64, ἀπώλετο καὶ τῶν ὄντων ἔξεστα. Aparut. § 25. Pantaen. 37 § 49, Antiphon 2 B v. § 9, τῆς οὖν ήλιος ἐκστραμμένος, Ar. Acharn. 615 (K. F. Hermann Privatalt. § 71, 3 = Rechtsalt. p. 106 Thalheim). ἐκστραμμένου (like ἐκτέσειν) would answer as a passive to ἐκβάλειν. The special word for becoming bankrupt is ἀνασκευασθεῖν (contrasted with κατασκευασθεῖν to establish a bank); Dem. Aparut. 33 § 9, τῆς τραπεζῆς ἀνασκευασκοῦσας. Or. 49 § 68, τοῖς ἀνασκευαστέροις τῶν τραπεζίτων. Cf. ἀνδρεῖς 57, ἀναργύρα, n.

51. ἐαυτοῖς ἐργ., τῶντες ἀπώλοντο] This frequent failure of
ἐγραζόμενοι πάντες ἀπόλοιπον, οὗτος δὲ μίσθωσιν φέ-
ρων δύο τάλαντα καὶ τετταράκοντα μνᾶς ύμιν ἐσωσ
tὴν τράπεζαν. ὃν ἐκεῖνος μὲν χάριν εἶχε, σὺ δ' οὔδένα 52
ποιεῖ λόγον, ἀλλ' ἐναντία τῇ διαθήκῃ καὶ ταῖς ἀπ'
ἐκείνης' αἷς γραφείσαις ύπὸ τοῦ σου' πατρὸς ἐλαύ-
νεις, συκοφάντεις, διώκεις. ὁ βέλτιστε, εἰ οἶον τε
σὲ τούτ' εἰπεῖν, οὐ παύσει, καὶ γνώσει τοῦθ', ὅτι
πολλὸν χρημάτων τὸ χρηστὸν εἶναι λυστελέστερον
ἐστι; σοὶ γοῦν, εἰπέρ ἀληθῆ λέγεις, χρήματα μὲν
tοσαῦτ' εἰληφότι πάντ' ἀπόλολεν, ως φῆς. εἰ δ' ἡ-
θα ἑπιεικῆς, οὐκ ἂν ποτὲ αὐτὰ ἀνήλωσας.

1 επ' ἐκείνης conicit Huettner, execrationes istas extra testamen-
tum inscriptas esse arbitratus.

u add. Ἱρα. om. Ζ.

v Ζ et Dindlj. et Voemel cum Ἱρα. διώκεις, συκοφάντεις Bekk.

w παύσῃ Ζ.

x γνώσῃ Ζ.

2 φῆς rectius scribi docuit Cobet ad Hyper. or. ed. ii p. 108
(Huettner).

bankers on their own account, if truly stated, seems remarkable.

δύο τάλ. κ.τ.λ.] As rent for the bank and the manufactory.

Cf. §§ 11, 37; 45 § 32.

52. ταῖς ἀραῖς] Solemn im-
precautions on those who violated the conditions of the will.

ἐλαύνεις, συκοφάντεις, διώκεις] 'Harass, calumniate, prose-
cute.' διώκεις comes rather feebly after the stronger word
συκοφάντεις, and in spite of the authority of the Paris ms
there is much to be said for the old order retained by Bek-
ker: ἐλαύνεις, διώκεις, συκοφα-
ντεῖς. The latter is to some extent confirmed by the Rhet-
orician Tiberius (περὶ σχηματ-
ων, c. 31), who refers to this
passage as an instance of a
figure of speech described by
another Rhetorician (Alexander,
53 'Αλλ' ἐγώγε μᾶ τὸν Δία καὶ θεοὺς πανταχῇ σκοπῶν οὐδὲν ὅρῳ, διότι ἂν σοὶ πεισθέντες τούδι καταψήφισιντο. τί γὰρ; ὃτι πλησίον ὄντων τῶν ἀδικημάτων ἐγκαλεῖς; ἀλλ' ἔτεσι καὶ χρόνους ὑστερον αἰτια, ἀλλ' ὃτι τούτον ἀπράγμαυν ἦσθα τῶν χρόνων; ἀλλὰ τίς

*Bekk. διὰ τ' Ζ et Voemel (diat' ΣιΑ1).*

§§ 53—57. But though (for sake of argument) the speaker has pointed out the results which would ensue, if the defendant were condemned, he protests that he can see no ground for such condemnation. Plaintiff brings forward his charge even so many years after the alleged offence, and meanwhile has found time for incessant litigation, especially in public causes where his personal interests were but partially affected. While prosecuting so many others, how came he to let Phormion alone! The presumption is that plaintiff was never really wronged by him, and that the claim now put in, so long after the event, is utterly false and groundless.

To meet these charges, it will be much to the purpose to produce evidence of the bad character of the plaintiff, and also of the integrity and kindly feeling, the generosity and the public services of the defendant.

53. ἀλλ'...ἀλλ'...ἀλλά] For this use of ἀλλά cf. Dem. 18 § 24, τίγὰρ καὶ βουλήμενοι μετεπέμπουσθ' ἃν αὐτούς ἐν τοσοῦτον τῷ καρῷ; ἐπὶ τὴν εἰρήνην; ἀλλ' ὑπήρχειν ἀπασχ. ἀλλ' ἐπὶ τῶν πολέμων; ἀλλ' αὐτὸι περὶ εἰρήνης εξουσιασθέν (Hnetter).

ἔτεσι καὶ χρόνους υστερον] i.e. 'years and ages later,' 'ever so many years after,' 'years and years later.' The phrase is curious and is perhaps rightly suspected by Seager, who suggests the emendation έτεσι καὶ χρόνους τοσοῦτος υστερον (Classical Journal 1829, Vol. 30, No. 59, p. 109). It is defended by G. H. Schaefer, who refers to Pausanias x 17 § 3, έτεσι δὲ υστερον μετὰ τοὺς Δερβικάς ἄφικοντα. We may compare Lysias 3 § 39, οἱ μὲν ἄλλοι...οργίζομεν παραχρήμα τιμωρεῖσθαι ἤγγοσθ, οὗτος δὲ χρόνοις υστερον. But the two phrases έτεσιν υστερον and χρόνους υστερον, however defensible in themselves separately, do not apparently occur in combination elsewhere; and it may therefore be worth while to suggest either ἀλλά τοσοῦτος χρόνους υστερον, or simply ἀλλά χρόνους υστερον just as in the passage of Lysias above quoted.

In the latter case έτεσι καὶ may be a corruption of a marginal gloss έτεσι κ' i.e. 'twenty years,' a transcriber's note explaining χρόνους by referring to § 26, παρεληλυθότων ἑτῶν πλέον ἡ εἰκός, and § 38, ἑτῶν ἑτῶν εἰκός. (Mr Shilleto suggests as a parallel to έτεσι καὶ χρόνους, Cic. Verr. i 3 § 21, tot annis atque adeo saeculis tot.)

ἀπράγμαων] Often used of quiet and easy-going people who shrink from litigation. Or, 40 § 32, ἀπράγμαων καὶ οὐ φιλόδικοι, 42 § 12. Cf. ἀπραγμοσύνη and its opposites, πολυπράγμων, πολυπραγμοσύνη. So also, in the next line, πράγματα
πράττων, as is clear from the rest of the sentence, refers to the plaintiff's incessant litigation. Or. 27 § 1, oúdeν ἄν ἔδει δικών oúde πραγμάτων. 54 § 24.

κατηγόρεις] Young students are apt to confound the imperfect κατηγόρεις with the present κατηγόρεις.

κρίνων τίνας] The force of the sentence is much improved by Dobree's almost certain emendation κρίνων τίνας οὗ; σύχι Τιμομάχου κατηγόρεις; κ.τ.λ., where the loss of οὗ would be accounted for by σύχι following immediately after. Or. 37 § 14, πολλὰ δειγμάτων καὶ τί οὗ ποιήσαντος; 47 § 43, δειγμάτων ἀπάντων καὶ ἀντιπάντων καὶ τίνα οὗ προσπεμπότων; Felicissime restituit, says Shilleto of Dobree (F. L. § 231).

Τιμομάχου κ.τ.λ.] All these prosecutions are almost certainly connected with the naval operations extending over the plaintiff's protracted trierarchy of seventeen months in the Thracian Waters (in b. c. 362—361). In his speech against Polyclees (Or. 50) Autocles, Meno, and Timomachus are mentioned as successive commanders of the fleet (§§ 12—14 and Or. 23 § 104—5); and while he there speaks in general terms of the maladministration of all the commanders (§ 15 τὰ τῶν στρατηγῶν ἀπίστα), he uses the strongest language against Timomachus, mainly for his treasonable collusion with an exiled relative, Callistratus. (See next note.) Timomachus was condemned, and put to death (Schol. on Aeschin. 1 § 56).

Καλλίττατο τοῦ ὅν...ἐν Σικελίᾳ] The context shows that this Callippus (who must not be confounded with the plaintiff in the speech of Apollodorus πρὸς Καλλίππου Or. 52) can be none other than 'the son of Philon, of the deme Aexone,' who, at the request of Timomachus, conveyed Callistratus on board an Athenian trireme to Thasos from his place of exile in Macedonia, after Apollodorus had stoutly refused to allow his own vessel to be used for so unlawful a purpose (Or. 50 § 46—52). He may, with great probability, be identified with Plato's pupil of that name, with whom another of Plato's disciples, the well-known Dion of Syracuse, lived on friendly terms at Athens on his banishment from Sicily in B.C. 366. In August 357, Dion, with a small force, started from the island of Zacynthus, and during the absence of Dionysius the younger, made a triumphal entry into Syracuse, attended by his friend Callippus, who was one of his captains, and is described by Plutarch as λαμπρός ἐν τοῖς ἀγώνεστα καὶ διάσημος. Ultimately, in the spring or summer of 353, Dion was assassinated by Callippus, who after usurping the government for thirteen months, was defeated
in battle by a brother of the younger Dionysius, and after wandering about in Sicily and establishing himself in Southern Italy, at Rhegium, was shortly after (probably in B.C. 350) himself killed by his friends, with the very sword (as the story runs) with which he murdered Dion. (Plutarch, Dion, 17, 28—58; Plato Ep. vii; Diodorus xvi passim.)

In the present passage Apollodorus is stated to have prosecuted Callippus ΤΟΥ ΨΩΝ ΝΟΤΟΣ ΕΙ ΣΙΔΕΛΙΑ. The Athenian fleet (with Callippus) reached Athens from the Thracian coasts in Feb. 360, and Callippus started for Syracuse from Zacynthus in Aug. 357, so that the plaintiff’s prosecution of him cannot well be placed later than the spring of 357, though it may have been two years earlier in 359, and in any case about the same time as his prosecutions of Timomachus, Meno and Autocles. (A. Schaefer Dem. u. s. Zeit, ii 2, 158—161.)

If the present speech is as late as 350 B.C., Callippus was still alive; at any rate, the news of his death cannot have reached Athens. Introd. p. xxix.

ων Τιμοθέου;] The charge against Timotheus, the celebrated Athenian general, may have been connected with his defeat at Amphipolis B.C. 360. At first sight the allusion might be explained of the plaintiff’s private suit (Or. 49) against the general for sums borrowed from Pasion (cf. above § 36 n.); but the context appears to point expressly to public indictments (δήμοια in the previous sentence and τῶν κοινῶν in the next); though this reason is not conclusive, as the first part of the previous sentence refers to δίκαιον δίκαιον.

54. Απολλόδωρον δύτα κ.τ.λ.] aculeatum et amarum dictum. Reiske. It is not like Apollodorus, it is inconsistent with his true character, to be going out of his way to undertake public prosecutions where his own interests were but partially affected, to the neglect of private suits in which, as he says, he has a direct and an important concern. If Apollodorus had been really wronged by Phormion, he would have prosecuted him before. For the emphatic reference to the name, cf. Cicero, ad Atticum v 2, ‘...cum Hortensius veniret et infirmus et tam longe et Hortensius.’

μέρος] ‘In part alone,’ as only one aggrieved person, out of many. So το μέρος in Herod. i 120, π 173, and μέρος τι in Thuc. iv 30.
τὸν γὰρ συκοφαντούντα ἀεὶ τῇ χρή νομίζειν νῦν ποιεῖν; καὶ νη Δὲ ἐγὼ, ὃ ἀνδρές 'Αθηναῖοι, νομίζω πάντ' ὅσα τοῦ τρόπου τοῦ Φορμίωνός ἐστὶ σημεία καὶ τῆς τούτων δικαιοσύνης καὶ φιλανθρωπίας, καὶ ταύτ' εἰς το πράγμα εἶναι πρὸς ύμᾶς εἰπεῖν. ὃ μὲν γὰρ περὶ πάντ' ἀδικοὺς τάξιν ἄν, εἰ τύχοι, καὶ τούτων ἡδίκει: ὃ δὲ μηδὲν μηδεν ἡδικηκὼς, πολλοὺς δὲ ἐν πεποιηκὼς ἐκών ἐκ τίνος εἰκότως ἀν τρόπον τούτων μόνων ἡδίκει τῶν πάντων; τούτων τοίνυν τῶν μαρτυριῶν ἀκούσαντες γνώσεσθε τὸν ἐκατέρου τρόπον.

ΜΑΡΤΥΡΙΑΙ.

'Τιθι δὴ λέγει καὶ τὰς πρὸς Ἀπολλώδωρον τῆς πο- λείας.

ΜΑΡΤΥΡΙΑΙ.

Ἀρ' οὖν ὁμοίως οὕτωσί, σκοπεῖτε. λέγε.

ΜΑΡΤΥΡΙΑΙ.

Ἀνάγνωσθι δὴ καὶ ὁσα δημοσίᾳ χρήσιμοι τῇ πόλει γέγονεν οὕτωσί.

b Δία Ζ ευμ Σ.
d coniecit G. H. Schaefer. om. Ζ ευμ libris.
c Σελ. ἃ εἰκότως Ζ.

πάντων μάλιστ᾿ εἰς τὸ πράγμα] 'Very much to the purpose', 'anything but irrelevant', 57 § 7 εἰς αὐτὸ τὸ πράγμα πάντα λέγειν.
The depositions about to be produced on the general character of plaintiff and defendant, are liable to objection on the ground of their being beside the question. The speaker here meets that objection beforehand.

56. τὰς se. μαρτυρίας. 'Testimony to the plaintiff's bad character.'

The four sets of depositions may probably be grouped as follows:

(1) General evidence of Phormion's good character.
(2) On his opponent's bad character.
(3) On Phormion's generosity to those in need (§ 58, ἀκούστε ...οἷον ἐαυτὸν τοῖς δεθείσι παρέχει).
(4) On Phormion's public benefactions (§§ 56, 57, χρήσιμοι τῇ πόλει, and § 58 ad fin.).

ἀρ' οὖν ὁμοίως οὕτωσί, σκοπεῖτε] Look here, upon this picture, and on this.
§ 57 to end. The defendant not only implores your protection, but claims it as his right. Generous in his benefactions and apart from his actual resources enjoying credit for at least as much besides, he is enabled by means of that good credit to be of advantage, not to himself alone, but to yourselves as well. Do not suffer so worthy, so energetic, so generous a man of business to be ruined by this abominable blackguard. Most of the plaintiff’s statements you will simply disregard as baseless calumnious, but you must order him to prove either that there was no will (cf. § 33), or that there is some other lease besides that produced on our side (cf. § 3), or that he did not give the defendant a release from all claims (§§ 15, 16), or that the laws allow a claim to be set up when once such a release has been given (§§ 23—5). Challenge him to prove any one of these points, or anything like them. If, for want of such proof, he resorts to ribaldry, don’t attend to him, don’t allow his loud and shameless assertions to mislead you; but carefully remember what you have heard on our side. If so, you will give a verdict which will be true to your consciences, true to the cause of justice. (The clerk shall read you the law and the remaining depositions.)

That is our case, gentlemen:

I need not detain you any longer.

§ 57. deītai kai iktētei kai āξiō σωθήματ] Requests, implores and claims your protection. Or. 27 § 68, and 57 § 1, δέσμαι καὶ ἰκτενῶ καὶ ἀντιβολῶ.

χρήμαθ’ υμῖν ἁνεγνώσθη προσηνυπορηκός] C. R. Kennedy translates: ‘It has been read out to you, that he has acquired such a heap of money as neither he nor any one else possesses.’ This can hardly be right, particularly as such a blunt assertion of Phormion’s affluence would be a very invidious statement for his friends to make, and would not ingratiate him in the eyes of the court. εὐτορέων χρήματα (or χρημάτων) has two senses, (1) ‘to be well off’; (2) ‘to supply money,’ ‘εὐτορεώ,’ says Lobecki(Parerga, 553), ’nonsolum significat abunde habere... sed etiam suppeditare: επικουρίαν ταῖς χρεαισ ἑξυποτεχνίζει Plato Legg. xi 153; χρήμαθ’ υμῖν προσ-
oúδέις κέκτηταί. πίστις μέντοι Φορμίωνι παρὰ τοῖς εἰδόσι καὶ τοσοῦτον καὶ πολλῷ πλεονὸν χρημάτων ἐστὶ, δι' ἦς καὶ αὐτὸς αὐτῷ καὶ ύμῖν χρήσιμός ἐστιν. ἢ μὴ προῆσθε, μηδὲ ἐπιτρέψητε ἀνατρέψαι τῷ μιαρῷ 58

ё Bekk. cum A\(\text{γ}\). προείσθε πρima manu Σ. πρόθεσθε Ζ (vulgo et correctus Σ).

eὐπορηκὼς Dem. Phorm. 962. Cf. Apat. 894, 14 (= Or. 33 § 7 eὐπορήσειν αὐτῷ δέκα μνᾶς); de reb. Chers. p. 94 (συνεπορούντας έκείνῳ χρημάτων); Boeot. p. 1019 (= Or. 40 § 36 χρήματα εὐπορήσας); Neer. 1569, 10; Aesch. Timarch. p. 121; Lycurg. Leoc. p. 233; quibus inter se collatis intelligitur, quanta sit utriusque notionis contagio, a Romanis quoque unius verbi suppetendi angustiis conclusa.' (See note on Or. 40 § 36, and cf. 33 § 6 τριάκοντα μνᾶς συνεπορήσαι.)

Having regard to the context, we must here take the secondary sense of εὐπορεῖν, and explain the passage as follows: The depositions read aloud to you show that the defendant has (lit. he has been recited to you as having) provided you on emergencies with larger sums of money than his own (ὁυτὸν i.e. our friend, the defendant's) or any one else's private fortune amounts to; but then he has credit, &c. The sentence πίστις μέντοι κ. τ. λ. shows how it came to pass that Phormion was enabled, as a capitalist in the enjoyment of extensive credit in the commercial world, to advance sums of money larger than the private resources of any single individual.

πίστις] 'Credit.' Cf. § 44, πίστις ὀδορήμη κ. τ. λ.

58. ἢ μὴ προῆσθε] 'Do not throw this away,' i.e. 'do not sacrifice these advantages to the interests of the plaintiff.'

μηδὲ ἐπιτρέψητε ἀνατρέψαι] Possibly an unintentional collocation of two compounds of τρέψεων. One word, however, might suggest the other. 'Do not suffer this wretch to overthrow it,' i.e. overthrow the defendant from his high position and good credit.

[The metaphor is perhaps from overthrowing a fabric of wealth, as in Aesch. Pers. 165, μὴ μέγας πλοῦτος κοίνας οὐδάς ἀνατρέψῃ ποδὶ ὀλβῶν ὑπὸ Δαρείου ἵππων οὐκ ἀνεθεὶ τῷ ἄρτῳ, i.e. 'injuriosos pedes prostrare.' P.] In Theb. 1076 the context shows that the metaphor is not from an earthquake, but from the capsizing of a ship, πῶλιν μὴ ἀνατρέψῃ ἀνατρέψῃ μηδὲ ἀλλοδαπῶν κύματι φωτόν κατακλυσθῇ, and the way in which the word is used by the orators proves that they also regarded it as a nautical metaphor: Dem. 9 § 69 ὡς ὑπὸς μήδεις ἀνατρέψῃ (τὸ σκάφος), 19 § 250 οὐχ ὡς ὡρὴ πλεῖστα (ἡ πόλις) προείσθε, ἀλλὰ ἀνέτρεψῃ καὶ κατεδύσε. Aesch. 3 § 158 πλοῖον ἀνατρέψῃ καὶ τὴν πόλιν ἀράγῃ ἀνατροφήτη. It is metaphorically applied in Dem. 18 § 296 to the ὄρα τῶν ἄγαθῶν καὶ κανόνες, in 25 Aristog. 1 § 28 to τὰ κοινὰ δίκαια and in § 32 to τὴν πόλιν; in Aesch. 1 § 187 to τὴν κοινὴ παϊδείαν, in § 190 to
XXXVI. ΠΑΡΑΓΡΑΦΗ [§§ 58—61]

τούτῳ ἀνθρώπῳ, μηδὲ πονήσητε αἰσχρόν παράδειγμα, ὥς τὰ τῶν ἐργαζομένων καὶ μετρίως ἐθελοντῶν ζῇν τοῖς βδελυρίοις καὶ συκοφάνταις ὑπάρχει παρ' ὑμῶν λαβεῖν' πολύ γὰρ χρησιμότερα ὑμῖν παρὰ τᾶς ὑπάρχει. ὀρᾷς γὰρ αὐτοῖ καὶ ἀκούετε τῶν μαρτύρων, 59 οἷον ἕαυτόν τοῖς δεηθείσι παρέχει. καὶ τούτων οὐδὲν ἐνεκα τοῦ λυσιτελοῦντος εἰς χρήματα πεποίηκεν, ἀλλὰ φιλανθρωπία καὶ τρόπου ἐπεικεία. οὐκούν ἄξιον, ὦ ἄνδρες Ἀθηναῖοι, τὸν τοιοῦτον ἀνδρα προέσθαι τούτῳ, οὐδὲ τηνικαίτα ἔλεειν ὃτ' οὐδὲν ἐσται τούτῳ πλέον,

πόλεις; in Deinarchus I § 30 to παράματα ἡ ἐδαὶ κοινὰ, in § 88 to τὴν πόλιν (with ἐπιστρέφετε in the previous clause), and in 3 § 4 to ἀπαντᾶ τὰ ἐν τῇ πόλει.

In Liddell and Scott (ed. 6) the phrase ἀνατρέπειν τραπέζεαν is explained 'to upset a banker's table, i.e. to make him bankrupt.' The only passage quoted is Dem. 408, 7, where however there is no reference whatever to a bankruptcy, but only to the overturning of a table towards the close of a disorderly banquet. (The reference to Dem. 743, 1 [ = Timoer. § 136] in ed. 7 should be to the Scholium on that passage, quoted below.)

In Andocides de Mysteriis, § 130, we have a curious passage stating that in Athens there was a story current among the old wives and the little children, that the house of Hipponicus was haunted by an unquiet spirit that overthrown his table (Ἰππόνικος ἐν τῇ οἰκίᾳ ἀληθήρων τρέφει, δό αὐτοῦ τὴν τράπεζαν ἀνατρέπει). πῶς οὖν (the orator continues) ἡ φήμη ἡ τότε νόστα δοκεῖ ὑμῖν αποβήσαις; οἰόμενος γάρ Ἰππόνικος νῦν τρέφει, ἀληθήρος αὐτῷ ἐτρέφει, δό ἀνατρέφειν ἐκείνου τοῦ πλούτου, τῇν σωφροσύνῃ, τὸν ἄλλον βίον ἀπαντᾷ. But the only place, so far as I can find, in which the phrase has a distinct reference to bankruptcy is the Scholium on Dem. Timoer., § 136, where δανείσαι τοῖς τραπεζίταις is followed by ἐτυχεν ὕστερον ἀνατράπηραι τὰς τραπέζας (Baiter and Sauppe, Orat. Att. ii 119, 6, 35). See § 50 ἐξολοθρείτε, n.

αἰσχρόν παράδειγμα κ.τ.λ.] 'A disgraceful precedent that the property of men in business, who live respectable lives, may be obtained from you by miscreants and petitfoggers.' Kennedy. ὑπάρχει, 'that the laws allow,' 'that it is a condition of your polity.'

πολὺ γάρ...ὑπάρχει] Or. 38 § 28 α καὶ ὑμῖν ἐστὶν ἐπὶ ὕφελεια μελέξον παρ' ἦμοι ὁντα 'ἡ παρὰ τοῦτοι. Λύσιας Or. 18 §§ 20, 21; 19 § 61; 21 §§ 12—14.

59. τοῦ λυσιτελ. εἰς χρήματα] Remunery advantage; instead of being placed between the article and participle, as would be most natural, εἰς χρήματα is reserved for a more emphatic position.

60. λόγον καὶ συνοφ.] i.e. empty talk and baseless misrepresentation. For λόγος, 'mere talk,' cf. Or. 20 § 101, εἰ δὲ ταύτα λόγους καὶ φλάσας εἶναι φήσεις, ἐκείνῳ γ´ ὁ λόγος, 8 § 13 λόγον καὶ προφάσεις, 20 § 101 λόγους καὶ φλάσας. Similarly λόγοι in 30 § 34 and λόγος in 20 § 92.

ἐπιδείξαι] Plaintiff is challenged to prove his statements, not to rest content with vague calumny.

dιαλογισάμενος] See § 23, εγκλημάτων α ἐγνω Claims which were the subject of the award (γνώσεις) of Deiniyas, 'α ἐγνω, quae discipennavit.' G. H. Schaefer. Cf. § 17 init. δεικνύει] sc. κελεύετε, 'tell him to try if he can show,' &c. To be distinguished from επι- δείξαι just above.

61. λέγῃ] 'Go on talking.' φυλάσσετε καὶ μεμνημένοι κάθησθε, 45 § 87.
XXXVI. ΤΠΕΡ ΦΟΡΜΙΩΝΟΣ. [§§ 61, 62

μέμνησθε ὁσ’ ἡμῶν ἀκηκόατε. καὶ ταῦτα ποιήτε, αὐτοὶ τ’ εὐφρήστετε καὶ τοῦτον δικαίως σώστε, ἄξιον ὄντα νῆ τὸν Δία καὶ θεοὺς ἄπαντας.

62. Ἀνάγνωσθι λαβὼν αὐτοῖς τὸν νόμον καὶ τὰς μαρτυρίας τασδὶ.

ΝΟΜΟΣ. ΜΑΡΤΥΡΙΑΙ.

Οὐκ οἶδ’ ὁ τι δεῖ πλεῖω λέγειν’ οἴμαι1 γὰρ ὑμᾶς οὐδὲν ἀγνοεῖν τῶν εἰρημένων. ἐξέρα τὸ ὕδωρ.

1 Σ. οἶμαι Ζ (cf. § 18).

62. τὸν νόμον καὶ τὰς μαρτυρίας] The context does not show what law or what depositions are referred to: possibly another νόμος of the same general purport as that recited before, § 25 (ὡν μὴ εἶναι δίκας), and further evidence to facts or to the defendant's character (ἄξιον ὄντα, § 61).

οὐκ οἶδ’ ....... εἰρημένων] The same sentence verbatim is found at the close of Or. 20 (Lept.), 38 (Nausimach.), and 54 (Coon); and also at the end of the 7th and 8th speeches of Isaeus.

ὁ τι δεῖ] Not 'what I should say further,' (which would require πλέον), but 'why I should say any more', 'what need there is for my saying any more.' Similarly in 41 § 25 ἡγοῦμαι μὲν οὐδὲν ἐτί δεῖν πλεῖον λέγειν, we must be careful to take οὐδὲν before δεῖν and not after λέγειν.

ἐξέρα τὸ ὕδωρ] 'Pour out the water.' See Midias, § 129. (Cf. ἐξεράν τοὺς λίθους in Ar. Ach. 341, and τὰς ψῆφους in Vesp. 993.) The only other passage where the phrase is found is at the end of Or. 38, where the whole of this short epilogue recurs.

The speaker having concluded his speech within the legal limits of time measured by the κλεψύδρα, pointedly calls on the attendant to empty the 'water-clock' (54 § 36). The rhetorical effect is that the court is reminded that the speaker has spared them a longer speech, and the defendant gets the credit of having so good a cause that the orator does not find it necessary to avail himself of the full time at his disposal.

The result of Phormion's plea is thus stated by Apollodorus Or. 45 § 6, οὕτω διέθηκε τοῦς δικαστὰς ὠστε φωνὴν μηδ' ἐντυνόντων ἔθελεν ἄκοινον ἡμῶν προσφελῶν δὲ τὴν ἐπιβεβλαὶ καὶ οὐδὲ λόγου τυχεῖν ἀξιωθείς, ὡς οὐκ οἶδ’ εἶς τὶς πώποτε ἀλλος ἀνθρώπων, ἀπείρων βαρέως, ὄνωρες Ἀθηραίως, καὶ χαλεπῶς φέρων.
XLV.  

ΚΑΤΑ ΣΤΕΦΑΝΟΥ  
ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ Α.  

ΤΠΟΘΕΣΙΣ.  

"Οτε Ἀπολλόδωρος ἔκρινε Φωρμίωνα τῆς τραπέζης ἀφορμῆν ἐγκαλῶν, ὦ δὲ τὴν δίκην παρεγράψατο, ὁ δὲ Στέφανος μετ' ἄλλων τινῶν ἐμαρτύρησε Φωρμίωνι, ὡς ἄρα ὁ μὲν Φωρμίων προῦκαλεῖτο Ἀπολλόδωρον, εἰ  

1101 μὴ φησὶν ἀντίγραφα εἶναι τῶν διαθηκῶν τῶν τοῦ 5  
πατρὸς Πασίωνος, Φωρμίωνι παρασχεῖν ἀνοίξαι τὰς  
diathēkas αὐτᾶς, ὑς ἔχει καὶ παρέχεται Ἀμφίας,  
Ἀπολλόδωρος δὲ ἀνοίγει οὐκ ἡθὲλησεν, ἔστι δὲ ἀντί-  
grαφα τάδε τῶν διαθηκῶν τῶν Πασίωνος. ταύτην  
ἐμαρτύρησαν τὴν μαρτυρίαν οἱ περὶ Στέφανον, τοῦ 10  

[Δημοσθένους] κατὰ Στεφάνου ψευδομαρτυρῶν α. ‘hanc oratio-  
nem nobis non videri Demosthenis esse significarimus.’  

Argumentum in ultima columna antecedentis orationis 36 addidit  
manus recentior in Σ.  

a om. Ζ. addidit Dind. ex Σ.  
b om. Ζ. πατρὸς Φωρμίωνος παρασχείν libri. correctit Dind. ex  

Σ in quo scriptum πατρὸς φωρμίων πασίωνος, παρασχείν.  

1. τραπέζης ἀφορμῆν ἐγκαλῶν]  
See Argument to Or. 36, 1. 22 n.  
On παρεγράψατο see ib. 1. 23 n.  
3. Στέφανος ἐμαρτύρησε κ.τ.λ.]  
See infra § 8. The άλλοι τίνες  
are called "Ευδος and Σκύθης in  
the document there quoted.  
4. εἰ μὴ φησίν] ‘P. made A.  
a proposal, that if A. denies that  
the copies put in are copies of  
the will of his father Pasion, he  
shall let Phormion open the will  
itself which is in the custody of,  
and is produced by, Amphiastas.’  
8. ἕστι δὲ ἀντίγραφα κ.τ.λ.]  
The clause is continued from  
ὦς, ‘that the document produced  
is a copy of Pasion’s will.’
XLV. KATA ΣΤΕΦΑΝΟΥ [Argument]

'Απολλοδόρου λέγοντος κατά τού Φορμίωνος ὡς ἄρα τάς διαθήκας πέπλακε καὶ τὸ ὅλον πράγμα σκευωρήμα ἐστιν. ἦττηθεὶς τοῖνυν τὴν δίκην 'Απολλόδωρος ὑπὲρ τῆς μαρτυρίας ὡς ψευδοὺς οὐσὶς τῷ Στεφάνῳ δικάζεται.

1. Καταψευδομαρτυρηθεὶς, ὁ ἄνδρες Ἀθηναίοι, καὶ παθῶν ὑπὸ Φορμίωνος υβριστικὰ καὶ δεινὰ δίκην παρὰ τῶν αἰτίων ἥκω λῃστόμενος παρ’ ὑμῖν. δέομαι δὲ πάντων ὑμῶν καὶ ἱκετεύω καὶ ἀντιβολὸ πρῶτον

12. πέπλακε...σκευωρήμα] Or. 36 § 33, πλάσμα καὶ σκευόρημα ὅλον, and infra § 42.

§§ 1—2. Exordium (προοίμιον). Having been defeated by false testimony in my suit against Phormion, I have come into court to claim a verdict against those who compassed that outrageous and atrocious wrong. I ask the jury to give me a friendly and favourable hearing; and, if I make good my case, to grant me the redress which is my due.

In the former trial, the defendant Stephanus in particular gave false evidence against me, prompted by corrupt motives; and I propose to prove this from his own testimony. A brief recital of the relations between Phormion and myself will help the jury to form an opinion on the villainy of Phormion and the falsehood of his witnesses.

The Exordium is not unlike that of Or. 54, κατὰ Κόνωνος, where, as here, the προαίων (Ar. Rhet. 111.14) or, as we should say, the key-note of the whole speech is struck in the opening words: ὃ βρισκεῖς ὁ ἄνδρες δικασταί καὶ παθῶν ὑπὸ Κόνωνος κ.τ.λ.—The appeal ad captandum benevolentiam, πρῶτον μὲν εὐνοίκος ἀκούσαί μου, also occurs in Or. 54 § 2, and similarly the formula εἴτ ἐὰν (ἥδικησαί καὶ παρανομοῦσαί) δοκῶ, βοηθῆσαι μοι τὰ δίκαια, and lastly the promise of brevity, ὥς ἀν οίος τέ ὧ διὰ βραχυτάτων.

καταψευδομαρτυρηθεὶς] 'Crushed by' (or 'having been the victim of') false testimony.' Cf. Or. 33 § 37, and Plat. Gorg. 472 b. Ηαρποερ. κατα-ψευδομαρτυρησάμενος' ἀντί τοῦ παρασχῶν τὰ ψεύδη (απ' ψευδῆ?) μαρτυρήσατος. Δημοσθένης ἐν τῷ κατὰ Στεφάνου. The lexicographer intended doubtless to refer to Or. 29 (ὑπὲρ Φάνων πρὸς Ἀφοβοῦν ψευδομαρτυρῶν) § 6, where the middle participle explained by him is to be found. The mistake possibly arose out of a confusion between the titles of the two speeches, κατὰ Στεφάνου καὶ ὑπὲρ Φάνου (A. Schaeffer in Neue Jahrb. 1870, vol. 101 p. 523).

dέομαι ... ἱκετεύω ... ἀντιβολῶ] Cf. infra §§ 85, Or. 27 (Aphobus A) § 68, and 57 (Eubul.) § 1; Lyssias Or. 18 § 27, and 21 § 21. Such combinations of two or three nearly synonymous verbs are very common in the undisputed speeches of Demosthenes
§§ 1, 2. p. 1102] ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ A.

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μὲν εὐνοίκως ἀκοῦσαί μοι· μέγα γὰρ τοῖς ἡτυχηκόσιν, ὀστερ ἔγω, δυνηθήναι περὶ ὧν πεπόνθασιν εἰπεῖν καὶ εὐμενῶς ἐχόντων ὑμῶν ἀκροατῶν τυχεῖν· εὶτ' ἐὰν ἀδικεῖσθαι δοκῶ, βοηθῆσαι μοι τὰ δίκαια. ἐπιδεῖξο δ' ὑμῖν τουτοῦ Στέφανου καὶ μεμαρτυρηκότα τοῖς Ψευδη, 1102 καὶ δ' αἰσχροκέρδειαν a τοῦτο πεποιηκότα, καὶ κατῆγορον αὐτὸν αὐτοῦ γιγνόμενον· τοσαύτη περιφάνεια τοῦ πράγματός ἐστιν. εξ ἀρχῆς δ' ὡς ἀν οἶος τε ὁ διὰ βραχυτάτων εἰπεῖν πειράσομαι τὰ πεπραγμένα μοι

c om. Z cum libris. addidit Reiskius.

d Σ, qui sic ubique. Bekk. αἰσχροκέρδειαν Z.

(ε. g. Or. 36 § 47, ἰἀγεὶ εἰς μέσων, δεικνύεις, ἐλέγχεις; ib. 52, ἐλάυνεις, συκόφαντεις, διώκεις; ib. 57, δείται καὶ ἰκετεῖς καὶ ἄξιος; Or. 54 § 33, δικάζομαι καὶ μωσό καὶ ἐπεξ-έρχομαι). The speech ὑπὲρ φωρί-\(\text{w\(v\)}\) alone contains nearly forty such passages; of the speeches delivered by Apollodorus, the first oration against Stephanus has more than 30, while in the rest there is hardly anything of the kind, though in the second speech against Stephanus, § 28, we have δοειραι καὶ ἰκετεῖς. (J. Sigg in Jahrb. für class. Philol. Suppl. vi p. 419.)

[Add Eur. Alc. 319, οὐδὲν μητρὸς εὐμενεστέρον, El. 601, ἐστὶν τί μοι κατ' Ἀργος εὐμενῶς φίλων; Aesch. Suppl. 488 and 518 Dind. P.]

2. τὰ ψευδή) Additum articulum hoc vel illud testimonium peculiariter indicat, contra μαρτυρεῖν ψευδή (cf. § 41) vel ἀλήθη (§ 52) tantummodo significat μαρτυρεῖν ψευδῶς vel ἀλήθως' (Beels, Diatribe, p. 79). See Or. 47 §§ 1, 2 τὰ ψευδή μαρτυ-\(\text{r\(e\(e\)}}\) vel. ib. § 4 ψευδή μ. thrice. [inf. § 5, τὰ ψευδή μοι κατεμαρτύρη-\(\text{s\(e\)}}\)ν, 'gave this false evidence against me.' Thus often in the Tragic poets τὰ δενδα, where some special atrocity is described. But here we may render, 'has given evidence which was false.' P.]

tosauτη̂ περιφάνεια k. t. l.]

'So transparent is the case.'

'So plain and clear from every point of view.' Or. 29 § 1 (also of falsewitness), ῥάδιός ἐξελέγχας διὰ τὴν περιφάνειαν τῶν πραγμάτων. Isaeus, Or. 7 § 28, τοσαύτη̂ περιφάνεια τῆς ἐμῆς ποιήσεως ἐγένετο παρ' αὐτοῖς... ἐπὶ τοσούτων μαρτύρων γέγονεν ἡ ποιήσις. Cf. Hom. Od. i 426, περισκέπτω ἐν χώρᾳ, and ib. v 476, ἐν περ-\(\text{φανωμένῳ}.)
πρὸς Φορμίωνα, ἢ ὡν, ἀκούσαντες, τὴν τ' ἐκέινουεπονηρίαν καὶ τούτους, ὅτι τὰ ψευδὴ μεμαρτυρίκασι, γνώσεσθε.

3 Ἐγὼ γὰρ, ὁ ἄνδρες δικασταί, πολλῶν χρημάτων ὑπὸ τοῦ πατρὸς καταλειφθέντων μοι, καὶ τὰ ἂντα Φορμίωνος ἐχοντος, καὶ ἔτι πρὸς τοῦτοι τὴν μητέρα γῆ-μαντὸς τὴν ἐμὴν ἀποδημοῦντος ἐμὸν δημοσίᾳ τριηραρ-

ο τὴν τε τοῦτον Ζ. cum libris. τὴν τ' ἐκέινου Bekker cum γρ. FFB.

ἐξ ὡν...γνώσεσθε] This being the syntax, ακούσαντες must be taken by itself, 'when you have heard it.'

ἐκέινου] sc. Φορμίωνος.

§§ 3—8. Narrative (δήγησις). My father Pasion left behind him at his death a large property which got into the hands of Phormion, who also married Pasion's widow, my mother Archippe, during my absence from Athens on public service. On my return, I threatened Phormion with legal proceedings in consequence of this marriage, but my case did not come on; and afterwards a reconciliation was brought about. Subsequently, however, on Phormion's refusing to fulfil his engagements and attempting to rob me of the banking-stock leased him by my father, I was compelled to prosecute him at the earliest opportunity. Phormion thereupon put in a special plea in bar of action, and brought forward false witnesses to show that I gave him a discharge from all further claims, and to attest to a lease which in fact was a fabrication and to a will that never existed.

The result of his plea, which gave him the advantage of the first hearing, was that the jury would not listen to me at all; I was fined for failing to make good my case and left the court in high dudgeon at my ill-treatment. On reflection, however, I feel that the jury, in their ignorance of the real facts, could not, on the evidence, have found any other verdict; but I have a right to be indignant with the false witnesses who brought about that result,—and with Stephanus in particular whose evidence shall be read to the court. (The evidence is read.)

δημοσίᾳ] To be taken with ἀποδημοῦντος, 'cum publice (in causa publica) abesse.' The fondness of the Greeks for participles is shown by the addition of τριηραρχοῦντος which is subordinate to, and explanatory of, ἀποδημοῦντος. Or. 36 § 25, and Madv. Gk. Synt. § 176, d.

This triarchy of Apollo-dorus may almost certainly be connected with the negotiations between Athens and the Elder Dionysius towards the close of his career. It appears from a decree discovered near the Propylaea in 1857, and restored by A. Kirchhoff in the Philologus for 1857 (xii p. 571—8), that Athenian ambassadors were sent to Syracuse in the summer of B.C. 369 and in B.C. 368. Cf.
χοιντός ύμιν (δυν τρόπον δὲ, οὔκ ἵσως καλὸν νεὶ ἐπὶ μὴτρὸς ἀκριβῶς εἰπεῖν), ἐπειδὴ καταπλεῦσας ἴσθομήν καὶ τὰ πεπραγμένα εἶδον, πολλὰ ἀγανακτήσας καὶ χαλεπῶς ἐνεγκὼν δίκην μὲν οὐχ οἷός τ᾽ ἵν ἴδιαν λαχεῖν (οὐ γὰρ ἴσαν ἐν τῷ τότε καιρῷ δίκαια, ἀλλὰ ἀνε-βάλλεσθε ύμεῖς διὰ τὸν πόλεμον), γραφὴν δὲ ὑβρεῖον γράφομαι πρὸς τοὺς θεσμοθέτας αὐτὸν. χρόνον δὲ γυνομένου, καὶ τῆς μὲν γραφῆς ἐκκρονομένης, δικῶν
dίκην ἴδιαν...γραφὴν ὑβρεῖον] Cf. Or. 54 § 1, ad fin.

4. πόλεμον] This suspension of lawsuits, which the plaintiff found in force on returning from his trierarchy in B.C. 368, was due to the hostilities between Athens and Thebes in the period between the battle of Leuctra in B.C. 371, and the death of Epaminondas at the battle of Mantinea in B.C. 362. The courts were not sitting for ordinary business, perhaps because there was no pay for the deicides (cf. Or. 39 § 17); and the only process that was available under the circumstances was a public action. So (just below) δικῶν οὐκ οὖσῶν means, as the courts continued closed for private suits, ὑμεῖς refers to the citizens generally, who are said, in the medial sense, ‘to have had the sessions (τὰ δίκας) postponed.’

θεσμοθέτας] Isocr. Or. 20, κατὰ Δοξίτου § 2, περὶ τῆς ὑβρεῖος...ἐξεστὶ τῷ θεομονέων τῶν πολίτων γραψαμένῳ πρὸς τοὺς θεσμοθέτας εἰσελθέων εἰς ὅμοιας. (Hermann, Privatalt. § 61, 9, 19 = Rechtsalt. ed. Thalheim § 6, pp. 35, 37; Meier and Schömann, p. 323.)

χρόνον γυνομένου—γραφῆς ἐκκρονομένης] See note on Or. 36 § 2, ὑπὲρ ἑκκρονοστες χρόνους ἐμπισώμεν. For χρόνον δὲ γυνομένου, Reiske
ingeniously, but perhaps unnecessarily, proposes χρόνον δ’ ἐγγεγραμένον, which at any rate modifies the slight inelegance of the triple repetition γιγνομένον ...γίγνοντα ...ἐγίγνοντο. Cf. Or. 47 § 63, χρόνον ἐγγενέσθαι.

φιλανθρωποί λόγοι] ‘Kindly overtures’ (blamitiae, G. H. Schaefer). De Corona, § 298, οὔτε φιλανθρωπία λόγων οὔτε ἐπαγγελίων μέγεθος. Midias, § 75, οὔτε κλαίκατα οὔτε δεηθέντα... οὔτε φιλανθρωπον ...οὔτ’ οὕτως πρὸς τοὺς δικαστὰς ποιήσατα, where perhaps bribery is tacitly meant. (Cf. Shilleto on Fals. leg. § 117.)

μέτριοι...ταπεινοὶ] i.e. ‘both moderate and reasonable in their terms.’ Fals. leg. § 15, μετρίους λόγους, where Shilleto quotes Ulpian: ἡγον ἐπιεικεῖς, φιλανθρωποὺς.

5. ὥσ...συντέμω] The reason for the speaker’s hurrying over this part of his statement is partly because the overtures of reconciliation on Phormion’s side, which he takes credit to himself for candidly admitting, are really more to Phormion’s credit than to his own.

δίκην] i.e. the suit κατὰ Φορμίων, to meet which a special plea is put in on Phormion’s behalf in Or. 36. The words ἐπειδὴ τάχιστα ἐξουσία ἐγένετο are possibly meant as a partial reply (they are at any rate the only reply given in this speech) to that portion of Phormion’s plea which traversed his opponent’s suit on the ground that it infringed the ‘statute of limitations’ (Or. 36 § 26). But it may be noticed on Phormion’s side that at least 18 years had elapsed since the death of Apollodorus’ father, and eight since that of his mother, before the suit was instituted; and during the interval the plaintiff found time for ever so many lawsuits in cases where his private interests were but partially concerned (Or. 36 § 53).
See notes on p. 2. For μάρτυρας ὡς ἀφήκα, see Or. 36 §§ 24, 25; and for the depositions on the ‘lease,’ ib. § 4, and on the ‘will,’ ib. § 7.

6. πρότερον λέγειν] Cf. Isoc. παραγραφὴ πρὸς Καλλίμαχον § 1, φεύγων τὴν δίκην πρότερος λέγον τοῦ διώκοντος. See on Or. 34 § 4, κατηγορείν τοῦ διώκοντος, and ibid. § 1, ἐν τῷ μέρει λεγόντων. — προλαβὼν = φθάσας, ‘having got the advantage of me.’

We might expect the acc. as in Or. 34 § 4, εὐθυδίκα εἰσίναι, οὐ κατηγορεῖν τοῦ διώκοντος (cf. Or. 36 Διγ. 1.25 ἄπτεται τῆς εὐθείας n.); but the dat. is found in I saeus, Or. 6 (Philoctem.) § 53, μὴ διαμαρτυρῆσαι κωλύον ἄλλ' εὐθυδίκα εἰσίναι. § 7. The legal fine of one-sixth of the amount claimed (lit. one obol in each drachma, or 6 obols), inflicted on the plaintiff in private suits (see on Or. 56 § 4) if he failed to secure a fifth part of the votes. In the present case, Apoll. had to pay, in addition to costs, a sixth part of 20 talents, 31200 = £666, if (with Goodwin) we reckon the talent at £200. (Boeckh, Publ. Econ. Book 11 chap. 10, pp. 473, 482 trans. Lamb.)—For οὖν λόγου τυχεῖν cf. § 19, ἀπεκλείαθην τοῦ λόγου τυχεῖν.

7. οὐκ ἂν οἶδ’ ὃ τι ἄλλο εἶχον] ἂν is often attracted to the negative and separated from its verb (e.g. εἶχον) by the interpolation of οἴσα (as here), οἴσαν, δικυά, φημι (as elsewhere). (Cf. note on Or. 37 (Pant.) § 16, οὐδ’ ἂν εἰ τι γένοιτο φήμην δικύν μοι λαχεῖν, also Goodwin’s Moods and Tenses § 42, 2, and Shilleto on Time. p 76 § 4.) It is quite
unnecessary to accept the suggestion of Cobet οὐκ ὁδ’ ἀν ὅ τι (Nov. Lect. 581), or that of Dohrce ‘distingue autós οὐκ ἀν, οἰδ’ ὅτι, ἀλλ’ εἰσιν.’

πρὸς ἐκείνους εἰσίω] sc. εἰς δικαστήριον. ‘When I proceed against them,’ Endius and Seythes, contrasted with οὖτοι, the present defendant. Compare §17, εἰπ’ τούτοι ἡ, infr. §41 ἔταν εἰσίω πρὸς... and Or. 54 §32 ad fin., εἰςεῖα, or εἰςελθεῖν, is used of either litigant (e.g. in Or. 40 §1, of the plaintiff; and ib. §5 of the defendant); and also of the lawsuit itself in Or. 34 §18. Cf. Or. 34 §1, οὐδείμαν πῶτοτε δίκην πρὸς ὑπὸς εἰσίηςθαμεν, οὐτ’ ἐγκαλοῦτες οὐτ’ ἐγκαλοῦμενοι ὑφ’ ἑτέρω.

8. εἰς αὐτής] ex ipso, perhaps, rather than ex ea.—On ἐπίλαβε τὸ ὤδρος cf. note on Or. 54 §36.

Στέφανος Μενεκλέους κ.τ.λ.]

Like many, if not most of the documents inserted in the speeches of the Attic Orators, this deposition has been re-

garded as spurious. Its purport is to be found in §§ 9—26 and in Or. 46 §5. The names of Tiasias, Cephisophon and Amphias are given in §§10, 17, and Or. 46 §5. Stephanus and Tiasias, as well as Pasion and Apollodorus are assigned to the deme Acharna in the documents only (§§ 23, 46), not in the speech itself. Στέφανος Ἀχαρνέας appears in an inscription as trierarch in b.c. 322, but this (it has been suggested) is not likely to be the defendant in the present action, for at that date the latter, if (as is not improbable) he was about the same age as Apollodorus, would be about seventy; and we can hardly suppose that one who was so poor a patriot as not to have undertaken any public services up to the age of 47 or thereabouts (§ 66), would have embarked on a trierarchy at so advanced an age. But the name was far from uncommon, and the deme may (it is thought)
have been assigned at random by the writer of the document.

The name Ἐνδός Ἐπιγένους Λαμπτρέδες is given in one ms only (Φ). An inscription, however, of B.C. 325 gives the name Κρτόδήμος Ἐνδόν Λαμπτρέδες whose father may be the Ἐνδός of the text, though the name is not a rare one.

Lastly, Σκύθης is naturally an uncommon name for an Athenian, though found as such in an inscription. The name of his father, Ἀρματέως, does not occur elsewhere, except in Stephanus of Byzantium, who makes it mean "an inhabitant of Harma" which he wrongly supposes to be a deme of Attica, whereas it was really the name of a part of the range of Parnes. (Abridged from A. Westermann's Untersuchungen über die in die Attischen Redner eingegliederten Urkunden, pp. 105—8.)

Blass, however, sees no ground for rejecting the documents in this speech; the names of the witnesses, as Westermann himself admits, are supported by the evidence of inscriptions (Blass Att. Ber. iii 409). Their genuineness has been recently maintained in a careful dissertation by Kirchner, 1883.


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the will, produced (it is alleged) before the arbitrator; that I refused the challenge and would not open the 'will'; that the document to which they depose is a counterpart of the original will; and then followed the copy.

Let us examine this evidence. In the first place, why should one have refused to open the document?

'Oh! to prevent the jury from hearing the terms of the will.'

But, I reply, the witnesses deposed to the will as well as to the challenge, and thus the jury would hear the terms of the 'will' publicly recited from the 'copy' whether I opened it or not. What was I to gain by refusing? Why! even if they had given no challenge, and had made a mere assertion, and if some one had produced a document purporting to be Pasion's will, it would have been my interest to challenge them and to open the will. In this case, (1) had the contents differed from the terms of the deposition, I should have appealed to the bystanders to bear witness to the discrepancy, which would have been a strong proof that the rest of their case was got up for a purpose. (2) Had the contents agreed, I should have required the producer himself to give evidence. Had he consented, I should have had in him a responsible witness; had he declined, here again I should have had sufficient proof that the affair was a fabrication. On this hypothesis, I should have had to deal with one witness only, instead of with many (as my opponents have made it out); and of course I should have preferred the former, and so would every one else. For where (as here) there is room for cool calculation, no one would be so foolish as to abandon his own interests and do what would damage his case. And yet, by deposing that I refused to open the 'will,' these witnesses represented me as doing what is improbable, unreasonable, and contrary to all experience.

In brief, the first point which the plaintiff attempts to make in proving the evidence to be false, is that assuming he was challenged to open the 'will,' he sees no reason why he should have refused a challenge which it would have been to his interest to accept. On the other side, it may be noticed that the plaintiff had a strong reason for refusing to open the 'will,' and thus give express recognition to an important document, the contents of which as he himself says elsewhere (§ 21) were detrimental to his own interests. (A. Schaefer, Dem. iii 2, p. 171). So far, the case clearly tends against Apollodorus.

9. οὖν μὴν ἄλλα...] 'Nevertheless', 'however', 'not but that.' The ellipse which this combination of particles always involves may be here supplied by some such words as οὖν μὴν (ὑμᾶς τούτῳ χρὴ θαυμάξειν) or (παραλείπειν τούτῳ χρὴ) ἄλλ' ἐγωγε κτ.λ. Bühler's Gr. Gr. § 535, 7.

τῶν μεμαρτ...κεφαλ.] sc. ἐμὲ οὐκ ἔθελεν ἀνοίγειν.—τηρικαύτα sc. in §§ 15—28.
10. ἃς παρέχειν] so. μαρτυροῦσα. For the infinitive in the relative clause influenced by the principal verb, cf. Or. 36 § 25. 'Then follows a copy of the will,' or (with Kennedy) 'and then the will is set out,' 'Deinde sequitur (in testimonio eorum) testamentum exscriptum, sequitur exemplum testamenti.' Seager, Classical Journ. ix p. 267.

11. τερι...ὑπερ] These prepositions are here, as often, practically synonymous. Cf. infra § 50, and Fals. Ieg. § 94, p. 371, οὐ τερι τοῦ εἰ παρθένον εἰρήνων... ἀλλ' ὑπέρ τοῦ πολλὶ πνεύ.

τοῦ τις ἄν ἔνεκα ἐφευγεν κ.τ.λ.] 'What reason would any one have had for declining, &c.'

'Malin ἔνεκα καὶ ἐφευγεν... Latine porro,' says Dobree, who would similarly read in Or. 37 § 27, τίνος γὰρ ἔνεκα καὶ ἐπείθον, 'ut in tali re usitatum est dicere' (Cobet, Nov. Lec. 606).

νῇ Δίᾳ] Or. 36 § 39, and Or. 54 § 34 n.

12. εἰ...μὴ προσεμαρτύρουν] 'Had they not deposed to the will, as well as to the challenge, I might reasonably have declined to open the document (purporting to be a copy of the will): but, as they actually deposed to both, and as the jury would have to hear the will whether I opened it or not, what was the use then of my refusing to open it?'

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καν ει] The ἀν strictly belongs to the apodosis ἐμὼν ἦν, but is here, as often, put as early as possible. Cf. Or. 36 § 42, οἴμαι...καν εἰ...Λέγοι, κάλλων είναι. Sometimes the construction of the apodosis shows that καν ει is regarded as much the same as καи ει, e.g. Plato Meno 72 c, καν ει πολλα και παντοπαπαί εἰσιν, ἢ γέ τι εἴδος ταυτὸν ἀπασαι ἐχοντα.. Kühmer, Gk. Gr. § 398, p. 210. Buttman calls this "An consopilum," where its force is, as it were, dormant. It is peculiar to the later or middle Attic.

§ 13. ἔν—ἐχρόμυν] Or. 36 § 47, ἦνα—ἐφαίνετο η. ἄλλ' ἀττα τὼν κ.τ.λ.] ἄλλ' ἀττα ἦ τα, ι.ε. 'had the contents of the alleged will been different from the terms deposed to by these witnesses.' For this rather uncommon use of ἄλλος with gen. (like ἑτέρος, ἄλλοτρος, διάφορος) cf. Xen. Mem. iv 4 § 25, πότερον τῶν θεοὺς ἡγή τά δίκαια νομοθετεύν ἢ ἄλλα τῶν δικαλον. ἄλλοτρος is so used in Dem. 18 § 182, but I cannot find any similar use of ἄλλος in Demosthenes.—Dobree suggests ἄλλ' ἀττα ἀντί τῶν. τεκμηρίῳ κ.τ.λ.] sc. τοιῶν ἐχρόμυν τεκμηρίῳ ως καὶ τᾶλλα κατασκεύαζουν. —In the next clause αὐτῶν ('to give evidence himself') is contrasted with the several witnesses, οἱ περὶ Στέφανον.

ἐδελήσαντος μὲν] i.e. εἰ μὲν ἠθέλησε, contrasted with ἤ ἐφεύγε. We should naturally expect ἐδελῆσαντα, as the use of gen. absolute, in reference to the same person as the acc. ὑπεύθυνον, is somewhat exceptional, the rule being that the gen. absolute is generally found only when there is no other case in the sentence to which the participle might attach itself. Cf. however, Xen. Cyr. i 4 § 2, ἀδελησάντος αὐτοῦ (sc. τῶν πάττων) ὄντως ἀνέλειπε τῶν πάττων. (Kühmer, Gk. Gr. § 494 b, Madvig, Gk. Synt. § 181 R 6.) ὑπεύθυνον] Liable to a prosecution for false witness.
πάλιν αὐτὸ τοῦθ᾽ ἵκανον τεκμήριον ἦν μοι τοῦ πεπλάσθαι τὸ πράγμα. καὶ δὴ καὶ συνέβαινεν ἐκεῖνος μὲν ἐνα εἶναι, πρὸς ὅν τὰ πράγματα ἐγινεντὸ μοι, ὧς δ' οὗτοι μεμαρτυρήκασι, πρὸς πολλοὺς. ἐστιν οὖν ὡστὶς ἀν¹ ὑμῶν ταῦθ' εἶλετο; ἑγὼ μὲν οὖν ἄνεύν ἡγούμαι. οὐ 14 τοῖς ὑπὸ κατ' ἄλλου πιστεύεις ἐστε δίκαιοι. καὶ γὰρ, ὥς ἄνδρες 'Δηναιοὶ, ὡσιοὶ μὲν πρόσεστιν ὁργὴ τῶν πραττομένων ἡ λήμμα τι κέρδους ἡ παροξυσμὸς ἡ φι-

1 Bekker (st. Leipzig ed.), 'ἀν deesse vidit Schaeferus' Z.

συνέβαινεν κ.τ.λ.] Kennedy translates: 'And the result was, that in that way, I had one person to deal with.' The conditional is only implied and not directly expressed, in other words συνέβαινεν (like ἦσσον... ἐλάμβανον... ἤρισκομαι) is put without ἀν.—Malin καὶ δὴ καὶ συνέβαινεν εἰ μοι ἐστώ οὖν ὡστὶς ἄν ὑμῶν,' says Dobree, comparing § 33 bis, and also proposing in § 31 τὸ γὰρ ἄν ἀνθρώπων. The last two emendations are accepted in Dindorf's text.

[All the imperfects in this remarkable sentence, which does not read altogether like the style of Demosthenes, depend on the preceding ἐνα, 'in which case it would have happened that, &c.' The addition of ἀν would be quite out of place here, though it is necessary in the clause ἐστιν οὖν ὡστὶς ἄν ὑμῶν, which passes into quite a different construction. P.]

ἐκεῖνος] 'In the former case,' lit. 'in that other way,' under the hypothesis just mentioned (as opposed to the fact ὡς οὗτοι μεμαρτυρήκασι), sc. εἰ τὸν παρασχόντα ἥσσον μαρτυρεῖν, including the subsequent subdivision of that supposition into the two further hypotheses, ἐθελήσαντος μὲν κ.τ.λ. and εἰ δ' ἐφευγε κ.τ.λ.

πρὸς πολλοὺς] sc. τὰ πράγματα γενόσθαι μοι.

14. οὐ...οὐδὲ κατ᾽ ἄλλου πιστεύεις] 'Well then, you cannot fairly believe it of any one else either.'

ὦσιοι...τῶν πραττομένων] The participle is best taken not as gen. after ὁργὴ but after ὥσιος, which is neuter. Cf. § 15, ὅσα... τῶν πεπραμένων. 'In every course of action attended by anger, or by getting of gain, or by any exasperation ('keen resentment,' 'strong provocation'), or by a spirit of jealousy, one man may act in one way, another in another, according to his individual character.'

παροξυσμὸς] This word, found twice in the New Testament (Hebr. x 24, Acts xv 39), is never used by Demosthenes, nor indeed does it appear to occur elsewhere in the sense of 'exasperation' in any of the earlier Greek writers. In the Aphorisms of Hippocrates, 1243 (Liddell & Scott), it is a medical term, in the sense perpetuated in our 'paroxysm.' The verb however is found in Or. 57 (Kubul.) § 49, ἤ τόλμη πάσα... ὁρμαζόμενα παροξυστο, ib. § 2, Or. 47 (Energ.) § 19; also the adj. in Or. 20 (Lept.) § 105, λόγοι παροξυστικοὶ πρὸς τὸ...πείσαι.

5—2
λογισμός κ.τ.λ. ‘A calm calculation of one’s interest.’ [The phrase seems rather unusual, like φεις τὰ σωφρόντα, ‘giving up what was likely to prove his interest.’ P.]

§§ 15—19. Again, the witnesses depose to a Challenge as well as to a Will. Now Challenges are meant to meet the case of those transactions, which it is otherwise impossible to bring before the court. In the present case, what call was there for a Challenge? The arbitration took place in Athens, and they have deposed that the original will was produced before the arbitrator. If this was true, they ought to have put the original will into the box and the producer should have proved it by evidence. In that case the jury, after weighing the credibility of the deposition and inspecting the seals of the will, would have decided accordingly; and, had I thought myself wronged by the verdict, I might have proceeded against the opponent in question. But, as it is, no single witness has undertaken the whole responsibility; no! they have cleverly divided it, by one witness (Cephisophon) depositing to having a document inscribed ‘Pasion’s Will;’ and another (Amphiadas), to having produced it after being sent to do so by the former witness; but whether it was genuine or not, was ‘more than he knew.’—In fact, Stephanus and his friends made the Challenge a mere mask to enable them to depose to a will, so that the jury were led to believe that the will was my father’s, and I myself was debarred from being heard on my wrongs, and so that by these very means my opponents might ultimately be convicted of having given false evidence—a result which they hardly expected.

15. μη θέλεω] θέλω is the proper form in Attic prose, θέλω in Attic verse, but the latter is occasionally found in Dem., in such formulae as ἢ τὸς θέλη. (See Veitch Gk. Vbs.) The Paris ms Σ has θέλεω, which was adopted in Dindorf’s earlier editions.

προκλῆσις] Harpocr. s.v. εἰληθέσαν ὅπετε δικάσωντο τινες, εξαιτεῖν ἐνίοτε θεραπάνας ηθερά-
μαρτυρεῖν. οἴμαι γὰρ ἀπαντᾷς ὡμᾶς εἰδέναι ὅτι ὁ σα µὴ δυνάτον πρὸς ύμᾶς ἁγαγεῖν ἐστὶ τῶν πεπραγμένων, τούτων προκλήσεις εὑρέθησαν. οἶον βασανίζεσιν οὐκ ἔστιν ἐναντίον υμῶν· ἀνάγκη τοῦτον πρόκλησιν εἶναι· οἶον εἰ τι πέπρακται καὶ γέγονεν ἔξω ποὺ τῆς χώρας, ἀνάγκη καὶ τούτου πρόκλησιν εἶναι πλεῖν ἡ βαδίζειν

ποινας εἰς βάσανον ἡ εἰς μαρτυρίαν τοῦ πράγματος, καὶ τοῦτο ἐκαλεῖτο προκαλεῖσθαι, τὸ δὲ γραμματεῖον τὸ περὶ τούτων γραφόμενον ὁ—νομάζετο πρόκλησις. παρὰ πολλῶν δὲ ἦστι ρήματα. Ἀναμοσθῆναι δ’ ἐν τῷ κατὰ Στεφάνου καὶ περὶ ὧν πρόκλησις γίνεται δηλαδή. Ηρ.).

public, before a magistrate or arbitrator or other authorized person, in the presence of a number of bystanders either concerned as witnesses or merely present out of curiosity (Or. 47 § 12); and the text as it stands would seem to imply that administration of torture in open court was not allowed.—We find Aeschines (Fals. Leg. § 126) proposing to ‘question’ certain slaves in public: αὐγομέν δὲ καὶ τοὺς οἰκέτας καὶ παραδώσωμεν εἰς βάσανον…παρέστη δὲ ὅσον ὁ δῆμος καὶ βασανίζεται ἐναντίον υμῶν, ἂν κελεύητε…κάλει μοι τοὺς οἰκέτας δέορο ἐπὶ τὸ βῆμα… At this point (it is important to notice) follows a Challenge which Demosthenes declines. Thus we have a proposal only, and it may be concluded from ἂν κελεύητε, that even if the Challenge had been accepted, the court would have had to give a special order for such departure from ordinary usage.

Again in [Dem.] Or. 47 κατὰ Ἐνεργοῦν ἕνεδομαρτυρίων § 17, we read: ἔδει αὐτὸν, ἐπερ ἄληθή ἦν ἢ φασίν αὐτὸν προκαλεῖσθαι, κληρονομένων τῶν δικαστηρίων κοιμασάντα τὴν ἄνθρωπον, λαβόντα τὸν κήρυκα, κελεύειν εἶπε, ἐβουλαίμην, βασανίζειν, καὶ μάρτυρα τούς δικαστὰς εἰσώσω συνείσθε ὡς ἐτοίμως ἐστί παραδοῦναι (cf. ib. § 6). But it would be idle to suppose that this passage proves that the torture might take place in open court; all that is meant is that the defendant might have produced the girl, when the court was about to sit, challenged the plaintiff to ‘question’ her, and called on the jurors to bear witness that he was ready to hand her over to be tortured in the usual manner and not in public court.

οἶον—ἔξω τῆς χώρας] As an illustration of this form of Challenge, we find in Or. 32 the plaintiff (Zenothemis) borrowing money in Syracuse (§ 4) and the defendant challenging him at Athens to sail to Syracuse and appear before the authorities there (§ 18). Cf. ex iure manum consortum voco in Cicero pro Murena § 26 (with Mr Heitland’s note).

πλεῖν ἡ βαδίζειν] Here, as often, contrasted with one another, as the ordinary words
for ‘going by sea or by land,’
Fals. Leg. § 164 οὗτ' ἐπείγεσθαι
βαδίζουσιν οὗτε πλείω αὐτοῖς ἐπ-
πει.

17. ποικίλη στοὰς] ‘The painted portico.’ So called from its pictures, representing the legendary wars of Athens and the battle of Marathon. See Or. 59
(Neaer.) § 94 and Aeschin. Ctesiph. § 186. As is well known, it was this portico which gave the name of Stoics to the followers of Zeno of Citium. Persius iii 53, quaque docet sapiens braeatis illita Medis Porticus. It is placed east of the market of the Ceramicus in Curtius, Text der sieben Karten p. 35.

The public arbitrators had particular buildings assigned them according to the tribe to which they belonged: thus in Or. 47 § 12 the arbitration takes place in the Heliaeae, οἱ γὰρ τὴν
Οἰλινθία καὶ τὴν Ἐρεχθησίδα δια-
τῶντες ενταῦθα καθήμεναι.

ἐχρήν] As usual, without ἄν. We might have had εἰτέρ ἀλη-
θὲς ἤν, ἐνέβαλεν ἄν τὸ γραμμα-
τεῖον, implying ἀλλʼ οὐκ ἐνέβαλεν, whereas the sentence as it stands does not require ἄν because it implies not ἀλλʼ οὐκ ἔχρην, but ἔχρην μὲν ἐμβαλεῖν ἄλλʼ οὐκ ἐνέβαλεν. So also with ὄρθεων, ἔμελλων, ἐδίκησεν, ἐπομοδός; ‘sed
multo latius patet haec ratio... Omnino, utique non potest contrarium oppriri, vecte absit particula.’ Hermann de particula 
§ 11. On a similar principle we have τι ἢν ἀπλου-
στερον above, which follows the analogy of δίκαιων ἢν, εἰκὸς ἢν, &c.

τὰ σημεῖα] Probably the seals attached to the will (cf. Becker’s Charicles, Sc. ix note 14), and not those on the deposition-case or ἔχινοι (as supposed in Stark’s addenda to Hermann’s Privatall. § 65, 9). On the ἔχινοι cf. Or. 39
§ 18, σεσημασμένοι τῶν ἔχινων, and note on Or. 54 § 27. For the opening of the seals of a will, see Ar. Vesp. 524, κλαῖεν ἡμεῖς
μακρὰ τὴν κεφαλὴν εἰπότες τῇ
διάθηκῃ, καὶ τῇ κάγχρῃ τῇ πάνω
σεμνοὶ τοῖς σημείοις ἐπούσῃ.

γά] ‘perhaps old Attic, Plat.
Theaet. 180, Rep. 449’ Veitch,
Greek Verbs s.v. εἰμ. As first
person ἦσαν is rare, but προσῆχεν
is not. In § 6 we have had
ἄπηγεν. See Cobet, Variae Lect.
p. 307.
18. ei...oudeis] ‘No single witness has accepted the whole responsibility’; cf. §38 deieíontο ταξικήματα. ei's oudeis is a much stronger negative than oudeis. Or. 21 (Midias) §12, εν γαρ ουδεν εστων εφ ο...οι δικαιοι ουν απολωλέναι φανήσει. Cf. Fals, Leg. §201, εν ουδ' ορθων.

ο μεν...ο δε] Cephasphon (§§ 21, 22)...Amphies (ο Κηφασο-φώτος κηφεστής, § 10).—The subject of έκαστος (ο μεν...ο δε) is μεμαρτύρηκε implied by the former part of the sentence. This is all that is meant by Dobree's punctuation 'Distinctly ο δε, πεμφθεις,' to show that πεμφθεις is subordinate to παρέχειν and is not to be taken with ο δε. Trans. ‘another, that he produced the will on being sent by him (Amphies).'

19. παραπετάσματι] sc. προφάσει(Or. 46 §9 πρόφασι,...των πρόκλησιν), προσχύματι, as a 'cloak,' or 'pretext,' lit. a 'screen' or 'curtain.' Plat. Protag. 316 ε ταις τέχναις ταυτας παραπέτασμασ εχρήσαντο, immediately after προσχύμα πωείσθαι και προκαλείστεσθαι. ώς αν μάλισθ' οι δικασταλ...ἐπίστευσαν...ἐγώ δὲ ἀπεκλείσθη...οὕτω δὲ φωραθέειν...] This sentence, as it stands in the ms, can only mean 'The present witnesses (Stephanus, &c) used the challenge as a pretext for giving evidence of a will, in the very way in which the court would have believed that the will was my father's, and I should have been debarred from getting a hearing, and in which my opponents would now be palpably convicted of giving false evidence.' This makes nonsense, as the jury in the former trial did believe the witnesses, and Apollodorus was debarred from speaking. αν is quite out of place with ἐπίστευσαν and ἀπεκλείσθην, but not so with φωραθέειν (which cannot here be taken as a simple optative expressing a wish). It thus appears that we should (with G. H. Schaefer) remove αν from the aorist indicative and place it with the aor. optative, and read as follows: ὡς (or ὡςτι) οἱ δικαστα...ἐπίστευσαν, ἐγώ δὲ ἀπεκλείσθην...οὕτω δὲ μάλιστα φωραθέειν. The sense thus gained is fairly satisfactory: 'the
witnesses combined the attestation of a challenge with the attestation of a will (made the former a pretext for the latter). The immediate result was that the jury in the previous trial believed the will was really my father's and therefore decided against me without giving me a hearing on my present wrongs. The ultimate result was that by that very means my opponents would be clearly convicted of having given false evidence.'

Hermann attempts to explain the passage by the following translation:

'Illo vero, provocationis prae-textu asi, de testamento testati sunt eo modo, quo facillime judices hoc patris testamentum esse credere, ego autem ab oranda causamea exclaudi debebam [...], ipsi vero—falsa testati esse deprehenderitur; atqui contrarium sperebat. Illa enim ovtoi dé, (hic voce paulum subsistit orator) ψωραθείν τὰ ψευδή μεμαρτυρηκότες, ironice dicta esse patet' (Opuscula iv 27 de particula αν 1 7).

Dobree says: 'Sensus est: ita rem administrarunt, ut tune quidem judices deciperent; postea autem hoc palam fieret, quamvis id non praeviderent.—Qu. de modorum permutatione. Similis locus F. Leg. 424. 16' τοσοῦτ' ἀπέχουσι τῶν τοιούτων τι ποιεῖν, ὡστε θαναμάζονται καὶ ἡ- λοῦσι καὶ βούλουσιν ἃν αὐτὸς ἐκα- στος τοιούτος εἶναι.

[I suggest ὡς ἀν εἰ μᾶλλα, and perhaps οὕτω γε infra (though οὕτω δὲ might mean 'yet these' &c). 'They gave their evidence so, that if the dicasts were ever so much persuaded, and I was stopped from further proceedings then, yet they will be detected in having lied.' ὡς ἀν ψωραθείν is a virtual synonym of ὡστε ψωραθήναι.]

See Aesch. Ag. 357, ὅπως ἂν βέλος ἠλίθιον σκέψειει.

For the use of δὲ in apodosis, cf. Or. 21 (Med.) p. 547 § 100, εἰ δὲ τις πένης μουδέν ὠδικηκὼς ταῖς ἐσχάταις συμφοραῖς ἀδίκου ὅπω τοῦτον περιπετεύκηκεν, τούτῳ δ' οὐδὲ συνοργισθήσετο; and for ὡς ἂν with optative equivalent to ὡστε, see Plat. Phaedr. p. 230 ν, καὶ ὡς ἀκριβῶς ἔχει τῆς ἀνθράκης, ὡς ἂν εὐφυέστατον παρέχω τὸν τόπον, 'see how this willow is in full blossom, so as to fill the place with fragrance!'

Syrnp. p. 137 ν, τοῦ μὲν κοσμίου τῶν αὐθρώ- πων, καὶ ὡς ἂν κοσμίωτεροι γλυ- νωντο ὁ μήτως ὄντες, δὲ χαρι- ζεσθαι. P.]

§§ 19—23. To prove this, take the evidence of Cephisophon. He deposes to a document having been left him by my father, inscribed 'Pasion's Will;' thinking that to depose to this only was a mere trifle, and that he could not safely go so far as to add (what in itself would have been a simple matter) 'that this was the document produced by the deponent.'—Now, had Phormion's name appeared outside, the deponent might reasonably have kept the document for Phormion; further, had it really been endorsed 'Pasion's Will,' it would have belonged to me by inheritance like the rest of my father's
property, and I should of course have appropriated it, feeling that, with a lawsuit before me, the will, if its terms were those alleged, would be rather detrimental to my interests. The fact that, in spite of the alleged endorsement, it has been produced to Phormion, not to myself, and been let alone by me, proves the forgery of the will and the falsehood of the deposition of Cephisophon. However, I dismiss him for the present, especially as he has given no evidence on the contents of the will, which by the way is a strong proof of the falsehood of the deposition of Stephanus and his friends. Cephisophon, the very person who deposes to having the document, did not dare to depose to its identity with that produced by Phormion; and yet the present witnesses (Stephanus and his friends) have declared that it is a copy of the other, though they cannot claim to have been present when the will was drawn up, never saw it opened before the arbitrator, and indeed have deposed that I refused to open it. If so, have they not clearly charged themselves with having given false evidence?

Μαρτυρια] The wording of this deposition is identical with that of the speech itself (§§ 18 and 20), with the exception of the clause ὅπω τοῦ πατρός γραμματέων, ἕφτανε διαθήκης Πασίωνος.]

Οὐκοῦν ἦν ἀπλοῦν, ὃ ἀνδρεὺς δικασταὶ, τὸν ταῦτα ἑν τοιούτου μεν, οἷοι, τὸ λέγοντος ἦγεῖτο ορθὸν testimonium om. Σ.
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γής ἀξιον, καὶ δίκην ἄν ὑμᾶς παρ' αὐτοῦ λαβέων, γραμματείον δ' αὐτῷ καταλειφθήναι μαρτυρῆσαι σαφῶν καὶ οὐδέν. ἕστι δὲ τούτ' αὐτὸ τὸ δηλοῦν καὶ κατηγο-

21 ῥοῦν ὅτι πᾶν τὸ πράγμα κατεσκενάκασιν. εἰ μὲν γὰρ ἔπην ἐπὶ τῆς διαθήκης "Πασίωνος καὶ Φορμίωνος" ἢ "πρὸς Φορμίωνα" ἢ τοιούτῳ τι, εἰκότος ἄν αὐτὴν ἐτή-

ρεὶ τούτῳ εἰ δ', ὠσπερ μεμαρτύρηκεν, ἔπην "διαθήκη "Πασίωνος," πῶς οὐκ ἄν ἀνηρίμην αὐτὴν ἔγω, συνει-

δῶς μὲν ἐμαυτῷ μέλλοντι δικαίωσθαι, συνειδῶς δ' ὑπε-

ναυσίν οὖσαν, εἵπερ ἢν τιοιάτη, τοῖς ἐμαυτῷ συμ-

φέρουσι, κληρούμοις δὲ ἄν καὶ ταύτης, εἵπερ ἢν τοῦ-

22 μοῦ πατρὸς, καὶ τῶν ἄλλων πατρὸφον ὁμοίως; οὐκοῦν

ἐξίναι, § 17.—ὁργῇ, the indignation of the court.—ἀν λαβέων depends, like the previous clause, on ἔγειτο.

γραμματείον δὲ] "Whereas to give evidence of a document having been bequeathed to him, was a trile of no importance." Kennedy.

'Πασίωνος καὶ Φορμίωνος.] 'At ineptus Pasio fuisset, si hoc inscripsisset; de utrique enim, et Phormione et filiis, in eo constiterat' (Lortzing Apoll. p. 78).—ἐπήρεστοστρεςΦορμίωνος.

'If the inscription had been, This belongs to Pasio, and to Phormion, or for Phormion, or anything of that sort, he would reasonably have kept it for him.'

21. πῶς οὐκ ἄν ἁνηρίμην... 'I should of course have appropriated it.' The plaintiff actually says that if the terms of the will were such as alleged and if it had been really in-

scribed 'Pasion's Will' (diathēkē is emphatic; 'had the endorsement been, not merely, 'This is Pasion's,' but 'This is Pasion's will,' &c), then he would certainly have claimed it as heir to his father's property and, finding it detrimental to his own inter-

ests, would have kept it close.' The effrontery of this statement is sufficiently startling.

As regards the phrase diathēkē ἀναφείςας, it may be noticed that in Isaeus Or. 6 (Philoct.) §§ 30—

33, we have πειδουσί τὸν Εὐκτή-

μονα τὴν διαθήκην ἂν ελείν ὡς οὐ χρησίμην οὖσαν τοῖς παιοῖ· followed by ὁ Εὐκτήμων ἔλεγεν ὅτι ὁ

βούλωσθαι ἀνελεύσαται τὴν διαθήκην and ποιησάμενος πολλοὺς μαρτυριας ὡς οὐκέτι αὐτῷ κέιτο ἡ διαθήκη, ἥχετο ἀπίων. Cf. also Isaeus Or. 1 (Cleonym.) § 14, ἀσθενεῦν... ἐβουλῆθη ταῦτα τὰς διαθήκας ἀνελεύν, where Schömann re-

marks ἀναφείςας εἰς ἄνω τοιλερε, resciulere: ἀναφείςας autem, de contractuic testamentorum-

que tabulis, proprie est repetere ab eo, apud quem depositae fuerunt, quod fit a sublaturo.' In these passages, however, the phrase is used of a testator re-

voking his own will; here of an heir claiming his father's will, with a view to suppressing it. Cf. note on Or. 34 § 31.
22. τὸ παρέχεσθαι μὲν Φορμίωνι, γεγράφθαι δὲ Πασίωνοις, εἰασθαί δὲ ύφ' ἡμῶν, ἐξελέγχεται κατασκευασμένη μὲν ἡ διαθήκη, Φευδὴς δὲ τοῦ Κηφισοφώντος μαρτυρία. ἀλλ' ἐκ Κηφισοφώντα, οὔτε γὰρ νῦν μοι πρὸς ἐκεῖνον ἐστὶν οὔτ' ἐμαρτύρησεν ἐκεῖνος περὶ τῶν ἐν ταῖς διαθήκαις ἐνότον οὐδέν. καίτοι καὶ τοῦτο σκοτεινότατα, ὥσον ἐστὶ τεκμήριον, ὥς ἀνδρές Ἀθηναῖοι, τοῦ τούτου τὰ Φευδὴ μεμαρτυρήκειναι. εἰ γὰρ δὲ μὲν αὐτὸς ἔχειν τὸ γραμματεῖον μαρτυρῶν οὐκ ἐτόλμησεν ἀντίγραφα εἶναι ἡ παρείχεστο φορμίων τῶν παρ᾽ αὐτῷ μαρτυρῆσαι, οὔτοι δὲ οὔτε ἐξ ἀρχῆς ὥς παρῆσαν ἔχοιεν ἀν εἰπέν τιν ἀνοιχτῶν εἶδον πρὸς τὸ διαίτητά τὸ γραμματεῖον, ἀλλὰ καὶ μεμαρτυρήκασιν αὐτοὶ μὴ ἐθελεῖν ἐμὲ ἀνοίγειν, ταῦτα ὡς ἀντίγραφα ἐστὶν ἐκείνων μεμαρτυρηκότες, τί ἀλλὰ ἡ σφῶν αὐτῶν κατηγοροὶ γεγόνασιν ὅτι Φευδὸνται;

'Εστι τοίνυν, ὥς ἀνδρεῖς Ἀθηναῖοι, ὥς γέγραπται τις ἀν ἔξετάς τιν μαρτυρίαν ἵνα παντελῶς τοῦτο μεμηχανημένους αὐτῶν, ὡσποδ' δικαίως καὶ ἀδίκως δό-
pear that my father made this will.' A singular expression, the adverbs belonging to δόξει and not to διαθέσαται.

25. εἰ τὰ μάλιστα] 'If it were ever so true that the challenge took place, which I utterly deny.'—ἐκείνως, 'in a form which I am about to show,' viz. in § 26 τῶν διαθηκῶν (not τῶν Πασίωνος) but ὃν φησὶν Φορμίων Πασίωνα καταλιπεῖν.

26. εἰ τινὲς εἰσὶ] 'if there is any will of Pasion's at all.'
"Φορμίων Πασίωνα καταλιπτεῖν," οὐ "τῶν Πασίων-νοσ." τοῦτο μὲν γὰρ ἢν εἶναι διαθήκας μαρτυρεῖν ὀπερ ἢν τούτως βούλημα, ἐκεῖνο δὲ φάσκειν Φορ-μίωνα: πλείστον δὲ δὴπου κεχώρισται τὸ τ' εἶναι καὶ τὸ τούτων φάσκειν.

"Ἰνα τοίνυν εἰδῆτε ὑπέρ ἥλικων καὶ ὅσων ἢν τὸ 27 κατασκευάσματν τὸ τῆς διαθήκης, μικρὰ ἀκούσατε μοι. ἢν γὰρ, ὅ ἀνδρεῖς Ἀθηναίοι, τοῦτο πρῶτον μὲν ὑπέρ τοῦ μὴ δοῦναι δίκην ὃν διεφθάρκει ἢν ἐμοὶ μὲν οὐ καλὸν λέγειν, ὑμεῖς δὲ ἵστε, κἂν ἐγὼ μὴ λέγω, ἔπειθ ὑπέρ τοῦ κατασχεῖν ὅσα ἢν τῷ ἡμετέρῳ πατρὶ χρήματα παρὰ τῇ μητρί, πρὸς δὲ τούτων ὑπέρ τοῦ καὶ τῶν ἀλ-λων τῶν ἡμετέρων ἀπάντων κυρίων γενέσθαι. ὅτι δ' ἐκipline Lambinus (G. H. Schaefer).

φάσκει] (sc. ἐναι διαθήκας.) Here, as often, used with the collateral notion of saying what is untrue. Thus both φημι and φάσκω are used in Soph. El. 319 of promising without performing: φημι γε φάσκων δ' ὀδῶν ὃν λέγα τοι. [For the whole sentence, cf. Eur. Alc. 528, χωρὶς τὸ τ' εἶναι καὶ τὸ μὴ νομίζεται.]

§§ 27, 28. An examination of the terms of the 'Will' proves that Phormion had important motives for forging it. viz. (1) to escape the penalty for seducing one who shall be nameless, (2) to secure all my father's money that was in my mother's hands; and (3) to obtain control over all the rest of the family property.

27. κατασκευάσμα. The 'fabrication, 'forgery,' of the will. Cf. κατασκευάζειν in §§ 13 and 20. ὃν διεφθάρκει ἢν...] 'To escape the penalty of having corrupted her whose name I cannot here mention without impropriety, but whom you yourselves know without my naming her.' (For this delicacy of allusion, cf. note on § 3.)—ὅν διεφθάρκει ἢν is equivalent to τῆς διαφθορᾶς τῆς γυναικὸς ἢν (or τοῦ διεφθάρκειν πατὴρ ἡμῶν ἢν). The substantive is here 'thrown into' the verb as in Fals. Leg. § 238 p. 415, ἐν αὐτοῖς οἰς ἐτιμάθεθε, 'in the very honours you enjoyed,' where Shilleto quotes de Corona § 312 ἐφ' οἷς ἐλευθερίας and a striking instance from Plato, Phaedo p. 94c. We may add Midias §189 p. 576, ἐφ' οἷς ἐλειπόμενοι ὑβρίζεις, and Ar. Ach. 677, οὐ γὰρ ἀξίως ἑκείνων ὃν ἑκατονχάσαμεν γνήσιος ὑμῶν. Cf. inf. § 68 and Or. 55 § 32.

ὑπὲρ τοῦ κατασχέων] 'for the purpose of securing.' So inf. § 47, ὅπως τὴν ἀφομοιήν τῆς τραπεζῆς κατάσχων. κυρίω γενέσθαι] The dative is used as though the sentence had begun with ἡ διαθήκη κατασκευάζει τοῦ Φορμίων οἰσιν instead of with its equivalent in sense ἢν τὸ
XLV. KATA STEFANOT [§§ 27—29

οὗτο ταύτ' ἔχει, τῆς διαθήκης αὐτῆς ἀκούοντας γνώσεσθε. φανέρωται γὰρ οὗ πατρὸς ὑπὲρ αὐῶν γράφοντος ἑοικεῖα διαθήκη, ἄλλα δοῦλον λευμασμένον τὰ 28 τῶν δεσποτῶν, όπως μὴ δῶσει δίκην σκοπούντος. λέγει ΙΙΙΟ δ' αὐτοῖς τὴν διαθήκην αὐτῆν, ἢν οὖν τοι μετὰ τῆς προκλήσεως μεμαρτυρήκασιν' ύμεῖς δ' ἐνθυμεῖσθε ἀ λέγον.

ΔΙΑΘΕΣΗ.

8 [Τάδε διέθετο Πασίων Ἀχαρνέως] δίδωμι τὴν ἐμαυτοῦ γυναῖκα Ἀρχιππην Φορμίωνι, καὶ προῖκα ἐπίδιδωμι Ἀρχιππη τάλαντον μὲν τὸ ἐκ Πεπαρήθου, τάλατον δὲ τὸ αὐτόθεν, συνοικίαν ἐκατὸν μνῷ, θεραπείας καὶ τὰ χρυσία καὶ τὰλλ' ὧσα ἐστὶν αὐτῆ ἐνδον. ἀπαντά ταύτα Ἀρχιππῆ δίδωμι.]

κατασκευάσμα τὸ τῆς διαθήκης. The regular construction would of course require κύριον.

λευμασμένον] Also a deponent perfect in Or. 19 § 105 and Or. 21 § 173 (λευμασταὶ). The inf. is found as pass. in Or. 20 § 142.—The sense is:—'a slave who is thinking how to escape punishment for having wronged, dishonoured, his master's household, damaged his master's property,' τὰ τῶν δεσποτῶν refers to his master's wife [but is expressed purposely in a general way. Aeschylus however uses γυναικός λυμαντήριος in this sense, Ag. 1413 and Cho. 731. P.]

28. διαθήκην μετὰ τῆς προκλήσεως] §§ 12 προσεμαρτρῶν τῇ προκλήσει τῆς διαθήκην καὶ § 15 προκλήσεως ὁμοί διαθήκη μαρτυρεΐν. The μαε have πρῶ, which is altered by Reiske into μετὰ and by Dobree into διά (cf. § 31 τὴν μισθωσίν ἢν τὸν αὐτὸν τρόπον διὰ προκλήσεως ἐνεξάλθητον).

τάδ' διέθετο] The usual formula. Thus, Plato's will begin: τάδε κατέλησεν Πλάτων καὶ διέθετο, and Aristotle's: τάδε διέθετο Ἀριστοτέλης (Diog. Laert. π. 41 and ν. 11).

tάλαντων κ.τ.λ.] Sums in gross, charged on land, are meant (as Pabst and Kennedy understand it); not annual rents (as G. H. Schaefer supposes).—On συνοικίαν see notes on Or. 36 §§ 6 and 34.

Πεπαρήθου] A small island, N.W. of Euboea. As it was an Athenian colony, Athenians could hold property there (Darest). Its wine is mentioned in 35 § 35.
Hekousate, ω ἄνδρες Ἀθηναῖοι, τὸ πλῆθος τῆς προικὸς, τάλαβον ἐκ Πεπαρῆθου, τάλαβον αὐτῶθεν, συνοικεῖαν ἐκατόν μνῶν, θεραπαίνας καὶ χρυσία, καὶ τάλα, φησιν, ὅσα ἐστὶν αὐτῇ, δίδωμι, τούτῳ τῷ γράμματι καὶ τοῦ ζητῆσαι τι τῶν καταλειφθέντων ἀποκλείων ἡμᾶς.

Φέρε δὴ δείξω τὴν μίσθωσιν ὕμων καθ' ἧν ἐμει- 29 σθωτο τὴν τράπεζαν παρὰ τοῦ πατρὸς οὐτος. καὶ γὰρ ἐκ ταύτῃ, καὶπερ ἐσκευωρημένης, ὀφεσθὲ ὅτι πλάσμα ὄλων ἐστὶν ἡ διαθήκη. δείξω δ' ἂν οὗτος παρέσχετο μίσθωσιν, οὐκ ἀλλήν τινὰ, ἐν ὧν προσγέγραται ἐνδεκα τάλαντα ὁ πατήρ ὀφείλων εἰς τὰς παρακατάθήκας καὶ τοῦ ζητῆσαι...ἀποκλείων]

See on Or. 40 § 15, ἐὰν τι οὕτω τῶν πατρίων ἐπιζητεί. §§ 29—36. Again, the 'lease' upon which Phormion took the bank from my father, though itself a fabrication, will prove the 'Will' an absolute forgery.

It concludes with a clause stating that my father owes eleven talents to the bank. This was added in order that whatever sums were traced to Phormion might be made out to have been 'paid' in discharge of this debt, and not embezzled.—(You imagine perhaps that, as Phormion speaks bad Greek, he is merely a foreigner and a fool. To be sure, he is anything but a good Greek in hating those he ought to honour, but in villany and knavery he is far from a fool.)

The terms of the 'lease' shall now be read and examined.

(1) No one would have paid so large a rent, as that alleged, for the banking business.

(2) No one would have committed the rest of his property to a man under whose management the Bank got into debt.

(3) The stringency of the provision preventing Phormion from doing business as a banker on his own account is inconsistent with the singularly generous terms of the will and proves the latter to be a forgery.

29. τὴν μίσθωσιν κ.τ.λ.] See Or. 36 §§ 4—6.—καὶ γὰρ ἐκ ταύτης, 'for from this too,' &c. [The clause καὶπερ ἐσκευωρημένης reads unlike the style of Demosthenes. P.]

πλάσμα] Cf. πέπλακε in line 10 of Argument, and Or. 36 § 33. Hesychius has πλάσμα· σχημα-τισμὸς ('pretence'). ἐν τῷ ὀφείλως τοῦτω ἧς κτίσμα. ἐνδεκα τάλ.] The origin of this 'debt' is carefully explained in Or. 36 §§ 4—5 (see note on προσώφελε p. 6), and in the present speech, the plaintiff says nothing that materially shakes that explanation. [The construction is, ὀφείλων τοῦτῳ εἰς τὰς π., 'owing Phormion eleven talents on the deposits,' or 'for the deposits' which he had put out to interest. Kennedy translates, 'upon the de-
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30 toûtω. ἔστι δ', οἷμαι, ταῦτα τοιαῦτα. τῶν μὲν οἷκοι χρημάτων ὡς ἔπι τῇ μητρὶ δοθέντων διὰ τῆς διαθήκης αὐτῶν ἐποίησε κύριον, ὦσπερ ἀκηκόατε ἄρτι, τῶν δ' ἐπὶ τῆς τραπέζης άντων, ἄ πάντες ἱδέαν καὶ λαθεὶν οὐκ ἦν, διὰ τοῦ προσοψείλουτα ἀποφήναι τῶν πατέρα Ἰμῶν, ὅ', ὥσα ἐξελέγχοιτο ἔχων, κεκομίσθαι φαίη. ὅμειδ δ' ἱσως αὐτῶν ὑπειλήφατε, ὅτι σολοικίζει τῇ φωνῇ, βάρβαρον καὶ εὑκαταφρώνητον εἶναι. ἔστι ἼΙΙΙ

posits to Phormion.’ See § 31 fin. P.]

30. ὡς ἔπι τῇ μητρὶ δοθέντων] ‘As my mother’s dowry.’ Or. 40, περὶ προκόπος, § 6, ἐκδόντος αὐτῆ... καὶ πρὸκε τὰ λαῖπτον ἐπισόδων.

πάντες ἱδέαν κ.π.λ.] This must be taken as a rhetorical exaggeration. All that the speaker probably means is that as Phormion was only the lessee, not the owner of the bank, he could be called upon by Apollo-
dorus, the lessor after Pasion’s death, to give an account of all the moneys held by the bank. As a contrast we have in § 66 ἐργασίας ἀφενείς διὰ τῆς τραπέζης ποιῆται.

κεκομίσθαι] In middle sense. Or. 41 § 11, οἷκ ἀνεπεράχαι κεκομισμένοι (τὴν φαληρί). Or. 56 (Dionysod.) § 3, δέον δ’ αὐτῶν ἐν τῇ πέρον ὥρα κεκομίσθαι τὰ χρήματα. Trans. ‘that whatever sums he might be proved to possess, he might pretend he had recovered in the way of debts.’

σολοικίζει τῇ φωνῇ, βάρβαρον] (See note on Or. 36 § 1, τῆν ἀπειρίαν τοῦ λέγειν.) σόλωκος is a word of narrower meaning than βάρβαρος and is applied mainly to faults of pronunciation or mistakes in Grammar, especially Syntax, due to foreign extraction. The word βάρβαρος originally referred to language (as an onomatopoetic word connected with the Sanskrit var-
vara, ‘a jabberer’) and was used to describe the incoherent jargon (as the Greeks considered it) of all languages but their own (Aesch. Ag. 1050). But it gradually attained a wider signification and embraced all that was non-Hellenic in the customs, the politics, the laws, and the moral and intellectual characteristics of foreign na-
tions. (Cf. Isocr. Paneg. § 3 n.)

Hesychius (possibly with the present passage in view) has the gloss σολοικίζει βαρβαρίζει, and Aristotle (περὶ σοφιστικῶν ἐλέγχων § 3) explains σολοικίζειν by τῇ λέξει βαρβαρίζειν and (in § 14) illustrates it by instances from the rules of gender. The distinction drawn between βαρ-
βαρισμὸς and σολοκαμίδος by Zeno and the Stoics, and accepted by the writers on Rhetoric, is perhaps best expressed by Quintilian: ‘vitium quod fit in singulis verbis, sit barbarismus ...eetra vitia omnia ex pluribus vocibus sunt, quorum est soloe-
cismus’ (1 5, 6 and 34).

βάρβαρον καὶ εὑκαταφρώνητον] Ar. Nubes 492 ἀμαθῆς...καὶ βάρ-
βαρος.


...undermine,' 'to ruin' [here, perhaps, 'to be a rogue in business']. A metaphor from house-breaking. Or. 9 §28, κακῶς διακείμεθα καὶ διαφορόγυμε θα κατά πόλεις. Or. 35 (Lacr.) § 9, οία ἐποικοχύρισαν οὐτοῖς περὶ τὸ δάνειον, and Philostratus 552 (quoted by Liddell & Scott), τοιοχώριζε τοὺς λόγους τινός.

31. διὰ προκλήσεως] 'by means of,' i.e. 'under cover of,' —using the Challenge as a cat's paw.' Cf. Fals. Leg. § 291, ἐκρινε Φιλόνεικον καὶ δι’ ἐκεῖνον τῶν σοι πεπραγμένων κατηγόρει, where Shilleto quotes the present passage.

...κατὰ τάδε ἐμίσθωσει Πασίων τὴν τράπεζαν Φορμίωνι: μίσθωσιν φέρειν Φορμίωνα τῆς τράπεζης τοῖς παισί τοῖς Πασίωνος δύο τάλαντα καὶ τετταράκοντα μνᾶς τοῦ ἐνιαυτοῦ ἐκάστου, χωρίς τῆς καθ’ ὁμέραν διοικήσεως. μὴ ἔξειναι δὲ τραπεζιτευσάς χωρίς Φορμίωνι, εάν μὴ πείσῃ τοὺς παιδας τοὺς Πασίωνος. οὔτει λειτοὶ Πασίων ἐπὶ τὴν τράπεζαν ἐνδεκα τάλαντα εἰς τὰς παρακατάθηκας.]'

'As μὲν τοῖνυ παρέσχετο συνθήκας ὡς κατὰ ταῦτα κατὰ τοὺς μισθωσάμενους τὴν τράπεζαν, αὐταί εἰσιν, καὶ ἀνδρεὶς δικασταί. ἀκούετε δὲ ἐν ταύταις ἀναγιγνωσκόμεναι μισθωσιν μὲν φέρειν τοῦτον, ἀνεν τῆς καθ’ ὁμέραν διοικήσεως, δύο τάλαντα καὶ τετταράκοντα μνᾶς τοῦ ἐνιαυτοῦ ἐκάστου, μὴ ἔξειναι δὲ τραπεζιτευέναι αὐτῶ, μισθωσις Σ.

...κατὰ τάδε ἐμίσθωσει] Similarly in an inscription recording a lease of the year 300 B.C. we have: κατὰ τάδε ἐμίσθωσαν Ἀρτιμαχος Ἀμφιμάχου...τὸ ἐργαστήριον τὸ ἐν Πειραιε...Εὐκράτει Ἐξηδον Ἀφιδναίῳ (Revue Archéol. 1866, xiv 352); and in an inscription of 345 B.C. κατὰ τάδε ἐμίσθωσαν Λίγων εἰς τὴν Φιλαιάδ Ἀὐτοκλεύ (C. I. G. 93). Kirchner p. 39.

32. τῆς καθ’ ὁμέραν διοικήσεως] 'The daily expenditure' involved in managing the bank, paying under-clerks, &c.
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33. ξύλου... χωρίου... γραμματείων] The bench (desk or counter)... the site (in the marketplace)... the banking-books (ledgers, &c).

[ apocalypse ] Phormion's account is that Pasion owed 11 talents to the bank; whereas Apollodorus unfairly, as it seems, treating this sum as a deficit though it stood in Pasion's hands to the credit of the bank, denounces Phormion for having caused the bank to get into debt. [Apollodorus wishes to throw a doubt on Phormion's ever having had a lease at all on the terms now brought forward. He says he would have been a fool to pay so much for a business that was encumbered if not insolvent; and Pasion would have been equally foolish if he had let the bank to one who had managed it so badly as Phormion. P.]

ei γὰρ κ.τ.λ.] A sophistical argument to bear out the previous clause δὲ ὅτι ὥφειλήκει ἡ τράπεζα. It is quite true that ἡ τράπεζα ἐνεδήσε θρημάτων, but then the 11 talents in question were held by Pasion on the security of land and were part of the assets of the business.—On καθήμενον κ.τ.λ.ν. Or. 36 § 7, n. ἐν τῷ μυλῶν] So far from being made master of the rest of the household, Phormion ought to have been punished, as a slave, with hard-labour at the mill, for bad management. For the mill, as a common part of slaves' labour, cf. the Phormio of Terence ii 1, 18, herus si redierit, Moleandum usque in pistrino, vapulandum, habundae compedes. In Lysias Or. 1 § 18 a master threatens his θεράπαινα with the punishment μαστιγώ-θεσαι εἰς μυλᾶν ἐμπεσείν, and Dinarchus, contr. Dem. § 23, says that Memnon the miller was condemned to death for making a freeborn boy work in his mill. Cf. Eur. Cycl. 240, εἰς μυλὰν καταβάλειν, and Pollux, ίνα κολάζονται οἱ δοῦλοι, μυλᾶν κ.τ.λ. (K. F. Hermann, Privatalt. § 24, 9, p. 216 Blei-ner.) The parallel of Samson, 'eyeless in Gaza at the mill with slaves,' will occur to every reader (Judges xvi 21, Milton Samson Agonistes 41, &c).—μυλῶν is, in respect of accent, a
false form. (Chandler, Gk. Acc. § 638.)

31. ἄν ταῦτα κ.τ.λ. The speaker, it will be observed, makes no attempt to meet fairly the statement made on the opposite side, accounting for the II talents not being actually in the bank. (Or. 36 §§ 4—6.)

[ὑφήρητα. Phormion, he says, has filched, or secretly withdrawn, eleven talents from the bank, which he now pretends Pasion and Pasion’s heirs were bound to repay. P.]

[ἡμὴ τραπεζητεύων] The object of this clause appears to have been to prevent Phormion’s doing business on his own account, apart from the profits made on the bank. The plain-tiff seems rather unfairly to suggest that Phormion was allowed to make no profit whatever out of the lease.

τίς γὰρ ἄν κ.τ.λ. ‘Is there any man, I ask, who, after taking precautions to ensure his own children receiving the profits of a lessee’s management of the bank, by preventing him from doing business on his own behalf, would have nevertheless actually provided for that lessee’s appropriating the profits he had himself laid by in his lifetime and left behind him on his death?’ [The two things, he says, are inconsistent. If Phormion must bank only in the interest and for the benefit of Pasion’s family, it was not likely that he would have had so much money left him
by Pasion; i.e. he must have got it unfairly. The sentence is artificially constructed, and is one of those sometimes called 'bimeribed,' where each clause is antithetical to the other, as here προφυνήθη ὅτως to παρεσκευάσετο ὅτως. P.]

35. καὶ τῆς μὲν ἐργασίας ἐφθόνησεν] The subject is τῆς ἀνθρώπων repeated from the previous sentence.

οὗ sc. οὖν, viz. the disgrace τοῦ γυναίκα τοῦτον δέδωκέναι.

τυχόν γε τῆς παρ' ἕμων δώρεας] The fact that Pasion was made a citizen of Athens increases the disgrace brought on his family by his providing in his alleged will that his wife should marry Phormion.—Or. 59 § 2, ἐγκυσμένου τοῦ δήμου τοῦ Λεισσανίων 'Λεισσανίων εἶναι Πασίωνα καὶ ἐκγόνους τοῦ πρέπειν διὰ τὰς εἰσεργειάς τὰς εἰς τὴν πόλιν ἀκόμη μεταφέρεται. Or. 36 § 47. [τυχόν γε seems an imaginary answer in favour of Phormion; 'very true; but then it was after he had received the franchise (that he took the wife).] 'So then' (the retort is), 'like a slave who makes a wife over to his master, rather than in the converse case, Pasion gave him, it seems, a marriage portion larger than any citizen ever did!' P.]

ἐσπερ ἄν] sc. διδοῖ. Pasion's gift of his wife with a large dowry to Phormion, is the kind of gift a slave might offer his master in acknowledgment that all the slave had, belonged by right to his master, and not such a gift as might be expected from a superior to an inferior. In the latter case a very slight favour would be enough. At any rate the inferior would be content with being allowed to have the honour of being married to his superior's wife, without any dowry at all.

ἐπερ ἐδίδον] which Apoll. does not admit.

προστιθεὶς προῖκα] Or. 40 § 25, προσθείτας (sc. προῖκα) ἐκδονται. Fals. Leg. § 190, προῖκα προστιθεὶς ἐκδίδωσι καὶ οὐ περιδύνουσι παλαιότερον ὁδήγουσιν ἂν ἄναξον ὁδήγησιν ἀντὶ ἕμων ὀντεῦ τοῦ πατρὸς (cf. § 51 infra, προῖκα ἐπείδου ἐκδού-
85. *Trarrip e^eX eyerai.* the. Kalroi If the Eur. the Was /zev TreTrpajfievoi i.1 tosaiata χρή- mata, osa fasoi didoanta ointoi, elloyon hy̓n præxi tauta. ἀλλ’ άμως ἀ τοῖς εἰκόσι, τοῖς χρόνοις, τοῖς πεπραγμένοις έξέλεγχεται ψευδῆ, ταύτα μαρτυρεῖν οὔκ οἴκησεν οὔτος Στέφανος.

Εἶτα λέγει περιοδών ός ἐμαρτύρησε μὲν Νικοκλῆς 37

d Bekker. λαμβάνοντα Ζ ευμ Σ.

ναι, n.). Isaeus Or. 3 (Pyrrhus) § 51, δοκεῖ δ’ ἃν τις ὑμῖν οὕτως ἀναίδης ἡ τολμηρὸς εἰσαύρητος γε- νέται ὡστε μηδε τὸ δεκατὸν μέ- ρος ἐπίδους ἐκδοίναι τῇ γνησίᾳ θυγατρὶ τῶν πατρῶν; Eur. Hip- pol. 628, προσθεῖς...πατήρ φερνᾶς, ἀπόκις...Hyperides, Lyceophron col. 11 line 16 (quoted by Shil- leto), εὐθὺς ἐξεδόθη, τάλαντον ἀργυρίου προσβένετον αὐτῇ Εὐφή- μοῦ. The commoner term was ἐπιδοῦναι (cf. §§ 30, 54, &c).

δοσὶν οὐδεῖς κ.τ.λ.] The mother of Demosthenes had a dowry of only 80α; the mother of Manti- theus 60ε; the two daughters of Polyeuctus 40ε each. (Darestè.)

36. λαμβάνοντι χρήματα] Not even if he got from Phormion (viz. as a bribe for leaving him his wife) the same large amount which the defendants pretend that he gave Phormion as a marriage portion.—φασι διδόντα, supply πράξαι ταύτα.

τοῖς εκόσι...ἐξέλεγχεται ψευδῆ] ‘That which the facts, the dates, the probabilities of the case, show to be false, Stephanus the defendant has not scrupled to bear witness to.’ Kennedy. For τοῖς εκόσι see esp. §§ 9—11. τοῖς χρόνοις seems inexplicable, ex- cept as a rhetorical flourish, for we have had nothing like an argument from dates; and Do- bree rightly asks Quomodo ?. Even τοῖς πεπραγμένοις is barely justifiable, unless it is to be referred to §§ 15—18.

§§ 37—39. Phormion attempts to prove the existence of the ‘will,’ by going about saying that Néocles gave evidence to having been guardian, and Pas- cicles to having been in ward- ship, under the will. Why then were not the terms of the will deposed to by Néocles and Pas- cicles, instead of by Stephanus and his friends? Was it because the former did not know the terms? If not, much less could the latter. How then came the latter witnesses to depose to one set of facts, the former to ano- ther? It’s the old story; they divided the responsibility of the wrong; the guardian and ward deposed to the guardianship as being under the will, and the other witnesses, under cloak of a challenge, deposed to the contents—the scandalous contents—of the ‘will.’

37. Νικοκλῆς] His evidence is not expressly mentioned in Or. 36; that of Pasicles is referred to in § 22 of that speech.
ἐπιτροπεύσαι κατὰ τὴν διαθήκην, ἐμαρτύρησε δὲ Πα- σιλής ἐπιτροπευθῆναι κατὰ τὴν διαθήκην. ἐγὼ δὲ αὐτὰ παύς ὁμαί τεκμήρια εἶναι τοῦ μὴ ἐκείνους τι- λίθη μήτε τούσδε μεμαρτυρηκέναι. ὦ γὰρ ἐπιτροπεύ- σαι κατὰ διαθήκας μαρτυρῶν δῆλον ὅτι καθ' ὁποίας ἢν εἰδεὶς, καὶ ὁ ἐπιτροπευθῆναι κατὰ διαθήκας μαρ- 38 τυρῶν δῆλον ὅτι καθ' ὁποίας ἢν εἰδεὶς. τὶ οὖν μαθόν- τες ἐμαρτυρεῖτε ὑμείς ἐν προκλήσει διαθήκας, ἀλλ' οὐκ ἐκείνους εἰδότε; εἰ γὰρ αὐτῇ μὴ φήσουσιν εἰδέναι τὰ γε- γραμμένα ἐν αὐταῖς, πῶς ὑμᾶς οὖν τ' εἰδέναι τοὺς μη- δαμῆν μηδαμῶς τοῦ πράγματος ἐγγύς; τί ποτ' οὖν οἱ μὲν ἐκείνα, οἱ δὲ ταῦτα ἐμαρτύρησαν; ὅπερ εἰρήκα 39 καὶ πρότερον, διεῖλοντο ταὐτίκηματα, καὶ ἐπιτροπεύσαι μὲν κατὰ διαθήκην οὔδὲν δεινὸν ἡγεῖτο μαρτυρεῖν ὁ μαρτυρῶν, οὐδ' ἐπιτροπευθῆναι κατὰ διαθήκην, ἀφαι- ρῶν ἐκάτερος τὸ μαρτυρεῖν τὰ ἐν ταῖς διαθήκαις ὑπὸ τούτον γεγραμμένα, οὔδε καταλυπεῖν τὸν πατέρα αὐτῶν


κατὰ τὴν διαθήκην] Or. 36 § 8, Φορμίλων τὸν μὲν γυναῖκα λαμ- βάνει κατὰ τὴν διαθήκην, τὸν δὲ παῖδα ἑπετρόσενεν. 
καθ' ὁποίας ἢν εἰδεῖς] "would know the purport of (the terms of) such will." [The repetition of the clause δῆλον—εἰδεῖς seems needless, and perhaps is due to a copyist. P.]

38. τί μαθόντες] Madvig, Gk. Synt. § 176 (b) R; or Goodwin's Moods and Tenses § 109 (b). ['What then induced you to give evidence of a will in con- 
nexion with a challenge, instead of letting them prove it for you?'] P.]

ὑμεῖς] sc. οἱ περὶ Στέφανον.—

ἐκείνους, Nicocles and Pasicles. οἱ μὲν...οἱ δὲ] Nicocles and Pasicles...οἱ περὶ Στέφανον.—εἰ- ρήκα καὶ πρότερον refers to § 18, 39. ἀφαιρῶν ἐκάτερος] i.e. both of them declining to depose to the terms entered in the will by Phormion, not by Pasion himself as is alleged.

καταλυπείν] sc. δεινὸν ἡγεῖτο μαρτυρεῖν. The previous parti- 
cipial sentence is subordinate only, and does not carry κατα- 
lυπείν with it. 'There was no danger in a minor (i.e. Pasi- 
cles) deposing, that his father had left him a document entitled 
"a will."' Kennedy. Lit. 'with the word will written upon it';
§ 18, ὡς ἐπιγεγράφθαι διαθήκη Πασίωνος.  

For ἐπιγεγραμμένον διαθήκην cf. Virg. Ecl. iii 196, 'inscripti nomina regum... flores.'  

χρημάτων κλοπῆς § 34 ύψηληται and § 81 init.—γυναικῶς διαφθορᾶς §§ 27 and 3.—On ύβριν cf. § 4, where the γάμος leads to a γραφή ύβρεως being threatened by Apollodorus.  

 §§ 40—42. In bar of the previous action, Phormion pleaded a discharge deposed to have been granted by me, releasing him from all further claims. This is false, as I shall prove at the proper time; but even assuming it to be true, it shows that Stephanus has given false evidence and that the will to which he bears witness is a forgery. For no one would be so foolish as to take the precaution of having witnesses present when he gave a discharge to a lessee with a view to getting rid of any claims against himself on the part of that lessee; and yet allow the ‘lease’ itself and the ‘will’ to remain sealed to his detriment. The plea is therefore inconsistent with the evidence and the lease is inconsistent with the will; and thus the whole affair is proved to be a fabrication and a fraud.  

40. παρεγράψατο ... ὡς ἀφεντος] See notes on Or. 36 Argument 1. 23 and ib. § 25. The distinction there drawn between ἀφεναι and ἀπαλλαττεῖν may be exemplified thus:  

ἀφήκε μὲν Ἀπολλόδωρος ὁ ἀπαλλαττόμενος ἀπῆλλαξε, ἀπηλλαξε δὲ Φορμίων ὁ ἀφεθέλει.
XLV. KATA STEFANOT [§§ 41—44

πρὸς τοὺς ταύτα μεμαρτυρηκότας τοῦτῳ δὲ οὐχ οἴον τε τοῦτ εἰπεῖν. εἰ τοίνυν ἀληθῆ πιστεύσατι εἶναι τὴν ἀφεσιν, οὐτω καὶ μάλιστ' ἄν οὗτος φανείη ψευδῇ με-

μαρτυρικοῖς καὶ κατεσκευασμένης διαθήκης μάρτυς γεγονός. τὸς γὰρ οὗτος ἄφρων ὡστε ἀφεσιν μὲν ἐναν-

τίου μαρτύρων ποιήσασθαι, τοῦ βεβαιαν αὐτῷ τὴν ἀπαλλαγήν εἶναι, τὰς δὲ συνθήκας καὶ τὰς διαθήκας καὶ τάλλα, ὑπὲρ ὅν ἐποιεῖτο τὴν ἀφεσιν, σεσημασμένα ἐκάσαι καθ' αὐτοῦ κεῖσθαι: οὐκοῦν ἐναντία μὲν ἡ παραγραφὴ πάσι τοῖς μεμαρτυρημένοις, ἐναντία δὲ, ἣν ἀνέγνων ὑμῖν ἄρτη, μύσθωσις, τῇδε τῇ διαθήκῃ

41. τοῦτῳ κ.τ.λ.] Stephanus, however, has no right to declare that the evidence to the release is false. [The meaning is, that Stephanus was in league with Phormion, and therefore was not in a position to deny, though he knew it to be untrue, any plea of Phormion's against Apollodorus. P.]

τοῦ βεβαιαν αὐτῷ τὴν ἀπα-

λαγήν εἶναι. The plaintiff's ob-

ject in having witnesses to his alleged ἀφεσις of Phormion would be to ensure his own ἀπαλλαγή, that is, his getting quit of any counter-claim on the part of the latter. Or. 33 § 3, πάντων ἀπαλλαγής καὶ ἀφέ-

σεως γενομένης.

If ἀπαλλαγή were synonymous with ἀφεσις, we should have to render 'in order to make his discharge of Phormion's dues valid,' 'Who would be such a fool,' he would then ask, 'as to give an ἀφεσις in presence of wit-

nesses with a view to his own riddance of any counter-claim on Phormion's part; no one who had (as alleged) done this, would be such a fool as to allow the compacts and agreements, the will, &c (καὶ τάλλα sc. περὶ τὴν μίσθωσιν) to remain in existence to his own detriment. No! if he had given a receipt, he would have opened and suppressed the documents. But as a fact, he had not touched them, and his re-

fraining from suppressing them is thus inconsistent with the alleged grant of a release to Phormion. — ποιήσασθαι ἀφέσιν not 'to get' but 'to give a re-

lease,' = ἀφεῖναι, as 'any verb in Greek may be resolved into the cognate substantive with ποιώθησαι.' Shilleto on Fals. Leg. § 103.

42. ἐναντία μίσθωσις...διαθή-

κη] §§ 34—36. For πεπλα-

σμένα cf. Or. 36 § 33.—ἐκ τοῦτον τοῦ τρόπου, 'in this manner.' Kennedy, doubtless following Bekker's text (ἐκ τοῦ τοῦτον τρόπου), translates: 'just what you might expect from this man's character.'
ouδεν δὲ τῶν πεπραγμένων οὔτ' εὖλογον οὔθ' ἀπλούν οὔθ' ὀμολογούμενον αὐτὸ ἑαυτῷ φαίνεται. ἐκ δὲ τού- του τοῦ τρόπου1 πάντα πεπλασμένα καὶ κατεσκευα- σμένα ἐλέγχεται.

'Ως μὲν τοῖς ἄλλοις αὐτῷ τούτου ἂλλοι ὑπὲρ τούτου δεῖξαι δυ- νήσειν νομίζω. ἀκούω δ' αὐτὸν τοιούτων τι παρε- σκευάσθαι λέγειν, ὡς προκλήσεως ἐστιν ὑπεύθυνος, οὐχὶ μαρτυρίας, καὶ δυνῶν αὐτῷ προσήκει δοῦναι λό- γον, οὗ πάντων τῶν γεγραμμένων, εἰτε προὔκαλείτο με ταῦτα Φορμίων ἢ μὴ, καὶ εἰ μὴ ἐδεχόμην ἐγώ· ταῦτα μὲν γὰρ ἀπλῶς αὐτὸς μεμαρτυρηκέναι φήσει, τὰ δ' ἄλλα ἑκεῖνον προὔκαλείσθαι, εἰ δ' ἐστὶν ἢ μὴ ταῦτα, οὐδὲν προσήκειν αὐτῷ σκοπεῖν. πρὸς δὴ τὸν λόγον 44 τούτου καὶ τὴν ἀναίδειαν βέλτιον ἐστὶ μικρὰ προειπεῖν ώμίν, ὑνὰ μὴ λάθητε ἐξαπατηθῆντες. πρὸτων μὲν, ὅταν ἐγχειρῆ λέγειν τοῦτο, ὡς ἄρα οὗ πάντων ὑπεύθυνός ἐστιν, ἐνθυμεῖσθε ὅτι διὰ ταῦτα ὁ νόμος μαρτυρεῖν ἐν γραμματεῖο κελεύει, ὑνὰ μὴ ἀφελεῖν ἐξή μὴτ προσ-

1 Z et Dind, cum libris. τοῦ τούτου τρόπου Bekker cum Reiskio.

§§ 43—46. Stephanus will urge, that he is not responsible for a deposition but for a challenge, and for the latter on two points only, (1) the question whether Phormion made this challenge or not, and (2) whether I refused it; and that the terms of the challenge mentioned in the deposition are Phormion’s business, not his. If so, the witness ought to have had the words erased when his deposition was drawn up. It is now too late to disclaim them, and he is bound in this trial by the terms of his own plea that he ‘gave true testimony, in testifying to that which is written in the record.’

43. προκλήσεως ὑπεύθυνος] liable to be prosecuted for giving evidence of a pretended challenge that never took place. This is clear from what follows: δεὶ αὐτὸν δοῦναι λόγον εἰτε προὔκαλείτο Φ. ἢ μὴ.

44. μαρτυρεῖν ἐν γραμματεῖον] ‘All testimonial evidence was required to be in writing, in order that there might be no mistake about the terms and the witness might leave no subterfuge for himself when convicted of falsehood.’ C. R. Kennedy in Dict. Antiq. s. v. Martyria.
XLV. KATA ΣΤΕΦΑΝΟΤ [§§ 44—47

θείων τῶν γεγραμμένων μηδέν. τότε οὖν αὐτὸν ἔδει ταύτ' ἀπαλείφειν κελεύειν, ἃ νῦν οὐ φησὶ μεμαρτυρη-45 κέναι, οὐ γάρ ἐνότων ἀνασχυντεῖν. ἔσειτα καὶ τόδε σκοπεῖτε, εἰ ἐάσαιτ' ἄν ἐναντίον ύμῶν ἐμὲ προσγράψαι τι λαβόντα τὸ γραμματεῖον. οὔ δέποιν. οὕκουν οὔδε τοῦτον ἀφαιρεῖν τῶν γεγραμμένων ἐὰν προσήκει τις γὰρ ἀλώσεται ἑτὶ ποτὲ ἃ ψευδομαρτυρῶν, εἰ μαρτυρήσει τε ἃ βούλεται καὶ λόγον ἄν βούλεται δώσει; ἀλλ' οὐχ οὔτω ταύτα οὔθ' ὁ νόμος διείλειν οὔθ' ὕμιν ἀκούειν προσήκει· ἀλλ' ἐκείνο ἀπλοῦν καὶ δίκαιον. τὶ γέγραπται; τὶ μεμαρτύρηκας; ταῦθ' ὦς ἀληθῆ δείκνυε. καὶ γὰρ ἀντιγέγραψαν ταύτα "ἀληθῆ μεμαρτύρηκας τὰ ἐν τῷ γραμματεῖῳ γεγραμμένα "μένα," οὐ τὸ καὶ τὸ τῶν ἐν τῷ γραμματεῖῳ. ὅτι δ' οὔτω ταύτ' ἔχει, λαβεῖ τὴν ἀντιγραφὴν αὐτῆν μοι. λέγε.

1 ἑτὶ ποτὲ ("legebatur σώποτε") Dindf. σώποτε Z cum libris.

ἀπαλείφειν] Used of any obliteration or erasure, whether the document was on a tablet of wax, or, as in this case, of some other material, as we learn from Or. 46 § 11 where the deposition in question is described as ἑλευκωμένων and not ἐν μάλθῃ γεγραμμένων.

οὐ γάρ... ἀπαλείψαν] 'The terms being in the deposition, he ought not to have the impudence to repudiate them now.'

45. εἰ ἐάσαιτ' ἄν] When εἰ stands for εἴτε or πότερον, to express an alternative of probabilities, it sometimes takes ἄν, which would, in the ordinary sense of εἰ, be inadmissible.

ἀλώσεται... ἃ ψευδομαρτυρῶν] For the gen. cf. Or. 24 § 103, ἐὰν τις ἀλὸς κλοπῆς καὶ μὴ τις μὴθῇ διανύσαν... καὶ ἐὰν τις ἀλὸς τῆς κακώσεως τῶν γονέων... καὶ ἀστρατελάς τις δῆλης. (Kühner, Gk. Gr. § 419, 2 p. 331.)— ὅν βούλεται, supply μόνον.

ἀντιγέγραψα] 'You have pleaded' in answer to the indictment or plaint (λῆξις); see Dict. Antiq. s. v. Antigraphe. 'The two pleadings together, the plaint on the left side, the plea on the right, form (as we should say) the issue on the record. The deposition complained of was annexed' (C. R. Kennedy). Cf. Meier and Schömann, p. 628.—τὸ καὶ τὸ, 'so and so'; 'this or that,' cf. τόσα καὶ τόσα in Or. 31 § 24.

46. τὴν ἀντιγραφὴν] Harpocr. s. v. τὰ τῶν δικαζόμενων γράμματα, ἀ ἐξίσονες περὶ τοῦ πράγματος, καὶ τα τῶν δικαίων καὶ τα τῶν φεύγουτος, ἀντιγραφὴ, καὶ τὰ μαρτύραι Ἐνῃ. κατὰ Στεφάνου... The document that follows, is the only specimen of an ἀντι-
γράφῃ that has come down to us. Though rejected by Westermann, and bracketed by Dindorf, it is quoted by Pollux 8, 58.

ἐν’ ἐξαπάτη] Or. 20 (Lept.) § 98, ἐξαπάτης ἔνεκα.—ῥηθησόμενος. This future is used chiefly in the participle and infinitive, while the ‘third future’ is probably confined to the third person singular ἐρήσεται (Veitch Greek Verbs s. v. *ἐρω). Ῥήθησεται however is found in Thuc. 1 73, Ar. Ethics iv 1, 14, and Rhet. 1 12 and 13.

§§ 47—50. I hear they propose to speak of my original action and to denounce it as fraudulent and vexatious. But I submit that this would be irrelevant to the present issue, and I claim that, instead of their being allowed to go into the proofs of the original claim which they debarred me from adducing, they should be compelled, in the interests of justice and for the convenience of the jury, to keep to the record, and prove that the testimony by which they deprived me of those proofs was true.

47. τερὶ ὑν ἐλαχον] The original indictment of Phormion in the ὄργανον ἀφορμῷ to which Or. 36 is a παραγραφή.—ὅπως κατάσχοι, sup. § 27.—ἐπὶν καὶ
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tίν εξ ἀρχῆς δίκην ἔρειν καὶ κατηγορήσειν, ὡς συκο-
φαντήματα ἦν. ἐγὼ δ' ἂν μὲν τρόπον ἐσκευωρήσατο
τὴν μίσθωσιν, ὥσ τὴν ἀφορμὴν τῆς τραπέζης κατά-
σχοι, εἶπον καὶ διεξήλθομεν ύμῖν, ύπερ δὲ τῶν ἄλλων
οὐκ ἂν ὃς τ' ἐγι λέγειν ἀμα καὶ τούτους ἐλέγχειν
περὶ τῆς μαρτυρίας· οὐ γὰρ ἰκανόν μου τὸ ὕδωρ ἔστιν.
48 ὅτι δ' οὐδ' ὑμεῖς ἐθέλοιτ' ἂν εἰκότως ἀκούειν περὶ τού-
των αὐτῶν, ἐκείθεν εἰσεσθε, ἂν λογίσησθε πρὸς ὑμᾶς
αὐτοὺς ὅτι οὔτε νῦν ἐστὶ χαλεπὸν περὶ ὧν μὴ κατηγο-
ρηται λέγειν, οὔτεν ψευδεῖς ἀναγνώστα μαρτυρίας
ἀποφεύγειν. ἀλλ' οὐδέσποτας ἢ δίκαιον τούτων οὐδ' ἂν
eἰς φήσειν εἴναι, ἀλλ' ὃ ἐγώ προκαλοῦμαι νῦν,
σκοπεῖτε δὲ ἀκούσαντες. ἐγὼ γὰρ ἄξιον, οὐς μὲν ἀφεῖ-
lοτό με ελέγχουσι περὶ τῶν ἐγκλημάτων, οὐς προσῆκον
ἡν ῥηθήναι, μὴ ξητεῖν αὐτοὺς νῦν, αἰς δὲ ἀφεῖλοντο
μαρτυρίαις, ὡς εἰσίν ἀληθεῖς, δεικνύοι. εἰ δ' ὅταν μὲν
τὴν δίκην εἰσίω, ταῦτα μαρτυρίας με ελέγχειν ἀξιόσω-
σιν, ὅταν δὲ ταύτας ἐπεξίζω, περὶ τῶν εξ ἀρχῆς ἐγκλη-
μάτων λέγειν με κελεύσοσιν, οὔτε δίκαια οὔτε ὑμῖν
50 συμφέροντα ἐρόσιν. δικάσειν γὰρ ὁμομόκατε ὑμεῖς
οὐ περὶ ὧν ἄν ὃ φεύγων ἄξιοι, ἀλλ' ὑπὲρ αὐτῶν ὧν ἄν
ἡ διώξεις ἦ. ταύτην δ' ἀνάγκη τῇ τοῦ διώκοντος λῆξει

a οὔτε τότε optime Dobeere.

dieξήλθον sc. in §§ 29—36.—On
tὸ ὕδωρ, see note on Or. 54 § 36.
48. οὔτε νῦν κ.τ.λ.] i.e. 'it
is easy enough for my opponents
to introduce into their reply
matter that is irrelevant to the
case and is no part of my in-
dictment, just as formerly it
was easy enough for them to
take for acquittal by reciting
false depositions.'

Whether we read οὔτε τότε
ψευδεῖς or not, we must in either
case take the second clause as a
pointed reference to the former
trial.
49. αἰτὶ δὲ ἀφεῖλοντο μαρτυρίαις]
sc. τοὺς ελέγχους.—On
tὴν δίκην εἰσιω, see note on § 7 πρὸς ἐκεῖ-
νους εἰσιω.
50. περι... ὑπὲρ] § 11 n.
dιώξεις] (Dem.) Or. 47 § 70, ὁ
δὲ νομος τούτων κελεύονται τὴν
dιώξειν εἴναι. The word is also
found in Antiphon Or. 6 § 7, τὴν
dιώξειν εὐσεβείας ἕνεκα ποιείσ-
θαι.—On λῆξει...εἴληχα cf. Or.
36 § 21 λῆξεων.
The defendant will urge that the jury in the former trial were led to dismiss my suit by reason of the witnesses in support of the discharge on which Phormion's special plea was based; and not by reason of those who (like himself) gave evidence to the will, as part of the main issue. But I reply that every one knows that juries look to the main issue as well as to the special plea, and I contend that witnesses to the main issue (like the defendant) crippled my case on the special plea. Where all gave false evidence, it is not enough for any individual defendant to point out that some other witness damaged my case more than he did, but to prove that his own evidence is true.  


'the facts of the case on its merits, as opposed to the special plea. See note on Or. 36 Argument 1. 25 απετει μηδεις της ευθείας κ.τ.λ. 

W' weakened my arguments on the special plea.' This need not imply that he actually spoke; as a matter of fact, we find the court would not listen to him (§ 6).
XLV. ΚΑΤΑ ΣΤΕΦΑΝΟΤ [§§ 52—55]

deίξῃ δεινότερα εἰργασμένον, ὁποφεύγειν αὐτῷ προσήκει, ἀλλ' ἂν αὐτὸς ὣς ἀληθὴ μεμαρτύρηκεν ἀποφήγη.

53 Ἐφ' δ' τοῖς, ὦ ἀνδρεῖς Ἀθηναίοι, μάλιστ' ἀπολωλέναι δίκαιοις ἐστίν οὗτοι Στέφανος, τούτ' ἀκούσατε μου. δεινῶν μὲν γὰρ ἐστὶν εἰ καὶ καθ' ὅτοι τις οὖν τὰ ψευδή μαρτυρεῖ, πολλῷ δὲ δεινότερον καὶ πλείους ὄργης ἄξιον, εἰ κατὰ τῶν συγγενῶν οὐ γὰρ τοὺς γεγραμμένους νόμους ὁ ποιότος ἀνθρώπος μόνον, ἀλλὰ καὶ τὰ τῆς φύσεως οἰκεῖα § ἀναιρεῖ. τούτο τοῖς

dìkaià Cobet.

§§ 53—56. By giving false evidence against me, the defendant has done wrong to the unwritten laws of natural affection, for my wife is his first cousin. Very different has been the conduct of my wife's father, Deimias, who holds himself debarred by the claims of kinship from giving even true evidence on my behalf against my opponent Stephanus, who is his sister's son.

53. ἀπολωλέναι] 'To be put to death' for bearing false witness against his own relations, Apollodorus having married the first cousin of Stephanus.

καθ' ὅτοι τις οὖν = καθ' ὅτοιν οὖν ὡς ἄξιον; like ὥσποτ' ὡς ὡσιν.

tous γεγραμμένους νόμους...τὰ τῆς φύσεως οἰκεῖα] Soph. Antig. 454, οὗ γὰρ σθένει τοσοῦτον φω-ομέρος τὰ σὰ κηρύγμαθ' ὦστ' ἀγρα-πτα κάσαφος ὥς νόμων δινασθαι ψυχήν ὡς ὑπερήφανοι. There, as here, the unwritten law of natural affection is contrasted with human ordinances.

Intellige (asks Cobet) quae sint τὰ τῆς φύσεως οἰκεῖα opposita τοῖς νόμοις τοῖς γεγραμμένοις? Non opinor. Sed latet in oïkēia vocabulum quo non est alius apud Oratores trittius et frequentius, nempe τὰ τῆς φύσεως δίκαια ἀναιρεῖ, veluti in Orat. xiv 28 προφάσεις πλάτην καὶ ψευδεῖς αἰτίας συντιθεῖ τὰ κοινά δίκαια ἀνατρέψειν οἶει. Recitissime igitur componuntur τὰ τῆς φύσεως δίκαια et τὰ τῶν νόμων δίκαια, quae commemorant idem Orator xiv 3 μὲν ἓκτῳ διέχων ἑκάτερος τὰ τῶν νόμων δίκαια' (NovaeLec- tiones p. 619).—τὰ τῆς φύσεως οἰκεῖα may however be retained in spite of the above suggestion, and we may readily render it 'natural relationship' or better 'the home-ties of nature', 'the natural ties of home affections.' In § 56, Stephanus is denounced as 'the common enemy of all human nature.'

C. R. Kennedy (Introduction to κατὰ Στέφ. p. 45) observes, "To give wilfully false testimony against the plaintiff was an aggravation of his offence, ... for the Athenians excused a man for being reluctant even to give true evidence against a relation." [The patriarchal system, descended from the old Aryan peoples, made the Greeks view all family ties as almost inviolable. With all their respect for 'written law,' the obligations of relationship had more of reli-
religious sanction. See Cox, Hist. of Greece, i pp. 15—18. P.]
54. ὃ τῆς ἐμῆς γυναικὸς πατήρ] i.e. Deinias, father of the Theomnestus who speaks the first 15 §§ of Or. 59 κατὰ Νεάπος, when Apollodorus takes up the speech. Apollodorus, besides being brother-in-law to Theomnestus by marrying the sister of the latter, gave his own daughter in marriage to him (Or. 59 § 2).

ἀνεψιαδόν] Hesych. ἀνεψιαδόν ἐκ τοῦ ἀνεψιοῦ γεγονός, ἢ τῆς ἀνεψίας, second cousins. The form of the word follows the analogy of λυκιδείς, κυμα-δεῖς, ἀδελφίδες, θυγατριδεῖς, ἀλωπεκίδεῖς, the terminations in -ιδεῖς, -ιδέος, -αδεῖς, -αδέος (οῦς) being a kind of patronymic form. P. ] See Dict. Ant. s. v. Heres.

πολλοὶ πεποιήκασι κ.τ.λ.] Instances of such generosity are given in the passages quoted from Dem. in the note on § 35, supra, where instead of ἐπίδοναι προῖκα the rather less common phrase προσθέανεν προῖκα is used.


55. Δεινίας Θεομνήστου Ἀθμονεὺς] The father’s name is very likely to be right, as Deinias had a son named Theomnestus (Or. 59 §§ 2 and 16) and the grandson very often bore the same name as the grandfather.
γατέρα αὐτοῦ ἐκδούναι Ἀπολλόδωρος κατὰ τοὺς νόμους γυναῖκα ἤχειν, καὶ μηδεπώποτε παραγενέσθαι, μηδὲ αἰσθέσθαι ὅτι Ἀπολλόδωρος ἀφήκε τῶν ἐγκλημάτων ἀπάντων Φορμίωνα.)

56 Ὁμοίος γε ὁ Δεινιάς, ὁ ἄνδρες δικασταί, τούτω, ὅσ ὑπὲρ τῆς θυγατρὸς καὶ τῶν θυγατριδῶν καὶ ἐμοῦ τοῦ κηδεστοῦ διὰ τὴν συγγενείαν οὐδὲ τάληθη μαρτυρεῖν ἐθέλει κατὰ τοῦτον. ἀλλ' οὖν οὔτος Στέφανος, οὐκ ὡκυνήσε καθ' ἡμῶν τὰ ψευδά μαρτυρεῖν, οὐδ', εἰ μηδένα τῶν ἄλλων, τὴν αὐτοῦ μητέρα ἃσχύνθη τοῖς ἀπ' ἐκείνης οἰκείοις τῆς ἐσχάτης ἐνδείας αὐτίος γενόμενος.

(note on Or. 39 § 27). But of the numerous persons named Deinias or Thomnestus, not one is described in any inscription as Ἀθροινεύς, and the ascription of the witness to the deme in question is perhaps due to the invention of the composer of the document.

It is clear that Deinias, on being called, refused to swear to the deposition read aloud to him, οὖν τάληθη μαρτυρεῖν ἐθέλει. The deposition ought therefore to be followed by the word ἐξωμοσία as in § 60. (A. Westermann, u. s. pp. 109—111.) Cf. Or. 49 § 20.

Apollo dorus, be it observed, assumes that the reason why Deinias refuses to swear to the deposition is that it would be to the detriment of his kinsman Stephanus; but the disclaimer may really have been due to Deinias being aware that the evidence was false. As the document before us is untrustworthy, we cannot tell what the proposed evidence really was,—possibly something referring to Pasion's will (as suggested by Westermann u. s.) or rather something to the detriment of Stephanus' character, e.g. his bad behaviour to Apollodorus and his family, or his receiving bribes from Phormion to give false evidence against the plaintiff. (Lortzing, Apoll. p. 80.)

56. ομοίος γε] Or. 24 (Timocr.) § 106, ομοίος γε, οὐ γάρ; Σαλων ῥωμοθέτης καὶ Τιμοκράτης, ib. 181 and Or. 22 (Androt.) § 73, ομοίον γε, οὐ γάρ;

ἀλλ']—οὖν ὡκυνής] Elsewhere, we have the ἀλλά repeated, e.g. Or. 21 (Midas) § 200, ἀλλ' οὖν Μαδιάς, ἀλλ' ἀπὸ τῆς ἡμέρας ταύτης λέγει κ.τ.λ. and Or. 23 (Aristocr.) § 89, ἀλλ' οὖκ Ἀριστοκράτης, ἀλλὰ προσηλακεῖ μὲν κ.τ.λ. Passages like these lead Dobbie to say, 'οὐδὲ ἀλλ' οὖκ ὡκυνής,' but either construction is allowable.—οὖν' εἰ μηδένα τῶν ἄλλων, οὐκ ἃσχύνην; If he had no respect for any one else, he might at least have respected (had some regard for) his own mother and her relations.
"O toinw eπatho deinotaton kai ef' o malaista 57 eξεπλάγνην, 'ot' ἵγωνιζόμην, o ἄνδρες δικασταί, τοῦτ' úmwn εἶπειν βουλομαί τήν τε γὰρ τοῦτον πονηρίαν ἑτι μᾶλλον úmēis ὑφεσθε, καὶ ἐγὼ τῶν γεγεινημένων ἀποδυράμενος τὰ πλείστα πρὸς úmâs ἀσπερεῖ τρῶν ἐσομαι. τήν γὰρ μαρτυρίαν, ἦν úμην εἰναι καὶ δὲ ἦς ἤν ὁ πλείστος ἐλεγχός μοι, ταύτην ὅντε ἕρων ἐνοῦσαν ἐν τῷ ἕχινῳ. τότε μὲν δὴ τῷ κακῷ πληγεῖς οὐδὲν ἀλλό 58 εἴχον ποιῆσαι πλὴν ύπολαμβάνειν τὴν ἄρχην ἡδικη-

§§ 57—62. I must tell the jury, by the way, of an atrocious trick which was played me to my great disadvantage in the former action. At the trial itself, the deposition on which I mainly relied proved to be missing; and I have since learnt that it was stolen by Stephanus while the suit was still before the arbitrator.

I call witnesses to prove this: they take an oath of disclaimer. —I thought as much.—Well, to prove they are perjured, I now produce a challenge (duly attested by witnesses) calling on Stephanus to allow his slave to be tortured in the matter of the abstraction of the document; my witnesses depose he refused the challenge.

Now, do the jury suppose that one who thus perpetrated a theft without any personal provocation, would have had the slightest hesitation in giving false evidence in his own interests and at the special instance of another?

57. ἐξεπλάγνην] The form -επλάγνην is post-Homerie and is used in compounds with the sense 'strike with terror or amazement' (Veitch Gk. Vbs. s. v. πάθησω). For the simple verb, ἐπλάγνην is used, as in the first line of the very next section, but only in the sense of 'receiving a blow from.' [e.g. Soph. Oed. Col. 605 ὅτι σφ' ἀνάγκη τῇ δὲ πληγήναι χεῖρι and Eur. Orest. 497 πληγεῖς τυγκατρός τῆς ἐμῆς υπὲρ (ὑπαί) κάρα. πληγεῖς τῷ κακῷ, for ἐκπλαγεῖς, is remarkable; as if a Roman had said malo percussus, for percussus. P.]

ἀποδυράμενος τὰ πλείστα πρὸς úmâs] 'by unburdening to you all that I can of my past sorrows.' Hdt. II 141 πρὸς τῷ γαλαμα ἀποδύρεσθαι οὐα κανδυνεῖ παθένει.

ῥῶν ἐσομαι] 'I shall feel relieved,' or (to translate it still more closely) 'I shall feel easier.' For this use of ῥῶν, cf. Eur. Ion 873 στέρων ἀπονησαμένη ῥῶν ἐσομαι. Here, Fur. 1407, φιλτρον τοῦτ' ἐχων ῥῶν ἐσει. 58. τὴν ἄρχην] 'the magistrate,' in whose possession the sealed casket of depositions was kept until the trial. Cf. notes on Or. 53 § 24 τὴν ἄρχην and on Or. 30 § 9 where ἄρχην, like magistratus in Latin and 'authorities' in English, is used of the holder of the office as well as of the office itself. 'Porten-tose Reiskius τὴν Ἀρχήπην,' says Dobree,—Archippe having
died eight or ten years before the suit against Phormion.

'thon ἐχῖνον κεκινηκέναι' 'had tampered with the deposition case.' κινεῖν is similarly used elsewhere in the sense of 'meddling with unlawfully', in Or. 22 Androt. § 71 and Or. 24 Timocer. § 179 χρηματα κινών εἰρά. Hdt. vi 13 κινεῖν τὰ ἀκίνητα.

κ' ἐξορκώσαμι 'that I might put a witness on his oath,' se. τὸν μάρτυρα implied in the preceding μαρτυρίαν. Or. 54 § 26, τῶν παρόντων ἡμῖν (sc. μαρτύρων) καθ' ἑνα οὕτως πρὸς τὸν λίθον ἁγοντες καὶ ἐξορκίζωντες.

ἐξομιλών] 'to take an oath of disclaimer.' Cf. Fals. Leg. § 176 ἡ μαρτυρεῖν ἢ ἐξάμωνθαι ἀναγκᾶσθαι. εάν δ' ἐξομιλώσων, ἐπικρινότας ἐξελέξων παρ' ὑμῖν φανερῶς. Pollux: ἐξωμόσα δὲ, ὅταν τις ἡ πρεσβευτὴς αἰρέθηι ἢ ἐπ' ἄλλην τινα δημοσίαν ἀπηρεσίαν, ἀρρωτεῖν ἡ αὖνατεῖν φάσκων ἐξομιληθῇ αὐτός ἡ δ' ἐτέρου. ἐξώμυνυντο δὲ καὶ οἱ κληθὸντες μάρτυρες, εἰ φάσκων μη ἐπιστασθαι ἐφ' ἂν ἐκάλοντο. Isaeus Or. 9 (Asytph.) § 18 κάλει Ἰεροκλέα ἵνα ἐναιτίων τούτων μαρτυρήσῃ ἡ ἐξομίληται. ΜΑΡΤΥΡΙΑ. ἀκριβῶς μὲν ᾧδεν τοῦ γὰρ αὐτοῦ ἀδρός ἐστιν, ἢ μὲν οἶδεν, ἐξόμιλυσθαι, τῶν δὲ μὴ γενομένων πίστιν ἐθέλει ἐπιδεῖναι ἡ μὴ εἰδον γενόμενα. Or. 29 § 20; Or. 58 (Theocrines) § 7; Or. 59 § 28.

59. κακῶν ἀλλοτρίων κλέπτης κ.τ.λ.] 'did not shrink from being set down as having stolen what stood in other people's way,' κακῶν ἀλλοτρίων κλέπτης is a very singular expression, 'a thief of other people's ills,' meaning (as some suppose) one who steals what is detrimental to other people's interests, in this case the μαρτυρία, which is a κακὸν οἰκεῖον to Phormion and a κακὸν ἀλλότριων to Stephanus. But Lambinus justly objects to the phrase, and Lortzing p. 91 rightly observes, singulariter
The testimonia of the four testimonies (pp. 346) is of particular note. The phrase 'allos vloos Bhekcher summ vpr. F. This section raises important issues regarding the nature and extent of the testimonia. The passage touches on the concept of the testimonia and its role in the history of ideas. It concludes with a reminder that the testimonia are not always accurate representations of the original works.
οὐκ ἀδηλον ἢν, ὦ ἄνδρες δικασταὶ, ὅτι τοῦτο ἐμελλὼν ποιήσειν, προθύμως ἐξομείσθαι. ινα τοῖνυν παραχρήμα ἐξελεγχθῶσιν ἐπιωρκηκότες, λαβέ μοι ταύτην τὴν μαρτυρίαν καὶ τὴν πρόκλησιν. ἀναγιγνώσκε.

ΜΑΡΤΥΡΙΑ.

61. Μαρτυροῦσι παρεῖναι, οτὲ Ἀπολλόδωρος προύκαλεῖτο Στέφανον παραδοῦναι τὸν παίδα τὸν ἀκόλουθον εἰς βάσανον περὶ τῆς υφαιρέσεως τοῦ γραμματείου, καὶ γράμματα ἢν ἐτοιμὸς γράφειν Ἀπολλόδωρος, καθ’ ὁ τι ἐσται ἡ βάσανος. ταῦτα δὲ προκαλουμένου

in Or. 46 § 21, has not taken the trouble to invent any names for the witnesses. He describes them as 'friends of Phormion' to suggest a motive for their disclaiming cognisance of the alleged theft on the part of his witness Stephanus. The writer adds that it was 'on the declaration or award of the arbitrator between Phormion and Ap.' But so long as there were fresh witnesses being brought forward (as appears from § 58 πρὸς μαρτυρίαν κ.τ.λ.), the case was not ripe for the arbitrator's decision; so we must either suppose that the writer has made a mistake, or that at any rate he uses ἀπόφασις in a vague and general sense for the process of decision and its immediate antecedents. (A. Westermann u. s. p. 111—112.)—On ἀπόφασις, cf. Or. 54 § 27 ad fin. The word in this sense is from ἀποφαίνω, not from ἀπόφημι.

61. μαρτυροῦσι.] The fabricator of the document overlooks the fact that the μαρτυρία and the πρόκλησις are two separate documents. It is improbable that he deliberately left out the πρόκλησις, as he has taken the pains to manufacture all the other necessary documents in the case. The two titles μαρτυρία and πρόκλησις are wrongly placed at the head of the document, implying that either the compiler or the transcriber thought that the document included both. Dindorf (ed. 3) has rightly placed the πρόκλησις after the document, as in Or. 59 §§ 123, 124. καθ’ ὁ τι ἐσται ἡ βάσανος] 'The terms of the torture.' Cf. Ar.
P. 1120]  ΨΕΥΔΟΜΑΡΤΡΥΩΝ Α.  101

'Απολλοδόρου οὐκ ἔθελήσαι παραδοῦναι Στέφανον, ἀλλὰ ἀποκρίνασθαι Ἀπολλοδόρῳ δικάζεσθαι, εἰ βούλοιτο, εἰ τἱ φησιν ἀδικεῖσθαι ὑφ᾽ ἑαυτοῦ.]

ΠΡΟΚΛΗΣΙΣ.

Τής ἂν οὖν ὑπὲρ τουαύτης αἰτίας, ὦ ἄνδρες δικα- 62 σταί, εἴπερ ἐπίστευεν αὐτῷ, οὐκ ἐδέξατο τὴν βάσανον; οὐκοῦν τῷ φεύγειν τὴν βάσανον ὑφηρημένος ἐξελέγχεται. ἀρ' οὖν ἂν ὑμῖν αἰσχυνθήναι δοκεῖ τὴν τοῦ τά ψευδή μαρτυρεῖν δόξαν ὃ τῆν τοῦ κλέπτης φανήναι μὴ φυγών; ἦ δεηθέντος ὁκυνήσαι τὰ ψευδὴ μαρτυρεῖν, ὃς ἄ μηδεῖς ἐκέλευσεν εἰ ἐθελοντῆς πονηρὸς ἦν;

Δικαιώσ τοίνυν, ὦ ἄνδρες Ἀθηναίοι, τούτων ἀπάν- 63 τῶν δοὺς δίκην, πολὺ μᾶλλον ἂν εἰκότως δεῖ τάλλα κολασθεῖν παρ᾽ ὑμῖν. σκοπεῖτε δὲ, τῶν βίων ὅν βεβίωκεν ἐξετάζουσεν· ούτος γὰρ, ἣνικα μὲν συνέβαινεν εὖ-

a Bekker. ἐκέλευσεν Σ. cum Σ.

Ran. 618—625 (a) καὶ πῶς βασανίσω; (β) πάντα τρόπων κ.τ.λ. . . . (α) κἂν τι πηράσω γέ σοι τῶν παῖδα τύπων ταργύρων σοι κείσεται. Antiphon vi (de Choreuta) § 23 ὡμολόγους πείας τοῦ δεσπότην παραδόσεων αὐτῷ βασανίζεις τρόπῳ ὅποιῳ βούλοιτο.

62. τὴν τοῦ κλέπτης φανήναι (δόξαν), 'the discrediet of being proved a thief.' ('Who did not shrink from becoming a thief.' Kennedy.)

dεηθέντος] se. τινός. See Kühner Gk. Gr. § 486 A, 2, p. 641 'on the gen. absol. without any substantive like ἄνθρωπων, πραγμάτων being expressed.'

§§ 63—67. Examine the defendant's life and character, and you will find him cringing to and flattering the prosperous, only to desert them when they fall into destitution. For the present, he is the creature of Phormion; and, to compass his own ends, he is willing to do wrong to his own relations, regardless of the ill-repute he thus inures. He deserves to be abhorred as the common enemy of all humanity. With all his wealth, he has never performed a single public service. Villains who are poor may have some allowance made them, for the exigencies of their position; villains who are rich can claim no excuse and therefore call for punishment at your hands.

63. δῶσ...ἀν...κολασθεῖν = δοικὴ ἄν καὶ κολασθεῖν. ἥρικα συνέβαινεν εὐτυχεῖν Ἀριστοτέλος] See Or. 36 § 50.—Note συνέβαινεν followed soon after by βαίνων.
τυχεῖν Ἀριστολόχῳ τῷ τραπεζίτῃ, ἵσα βαινὼν ἐβαδίζειν ὑποπεπτωκός ἐκείνῳ καὶ ταύτα ἱσασι πολλοὶ τῶν ἐνθαδ' ὄντων ὑμῶν. ἐπειδὴ δ' ἀπώλετ' ἐκείνος καὶ τῶν ὄντων ἐξέστη, οὐχ ἠκιστα ὑπὸ τοῦτο καὶ τῶν τοιούτων διαφορηθέεις, τῷ μὲν νείν τῷ τοῦτο πολλοῖς πραγμάτων ὄντων οὐ παρέστη πώποτε οὐδ' ἐβοήθη-σεν, ἀλλὰ Ἀπόλλης καὶ Σόλων καὶ πάντες ἀνθρώποι μᾶλλον βοηθοῦσί· Φορμίωνα δὲ πάλιν ἑόρακε
καὶ τοῦτο γέγονεν οἰκεῖος, εὖ Ἀθηναῖον ἀπάντην τοῦτον ἐκλεξάμενος, καὶ ὑπέρ τοῦτο πρεσβευτῆς μὲν ὢχετο 1121

b ἑόρακε Ζ συμ Σ.

[ἐσα βαίνον ἐβαδίζειν υποπεπτωκός ἐκείνῳ] 'Walked in step with that person and cringed to him.' 'Cringed to him, as he walked beside him.' Harpocr. ἵσα βαινὼν Πυθοκλῆς Δημοσθένης ἐν τῷ κατ' Αἰσχίνου (Fals. Leg. § 315) αὐτὶ τοῦ σινών αἰε καὶ μηδὲ βραχί ἀφιστάμενος καὶ ἐν τῷ κατά Στεφάνου α' φησιν "Ἀριστο- λόχῳ τῷ τραπεζίτῃ ἵσα βαινών ἐβάδιζε." Μένειος παρ' αὐτὸν ἵσα βαίνον ἑταῖρα πολυτελῆς. ('Ἀριστολόχῳ really comes after συνέβαινεν and is understood after ἵσα βαινῶν.) Shilleto u. s. explains it here as 'trucking to, and adapting his pace to his companion's.' The phrase became common in later Greek, e. g. Aleiphron Ep. III 56 ἐπι- ρείς σεαυτόν, οὐδὲν δέον, καὶ βαδί- ζεις ἐν αὖ δή [καὶ τόφων πλήρης εἰ] τούτο δή τοῦ λόγου, Πυθοκλῆς. See note on § 68.

υποπεπτωκός[ inf. 65; Or. 59 (Neaeit.) § 43 ὑπέπε σε Καλλι- στράτης, Isaicus Or. 6 § 29 υπο- πεπτωκότες οὐδὲ τῇ ἀνθρώπῳ. 64. τῶν ὄντων ἐξέστη] Or. 36 § 50 ἐξέστησαν ἀπάντων τῶν ὄντων.

diaφορηθέεις] In pass. gener-

ally of things, here of the person, plundered. [But it is an un-
common word, Eur. Bacch. 746 θάσον δὲ διεφοροῦντο σαρκὸς ἐνυτὰ, 'the cattle had their flesh (or hides, perhaps) carried off in different directions.' Ibid. 739 ἀλλαὶ δὲ δαμάλας διεφόρον σταφάγασαι. P.]

Ἀπόλλης] Harpocr. εἰς τῶν ἵσα συγγραφέων, ὃν Πλάτων κομωθεὶ ἐν Σοφισταῖς. (For τὸς μὲν αὐτῷ, corrected by Cobet who explains it of the ten συγγραφεῖς in Thuc. viii 67.) Ἀπόλλης Προστάλτιος occurs in Or. 43 πρὸς Μακάρτατον, as grandfather of Macartatus, and there are others of the same name in inscriptions. Of this Solon nothing is known, and Ἀπόλλης cannot be identified with any of the above. ἑόρακε respexit, 'has had his eye upon,' i. e. has courted. A remarkable use. P.

πρεσβευτῆς 'Agent.' Or. 32 Zenoth. § 11 πρεσβευτῆς ἐκ βουλῆς τινα λαμβάνομεν... One who negotiates for another is named after a political custom 'an am-
bassador.'
εἰς Βυζάντιον πλέον, ἡνίκα ἐκεῖνοι τὰ πλοῖα τὰ τούτου κατέσχον, τὴν δὲ δίκην ἔλεγε τὴν πρὸς Καλχηδονίους, τὰ ψευδὴ δ' ἐμοῦ φανερὸς οὕτω καταμεμαρτύρηκεν. εἰθ' ὦσ εὐνυχοῦντων ἔστι κόλαξ, κἂν ἀτυχάσι, τῶν 65 αὐτῶν τούτων προδότης, καὶ τῶν μὲν ἄλλων πολιτῶν πολλῶν καὶ καλῶν καγαθῶν οὖν ὑδενι μηδ' ἐξ ἦν θρήται, τοῖς δὲ τοιούτοις ἐθελοντῆς ὑποτίπτεται, καὶ μήτ' εἰ τινὰ τῶν οἰκείων ἀδικισει μήτ' εἰ παρὰ τοῖς ἄλλοις φαύλην δόξαν ἔχει ταῦτα ποιών μήτ' ἄλλο μηδὲν σκοπεῖ, πλὴν ὅπως τι πλέον ἔχει, τούτον οὐ μισεῖν ὡς κουνὸν ἐχθρὸν τῆς φύσεως ὄλης τῆς ἀνθρωπίνης προσήκει; ἐγώγ' ἄν φαίνη. ταῦτα μέντοι τὰ τοσαῦτην 66 ἔχοντα αἰσχύνην, ὡς ἄνδρες Ἀθηναῖοι, ἐπὶ τῷ τὴν πόλιν φεύγειν καὶ τὰ ὡντα ἑποκρύπτεσθαι προήρηται πράττειν, ἦν ἐργασίας ἀφάνεις διὰ τῆς τραπέζης ποιῆται καὶ μήτε χορηγή μήτε τριμεραξί μήτ' ἄλλο μηδέν ὄν προσήκει ποιή. καὶ κατείργασται τοῦτο. τεκμήριον δὲ ἔχων γὰρ οὕσιαν τοσαῦτην ὡστε ἐκατὸν μὲν ἅ


χορηγῇ...τριμεραξί] See note on Or. 36 § 39 ἐλειστοφρειεῖ. κατείργασται τοῦτό (middle) 'he has accomplished this object.' τεκμήριον δὲ ἔχων γὰρ] Madvig Gk. Synt. § 196 a, and note on Isocr. Paneg. § 87.
XLV. KATA STEFANOT [§§ 66—68]

έπιδοναι τῇ θυγατρὶ, οὐδ’ ἡμνοῦν ἐώραται λειτουρ-
γίαν ὑφ’ ὕμων λειτουργῶν, οὐδὲ τὴν ἐλαχίστην. καὶ-
τοι πόσῳ κάλλιον φιλοτιμοῦμενον ἐξετάζεσθαι καὶ
προθυμοῦμενον εἰς ἃ δεῖ τῇ πόλει, ἣ κολακεύοντα καὶ
tὰ ψευδῆ μαρτυροῦντα; ἀλλ’ ἐπὶ τῷ κερδαινεῖν πᾶν
67 ἀν οὗτος ποιήσειεν. καὶ μὴν, ὦ ἀνδρέας Ἀδηναῖον,
μᾶκκόν άξιον ὀργῆλως ἔχειν τοῖς μετ’ εὐπορίας πο-
νηροῖς ἢ τοῖς μετ’ ἐνδείας, τοῖς μὲν γὰρ ἡ τῆς ἀνάγκης ἱς
χρέα γέρει τινὰ συγγνώμην παρὰ τοῖς ἀνθρωπίνως
λογιζομένωι. οἱ δ’ ἐκ περιουσίας, ὀσπερ οὗτος, πο-
νηροὶ οὕδεμιαν πρόφασιν δικαίαν ἔχοιεν ἄν εἰπεῖν,
ἀλλ’ αἰσχροκερδία καὶ πλεονεξία καὶ ὧβρει καὶ τῷ
tὰς αὐτῶν συστάσεις κυριωτέρας τῶν νόμων ἁξίοιν

a Bekker. λειτουργίαν ἐώραται Ζ cwm F.

ε -είς λ. -είς Σ prima manus.

ἐξετάζεσθαι] ‘To be found in
the pursuit of an honourable
ambition for willing service to
the state.’ Or, shorter, ‘to show
oneself a man of public spirit.’

Harpcr. ἀντὶ τοῦ ὀράσθαι, Δημο-
σθένης κατὰ Στεφάνου, καὶ εν τῷ
cat’ Ἀνδροτιμόνοις (§ 66) ἐξε-
τάσθης’ φησιν ἀντὶ τοῦ ὄρθρης,
ἐφαράθης. Cf. de Cor. §§ 115,
173, 197.

ἀλλ’ ἐπὶ τῷ κ.τ.λ.] ‘Un-
fortunately, the defendant is a
person who will do anything to
get money.’ Kennedy.

67. ἡ τῆς ἀνάγκης χρεία] ‘The
force of circumstances (‘the pres-
sure of their necessitous lot,’
lit. ‘need induced by necessity,’)
‘leads to some allowance being
made for them in the eyes of
those who view the case with
human fellow-feeling.’ Stobæus
in quoting this passage has the
reading adopted in the text,
instead of the common reading
ἡ τῆς χρείας ἀνάγκη. He also
has οὕδεμιαν δικαίαν πρόφασιν
ἔχουσι, besides, for obvious
reasons, omitting ὀσπερ οὗτος.
(Florilegium 46, 72 p. 316.)
The extract proceeds with the
words πολλὰ δ’ οὖν κακὰ πράγ-
ματα τοῖς ἐλευθέροις ἡ πενία
βιάζεται ποιεῖν, ἐφ’ οίς ἃν ἔλεοιτο
δικαιότερον ἢ προπαλλόλυοιτο,
which do not appear in the
present passage. They are rea-
ly taken from Dem. Or. 57
(Eubulides) § 45, as Meineke
might have noted in his edition
of Stobæus. For the copyist’s
patchwork δ’ οὖν κακὰ πράγματα
we should therefore restore δω-
λικὰ πράγματα from Demo-
thenes himself, and print the
passage as a separate extract.

συστάσεις] ‘plots,’ ‘conspiracies,’
parties, political interests,
studia, étapeia. Or. 37 § 39
περιστάσεις τοῦ μεθ’ ἑαυτοῦ, τὸ
ἐγγαστήριον τῶν συνεστῶν,
[Eur. Andr. 1088 εἰς δὲ συστάσεις
κύκλους τ’ ἐξώρει λαὸς οἰκήτωρ
εἶναι ταῦτα φανήσονται πράττοντες. ὑμῖν δὲ οὖδὲν τούτων συμφέρει, ἀλλὰ τὸν ἀσθενῆ παρὰ τοῦ πλουσίου δίκην, ἂν ἀδικήται, δύνασθαι λαβεῖν. ἔσται δὲ τούτῳ, ἐὰν κολάζητε τοὺς φανερῶς οὖτως ἐξ ἐνυπορίας πονηροῖς.


ἐξ ἐπιθυμίας πονηροῖς] ‘made bad by their wealth.’ Kennedy is hardly correct here in rendering ‘men who (for all their riches) are thus flagrantly dishonest.’ It is not in spite of, but directly from, their large means that they become bad citizens. P.]

§§ 68—70. His affected airs as he sullenly slinks along the sides of the streets, so far from showing a modest reserve, really indicate an unsociable character. All this solemn guise is purposely put on, to veil his real disposition, while it serves to repel the approaches of his fellow-men. He has never contributed to the needs of any one of all the citizens of Athens; but as a usurer, who counts his neighbours’ needs his own good fortune, he has ejected relations of his from their homes, and shown himself ruthless in the exacting of interest from his debtors.

68. ἀ πέπλασται κ.τ.λ.] explained by the contrast immediately after, τοῖς ἀπλῶς ὡς περφοκαί βαδίζοντι καὶ φαῦδος. ἀ πέπλασται καὶ βαδίζει instead of ἡ ἔχει πεπλασμένη ὡς καὶ τὸ σεμενὸν βάδισμα, is a fresh instance (like ὃν διεφθάρκει in § 27) of the fondness of the Greeks for throwing into the verb what in other languages would be naturally expressed by a substantive.

ἐσκυθρωπακός] Or. 54 § 34 μεθ’ ἡμέραν μὲν ἐσκυθρωπάκασι καὶ λακωνίζειν φασί... For this and similar words expressing sullen and morose demeanour the student should read the speech of Hereules in Eur. Ale. 773—802.

For a similar passage, showing how keenly the behaviour of persons walking in the streets was criticised at Athens, we may compare Or. 37 (Pant.)§ 52 where the defendant anticipates that the plaintiff will bring up against him his fast walking and loud talking, and his constantly carrying a stick. After contrasting their respective characters he adds (§ 55) τοιοῦτος ἐγὼ ὃ ταχύ βαδίζων καὶ τοιοῦτος σὺ ὁ ἀτρέμας. Again Plato, Charm. p. 159n, expressly mentions ‘walking quietly in the streets’ as a mark of σωφροσύνη. σωφροσύνη τὸ κοσμίου πάντα πράττει καὶ ἴκνηκα ἐν τε ταῖς ὁδοῖς βαδίζειν καὶ διαλέγεσθαι. Aristotle ascribes κίνησις βραδεία καὶ φωνὴ βαρεία to his μεγαλοψυχος (Eth. 1v 9—3), and Theophrastus characterises the ‘Arrogant man’ (ὁ ὑπερήφανος) as δεινός... ἐν ταῖς ὁδοῖς περενύμενος μὴ λαλεῖν τοῖς ἐντυγχάνουσι, κατ’ω

1 p. 21 § 38 εν γὰρ νομίζω τούτων ἀνελευθέρων εἶναι, τὸ βαδίζειν ἀροῦμεν ἐν ταῖς ὁδοῖς. Soph. fragm. 234 b ὡς μὲν τάχος στει-

κωμεῖν ὦ γὰρ ἔσθο όπως σπουδῆς δικαίας μάθος ἂψεται ποτε. Alci-

phron ι 34 § 1 εξ οὗ φιλοσοφεῖν ἐπενόησα, σεμνὸς τις ἐγένοι καὶ τάς οὐρίς ὑπὲρ τός κροτάφους ἐπήρα. εἶτα σχῆμα ἔχων καὶ 

βιβλίων μετὰ χείρας εἰς τὰ μικρὰ καὶ δικαίας συζεῖς. Cf. supr. § 63 

καὶ βαίνων κ.τ.λ. καὶ εἰσ. § 77. 

σχέσει cf. τὸ σχῆμα inf. § 69. 

[διάγειν ἐν σχέσει seems unlikely like Demosthenes. The same may 

be said of ποτεῖν ἀοίκητον, 'to 

deprive of a home,' § 70. P.] 

τοῖς ... φαίδροις ... προσέλθει τοῖς 

ἄν καὶ δεηθείν] The 'Surly man' 

(ὁ αὐθάδης) is characterised by 

Theophrastus as apt προσαγο-

ρευθέσθαι μὴ ἀντιπροσεπεῖν, and 

the 'Arrogant man' as προσελθέω 

(to greet) πρότερος οὐδεὶς θελῆσαι— 

φαίδρος, 'cheerful,' 'bright' 

(as we say). 

δεηθείν καὶ ἐπαγγελθείν] 'pre-

fer a request and make a pro-

mise (or proposal).' The two 

words are correlative to one an-

other like 'asking and granting 

a favour.' ἐπαγγελθείν is an 

emendation for ἐπαγγελθεὶν pro-

posed by H. Wolf and accepted 

by Reiske and others. Dobree 

unnecessarily suggests 'Quaere 

an potest = ἐπαγγελθαί, i.e. 

opem peteret.' This would 

involve a needless repetition of 

the idea of δεηθείν. [Besides, ἐπα-

γελθεθαί is rather 'to make a 

profession of,' 'to propose that 

some one should accept your 

service' in some matter. P.] 

πεπλασμένοις καὶ σκυθρωπῶις 

'Affected and sullen characters.' 

69. πρὸβλημα τοῦ τρόπου 

'A cloak to mask his real cha-

racter.' Soph. Phil. 1008 οἴως 

μὴ ὑπῆλθες, ᾧ μὲ ἐθνάτοι λαβῶν 

πρὸβλημα σαντοῦ παίδα τῶν 

ἄγγοντ' ἐμοὶ. Cf. παραπέτασμα 

supr. § 19, also πρόμηχοι in 

the sense of 'an excuse.' 

ἐνταῦθα δῆλοι] 'He shows 

herein the real rudeness and 

malignity of his temper.'
would ousted used Gallus to house-ib. quod a contributing (Ken-§113.

The use of 'contributing' ib. § 113 πρόκλα...συμβάλλεται, Lys. § 10 το ήμισυ του ἀγρυνό συνεβαλόμενον. We have the active use in Or. 34 § 1, συμβάλλαι πολλοίς συμβάλλοντες.

70. εξέβαλες] ousted from his patrimony,' cf. Or. 36 § 49 ἐξβάλειν. The debtor in such a case would be said ἐκπεσειν or ἐκτήναι τῶν ὄντων, ib. § 50. Or. 29 § 2 λιαν ὡς καὶ πικρῶς ὡς να συγγενῇ ταύτων ἐκ τῆς οὐσίας ἀπάσης ἐξέβαλην. θέων] his (maternal) uncle, not patrwnum. Reiske suggests that this Nicias may be identified with the person of that name in Or. 36 § 17 married to the sister of Apollodorus' wife. But the relationships that would thus result are rather complex (cf. supra §§ 54—56), and it seems simpler to suppose that there were two persons of that name in the same family.

ἀδικητον] 'a homeless outcast.' The word is rare in this meaning, being generally used of an uninhabitable country (ἀδικητός καὶ ἐρμήν Hdt. II 34, cf. v 10. So in Plat. Legg. 778 b, etc. I and S). Unless we accept it in the sense of 'houseless,' it would be necessary either (as Reiske says) to alter παῦδα into οἴκον or to read ὄκον (as G. H. Schaefer suspects). The latter word is found in this sense in Plato Symp. 203 δ and elsewhere. In Lucian however (p. 727), the word ἀδικητός is used as in the present passage: Gallus § 17 περιέμενον ἀδικητόν ἐστώς, ἀχρι δή ὁ Μην-σάρχος ἐξεργάζετο μοι τον οἴκον. ('Ἀλέκτρων λογιτιν.)

to σαντου μέρος] 'quod ad te attinet.' Fals. Leg. § 82 οὕτω διέθηκας αὐτοῖς τὸ μέρος σύ. So also to τὸν μέρος Soph. O. C. 1366.

ὑπερήμερον εἰσέπραξεν] 'levied judgment on a defaulter.' (Kennedy.) Dem. Or. 33 (Apat.) § 6. Or. 21 (Mid.) §§ 81, 89 συνέβη
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εἶτα ὅπῃ ἐπὶ πάντων οὕτως ἄγριον καὶ μιαρὸν, τούτον ὑμεῖς ἥδικηκότα ἐπὶ αὐτοφώρῳ λαβόντες οὐ τιμωρήσεσθε; δεινὰ ἄρα, ὁ ἄνδρες δικασταῖ, ποιήσετε καὶ οὐχὶ δίκαια.

71 Ἀξιον τοῖνυν, ὁ ἄνδρες Ἀθηναίοι, καὶ Φορμίωνι τῷ παρασχομένῳ τοιοῦτῳ νεμεσῆσαι τοὺς πεπραγμένους, τὴν ἁναίδειαν τοῦ τρόπου καὶ τὴν ἀχαριστίαν

Phormion, who produced the defendant as his witness, you have a right to be indignant for his effrontery and his ingratitude. When Phormion was for sale, instead of being bought by a cook, or what not, and learning his master’s trade, he had the good fortune to come into the hands of my father, who taught him the business of a banker, and conferred on him many other benefits. Yet, with all his wealth, he is ungrateful enough to allow the founders of his fortunes to remain in poverty and distress. He has not scrupled to marry her, who was once his own master’s wife, thus securing to himself a large marriage-portion, while he suffers my daughters to languish without a dowry and become poor old maids in their father’s house. Meanwhile, he counts and calculates the amount of my money, and criticises me as narrowly as a master might his slave.

71. νεμεσῆσαι] A poetic verb, rarely found in good Greek prose. It occurs, however, in Or. 20 (Lept.) § 161 ταύτα... ὅσ μηδές ἄν νεμεσῆσαι; twice in Plato, and also in Arist. Rhet. π 9. Here, as elsewhere, νεμεσάν is used in its regular sense of ‘indignation at undeserved good fortune’ (Arist. Eth. π 7 § 15 ὁ νεμεσητικὸς λυπεῖται ἐπὶ τοῖς ἀναξίωσι ἐν πράττονσι).
idontas. oimi gamma apanta vmais eidei oti touton, 

hnik' winos hnv, eis sannthe maigeiron h tinos allh 
tetchis dimoourgon priasathai, th ton dekopton tetchin 
av mathn parro tov on paronton hnv agabn. epeidh 72 
de o patthi o hmeteros trapezistis on ekth Sat autov 
kai garamma epaideuwe kai tin tetchin edidage kai 
chrmmatw epoises kurion polloiv, evdaimonyn symone, 
tin tuchin, h proes hmais afikeito, archhnav labwv pases 
tis wuv paraousia evdaimoniai. oukouv deinov, oi gen 73 
kai theoi, kai pera deinov, tovs'Ellhna men oti bar 
baron pousanatas, gunorimov 0. oint andrapodou, to 
souton anagwv hgemvov, tovtovs perioran ev taiv 
eschtais aporiais ontovs echeuta kai ploutouventa, kai 
eis tov the ke anaidieias osste, hiv par' hmov tuchis 
meteseche, tauths hminh mi tovmon metadoynai. al' 74 
autos men ouk akhpsi tin dektoynan hmai, kai h ta 
1124 katakhymata autov katechee tov' hnikia eiswthia, tauti 


dev mathwv...hin] dev belongs 

solely to hiv, the principal verb 
of the apodosis, although it is 

placed immediately before the 

emphatic participle mathwv. See 

Goodwin's Moods and Tenses 

§ 42, 3 note 1.

72. trapezisth on] The 

participial clause is here, as often, 

more emphatic than the prin 
cipal verb ekthesis. 'Since my 

father, into whose hands he 
came, was a banker.'

73. gunorimov] Kennedy ren 
ders this: 'a friend instead of 
a slave.' gunorimov however is a 

weaker word than philos, though it 
is curiously placed after it by 
an anti-climax in Or.18 (deCoro 

na) § 284 exos h philos h gunor 
imov. But in the present pas 
sage, the context leads us to 

prefer translating it: 'a man of 

note instead of a mere slave.'

tosouv anagwv hgemovas] An 

unusual phrase; 'who had led 

him to, showed him the way 
to, so many social and political 

advantages.' P.

kai ploutouventa is perhaps a 
gloss on ton echeuta. Cf. Soph. 

Aj. 157 proes gar ton echeuta' o 

philovn epevit. P.'

anaidieas] For the gen. cf. 

Or. 36 § 48 eis tov' onkeis manias.

74. katakhymata] Harpocr. 

Demosathen es ev to kata Sstefanov 
a. oti tin nevntwn oi dekoptai 

trageuma katechev Aristofanov 
Poutor devoi (Ar. Plut. 768 

fevre nyn iso) eisom koumio 
kata 

khymata. They scattered over 

the newly-purchased slave and 

assembled for by his fellow 

servants. 'This was done, not 
on the slave's account, but for
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συνοικείων, οὖδὲ προίκα πέντε τάλαντα αὐτῷ γράψαι, χωρίς ὧν οὔσης τῆς μητρὸς κυρίας οὔτος ἐγκρατῆς γέγονε πολλῶν χρημάτων (τί γὰρ αὐτὸν οἶσθε εἰς τὰς διαθήκας ἐγγράψαι “καὶ τάλλα, ὁσα ἔστιν, Ἀρ-“χίππη δίδωμι”;) τὰς δ’ ἡμετέρας θυγατέρας μελλού-σας δι’ ἐνδεικτικὰ σίμων ζηράσκειν περιορα’: 75 καὶ εἰ μὲν πένης οὕτως ἦν, ἡμεῖς δὲ εὐπροοῦντες ἐτυγ-χάνομεν, καὶ συνεβῆ τι παθεῖν, οἷα πολλὰ, ἐμοί, οἱ παῖδες ἄν οἱ τούτον τῶν ἔμων θυγατέρων ἐδικάζοντο/h,

π’ ‘λεγεμένον videtur edikáζοντο i.e. ἐπεδικάζοντο cum Woltio’. Dobree.

the sake of a good omen, as the Scholiast tells us,’ Becker’s Charicles iii 33 ( = p. 368 of Eng. abridg.). Hermann, Pri-

vatalt. § 12, 5, p. 82 Blümner; St John’s Manners and Customs of the Greeks iii 27.

προίκα πέντε κ.τ.λ.] § 28.

οὐσῆς κυρίας] He, as the husband, has got possession of property, as κύριος (or legal possessor) of her, as she was of the said property. P.

75. εἰ...συνέβη τι παθεῖν κ.τ.λ.] ‘If, in the ordinary course of nature, anything had happened to me’; a common euphemism for death. See note on Or. 54 § 25.

ἐδικάζοντο] The regular word used of the suitors under such circumstances was ἐπι-δικάζεσθαι (Or, 43 Macart. § 55 τῆς ἐπικλήρου ἐπι-δικάζεσθαι and ἐπεδικάζομαι γένει ὃν ἐγγυτάτω). Hence, ἐπε-

δικάζοντο has been proposed. But this suggestion, although since supported by the dis-

covery of a marginal correction to that effect in the Paris ms Σ, is not perhaps absolutely ne-

cessary, as the wider general term includes the narrower special one. The reference, in

any case, is to the provisions of the Athenian law, whereby, when there was no son to in-

herit the estate, the heiresses were bound to be married to their nearest relatives (not in the

ascending line). The next of kin brought his claim before the chief Archon, whose duty

it was ἐπιμελεῖσθαι τῶν ἐπικλήρων (Or. 43 § 75), public notice was given of the claim, and if no

one appeared to dispute it, the Archon adjudged the heiress to him (ἐπεδικασμεν αὐτῷ τὴν ἐπι-

κλήρον). If another claimant appeared, a court was held to decide the suit, according to the

Athenian law of consan-

guinity. Cases even occurred in which the suitor would get his wife taken off his hands to

enable him to marry such an heiress (e.g. Or. 57 § 41). If the ‘heiress’ was poor, and the

nearest relative did not choose to marry her, he was bound to give her a marriage-portion ac-

cording to his own fortune (C. R. Kennedy, Dict. Antiq. s. v. Ἐπικλέρου), Or. 43 § 54 lex,

tῶν ἐπικλήρων ὡσίμ θυτικὸν τε-

λοισιν, εὰν μὴ βούληται ἔχειν ὁ ἐγγυτάτω γένους ἐκδιδότα ἐπίδοσ
to their doûlou tâν toû despôtou' theîoi yâr eîsîn aûtâîs didâ to tîn muîtera tîn èmîn toûtou labeînê èpeîðh dé aîîrora hèmîs èxho'men, tênikâûta ou sunekôdôseî taûtas, allà lêgei kal logosètai to plîðhos òn ègîw xirhîmatôn èxhî. kai yâr toûto âtopôstatai pâîntwv. 76 òn ìn aîpestrationen hèmâs xirhîmatôn, ou'dêpo kai tîmê- ron hèblêsen úptoschëiv toû lôgônî, allà ìî èi'sâgougi- mous èinaî tâs dîkaîs paraâgrãfetai 'à de tîwn pàtrrôswn ènevîmâmên ègîw, taûta logosètai. kai tîwâs mèn àllous èn tîs 'idôi tôw oîkêta và toûtôi despo'towen èxetaxômë- noui' ou'tos ò' aû toûnântiû toû despôtîn ò dôûlôs èxetâžeî, ìs dîta pônhrôv kai àsotôn èk tôûtow

1 Bekker. tîn lôgôn om. Z eîm Ï.

k.t.l. (Cf. K. F. Hermann, Public Antiq. § 120, notes 6—12; Privatalt. § 64, notes 10 and 11 = Rechtsalt. p. 57 Thal- heim, with Pollux 111 33; and see Aristoph. Vesp. 583—7.)

bêsôi] Phormion's sons being, like Apollodorus, sons of Ar- chippe, would be 'uncles' to the daughters of their half- brother Apollodorus.— hèmîs is emphatically contrasted with ei pînhs ou'tos õn (supra), as òn ègîw èxhî wînh. with the implied òn ou'tos (or òn aûtôs) èxeî.

76. èxetaxômënow] 'scrutinised','narrowlyexamined','called to account', 'taken to task' (§§ 80, 82; 2 § 27 pîkroû hèxësàsai). Liddell and Scott refer to this passage, and explain it 'to ques- tion by the torture,' comparing Polybius xv 27 § 7 (polotîmós èxetâsai pâ'san pròstheînta bâsara- vou); but in view of the context it seems better to give it a general sense, though not to the exclu- sion of the special meaning above suggested. Besides, a reference to the passage in Poly- bius will show that the verb there refers not to the torture itself, but to the close examination preceding the torture. The torture was only to be applied if the èxetâsis failed. [The verb is here used for èlechxomênos tîn ou'dav, 'having their property inquired into.' Slaves, in fact, had no property: but their masters might inquire if they had, right- ly or wrongly, become possessed of anything, e.g. of means to purchase their liberty. 'To make an inventory of property' is èxetázëw (Ar. Eccl. 729!); or èxè- tâsion poinèîðhav, which is also a military term. P.]

§§ 77—80. My aspect of coun- tenance, my quickness of walk and my loudness of talk may not, perhaps, be in my favour; they are not my fault but my misfortune; they annoy other people and do me no good; and yet I can claim that I am modè- rate in my personal expenditure, and I thereby show that I lead a far more orderly life than Phormion and the like. Towards
the state, I have performed public services in a most liberal manner, passing even beyond the requirements of the law, to express the gratitude due to Athens from one who owes his citizenship to her generous adoption of his father. Don’t taunt me then, Phormion, with what is really to my credit, but prove, if you can, that I am guilty of immorality like your own. How dare you criticise another’s life and character?

77. ἡς ὄψεως τῆς φύσεως κ.τ.λ.] These are datives of respect,—‘in the matter of appearance,’ &c. Kennedy wrongly construes with κρίνω, ‘I judge by,’ &c. P.

τῷ ταχέως βαδίζειν καὶ λαλεῖν μέγα κ.τ.λ.] For the general sense, cf. Lysias 16 § 19 οὐκ ἄξιον ἀπ’ ὄψεως...οὕτε φιλεῖν οὕτε μισεῖν οὐδένα, ἀλλ’ ἐκ τῶν ἐργῶν σκοπεῖν τολλοὶ μὲν γὰρ μικρὸν διαλέγομεν οἱ καὶ κοσμίως ἀμ-πεχόμενα μεγάλων κακῶν ἄτιοι γεγονόσιν, ἐτεροὶ δὲ τῶν τοιοῦτων ἀμελοῦντες πολλὰ κάγαθα ὑμᾶς εἰσὶν εἰργασμένοι. See also note on § 68 and cf. particularly Or. 37 (Pant.) § 52 Νικόδομον ἐπι-φθορὸς ἐστὶ καὶ ταχέως βαδίζει καὶ μέγα φθέγγεται καὶ βακτη-ρίαν φορεῖ, and esp. § 55 where Nicobulus says of himself οὐχί λέγει τῶν ἢματῶν, οὐδ’ ἄγνωσθ’ οὐ τῶν εἶπε φευγότων κατὰ ταύτα ὑν ἀνθρώπων, οὐδὲ τῶν υποτελοῦντων εὐαριθμοῦσι, εἰ γὰρ ἐν ὑς μηδὲν ὑφελοῦσθαι τοιοῦτοι, λυπώ τινᾶς, πῶς οὐκ ἀτυχῶ κατὰ τοῦτο τὸ μέρος; The parallel is so close that it lends some colour to the inference that the two speeches were written by the same orator, and that if Demosthenes wrote either, he probably wrote both. Cf. In- trod. p. xlvi.

τῷ μέντοι μέτριοι — φανεῖν] This self-complacent assertion may be instructively compared with the passage in Or. 36 §§ 42 and 45, where the present plaintiff is charged with extravagance of expenditure and licentiousness of life.

78. τοὺς ποιγοὺς] Or. 53 § 18 (of Apollodorus) κατὰ ψῆφισμα πολίτης (Hermann, Political Antiquities § 117).

τὸ μνῆμα ψικοδόμησεν...*ἀνηλωκός* πλέον ἢ τάλαντα δίο] The tendency to extravagant outlay on tombs was checked at Athens by a legal enactment referred to by Cicero, Legg. 11 64, post aliquanto propter has amplitudines sepulcrosurum...lege sanctum est, ne quis sepulcrum faceret operosius quam quod decem homines effererint triduo, ib. 66. Cf. Plato, Legg. p. 959 δ ἐστδ δὴ νόμος οὗτος: τῷ μὲν δὴ τοῦ μεγαλοῦ τιμήματος εἰς τὴν πάσαν ταφήν ἀναλησόμενα μηδεπεθετεν μὲν πλέον πέντε μνῶν κ.τ.λ. Plato even suggests that the tomb or barrow (χώμα) should not take more than the work of five men for five days and that the inscription on the stèle should not be more than four lines long, ib. p. 958 e.—Lysias Or. 32 § 31 εἰς τὸ μνῆμα τοῦ πατρὸς οὐκ ἀναλῶσας πέντε καὶ εἶκος μιᾶς ἐκ πεντακαυχύλων δραχμῶν, τὸ μὲν ἦμαν αὐτῷ τίθησι τὸ δὲ τῶν λιμῶν αλλότρια τοιαύτη (cf. Becker, Charicles ι 108—p. 395 of Engl. Abridg.).

πλησιον τοῦ τῆς δεσποινῆς] Arehippe, his former master's wife. [τῆς ἀδικίας ἦς—*hdikheven*. The genitive by attraction for the cognate accusative, ἀδικεῖν τινα (μεγάλην) ἀδικίαν. P.]

80. σὺ τῶν ἄλλων] strongly emphatic: 'you (of all men) presume!′ &c. Ον ἐξετάζειν, cf. § 76.

μεθ᾽ ἡμέραν...σώφρων, τὴν δὲ νύκτα...] Or. 51 § 34 μεθ᾽ ἡμέραν μὲν ἐσκυθρωπάκασι κ.τ.λ.

P. S. D. II. 8
XLV. KATA ΣΤΕΦΑΝΟΤ [§§ 80—82]

εφ’ οίς θάνατος ή ζημία, ταῦτα ποιεῖς. Ποιηρὸς, ὁ ἀνδρὸς Ἀθηναίοι, Ποιηρὸς οὗτος ἀνωθεν ἐκ τοῦ ἀνάκειον κάδικος. σημείον δὲ· εἰ γὰρ ἦν δίκαιος, πένης ἄν ἦν τὰ τοῦ δεσπότου διοικήσας. νῦν δὲ τοσοῦτων χρημάτων τὸ πλῆθος κύριος καταστᾶς, ὥστε τοσαῦτα λαθεῖν ἀπ’ αὐτῶν κλέψας ὅσα νῦν κέκτηται, οὐκ 81 ὀφείλειν ταῦτα, ἀλλὰ πατρὸς ἔχειν ἡγεῖται. καίτοι πρὸς θεῶν, εἰ κλέπτην σε ἀπῆγον ὃς ἐπ’ αὐτοφόρῳ

εφ’ οίς θάνατος ή [ζημία] e.g. certain forms of ἔξαρα (K. F. Hermann, Privatalt. § 61, 20 = Rechtsalt. p. 37 Thalheim, where Lysias is quoted, τοὺς ὑπόθεται δύσαντες ἐξείστω ὑπὸν θανάτῳ ζημίον).

§§ 80—82. You are a rogue of old, Phormion, an arrant rogue. Had you been honest, you would have remained poor. As it is, after embezzling the sums under your control, you choose to regard them as an inherited patrimony! Yet, suppose I could have clapped your present property on your shoulders and arrested you summarily as a thief caught in the act, then if you denied the theft, you would have been compelled to confess that you got it all from my father: you could not have got it elsewhere, for you were a barbarian when we bought you. And yet you ungratefully resisted a suit for the sums claimed from you on our part; you abused us, you criticised the antecedents of our family. Well, even if I am bound to think less of myself than of all the rest of my audience, I am at any rate bound to think more of myself than of Phormion; and Phormion, at least, is bound to think less of himself than of me. You may make us out what you please, but you yourself were a slave all the same.

ποιηρὸς...ἀνωθεν ἐκ τοῦ ἀνακείον A knave, an arrant knave and a villain of old since he left the temple of Castor, ἀνωθεν is a maiori dignitu, ποιηρὸς κάκος ποιηρῶν, cf. Or. 58 § 17 ποιηρὸς ἐκ τριγωνίας. Or. 44 (Leochar.) § 5 οὐδὲν ᾧ ἐδεί ἄν ωδὲν ἐξεισάγει τῷ γένοι τῷ ἡμέτερον. The ἀνάκειον is the temple of the Dioscuri or Ανάκειον, as they were called (Plut. Thes. 33, Cic. Nat. Deor. iii § 53). It was one of the places where slaves were sold; Διοσκοῦρων ἱερῶν, οὐ νῦν οἱ μασθοφοροῦντες δόυλοι ἐστάσων (Bekker Anecd. 212). Ηαργορ. ἀνάκειον· ἀνάκετορος· Δημοσθένης ἐν τῷ κατὰ Στεφάνου, ἱερῶν τῶν Διοσκοῦρων. Moeris, ἀνάκειοι καὶ ἀνάκειοι Αττικῶς (cf. ἀνάκειοι Τχν. viii 93), Διοσκοῦραι καὶ Διοσκορεῖοι Ἑλληνικῶς. Pollux 1 37, ἐσταὶ δὲ ἐνετίσατο·Διοσκούρων Ἀθήνης Ἀνάκεα. The temple stood S.E. of the market of the Ceramicus (E. Curtius, Text der sieben Karten p. 53).

Cf. Seneca de constantia sapi- entia 18 'non molestes ferar, si mihi non reddideris nomen ali- quis, ex his qui ad Castoris negotiabant, nequam mancipia ementes vendentesque, quorum tabernis pessimorum servorum areae referata sunt.'

81. κλέπτην σε ἀπῆγον κ.τ.λ.]
1126 εἰληφότις, τὴν οὐσίαν ἦν ἐχεις, εἴ πως οὐν τ᾽ ἢν, ἐπιθεῖς σου, εἰτά σε νέσιον, εἰ μὴ φῆς ύφηρημένος ταῦτ᾽ ἐχειν, ἀνάγεω οθεν εἰληφάσ, εἰς τίνα ἂν αὐτὰ ἀνήγαγες; οὔτε γάρ σοι πατήρ παρέδωκεν, οὖθ᾽ εὗρες, οὔτε λαβὼν ποθεν ἄλλοθεν ἤλθες ώς ἡμᾶς βάρβαρος γάρ ἑωνήθης. εἰθ᾽ ὁ δημοσία προσήκεν ἐπὶ τοῖς εἰργασμένοις τεθνάιναι, σὺ, τὸ σῶμα σεσωκός καὶ πόλιν ἐκ τῶν ἡμετέρων σαυτῷ κτησάμενον καὶ παῖδας ἀδελφοὺς τοῖς σεαυτῷ δεσπόταις ἀξιωθεὶς ποιήσασθαι, παρεγράψω μὴ εἰσαγαγόμιν εἰναι τὴν δίκην τῶν ἐγκαλουμένων χρημάτων ύφ᾽ ἡμῶν; εἴτα κακῶς ἡμᾶς ἐλεγες, καὶ τὸν ἡμέτερον πατέρα ἔξηταξε ōστὶς ἴη; εφ᾽ οἷς τίς οὐκ ἂν, ὁ ᾧδρες Ἀθηναῖοι, χαλεπῶς 82 ἤμενεκεν; ἐγώ γάρ, εἰ πάντων τῶν ἄλλων ύμῶν ἐλαττον προσήκει μοι φρονεῖν, τούτου γε μεζινιν, οἴμαι, καὶ τοῦτο γε εἰ μηθευὸς τῶν ἄλλων ἐλαττον, ἐμοῦ γε ἐλαττον ὠντων γὰρ ἡμῶν τοιοῦτων, ὦποίους τινάς ἂν καὶ σὺ κατασκευάσης τῷ λόγῳ, σὺ δούλος ἴσθα.

See Or. 54 § 1 τὴν λωπουθῶν ἀπαγωγὴν ν.—ἐπ᾽ αυτοφόρῳ, flagrante delicto. 

ἀνάγεων ἀναφέρειν, sc. ἐκεῖος οθὲν (ορ εἰς τοῦτον ἄφ᾽ οὗ) εἰληφάς. Demonstrare unde et qui facultates illas adeptus sis (Reiske). ‘Had I then required you to name the person from whom you got it, to whom should you have referred as the donor?’ Kennedy.

οὔτε πατήρ παρέδωκεν, οὖθ᾽ εὗρες] Or. 36 § 43 οὐδὲ γὰρ Πασίων ὃς πατήρ ἐκάθισεν εὐρών οὐδὲ τοῦ πατρὸς αὐτῷ παραδότως. —πατήρ, here (as often) without the article.

βαρβάρος ἐφωνήθης] Eur. Iph. Aul. 1100 βαρβάρων Ἡλλήνας ἄρχειν εἰκός, ἀλλ᾽ οὐ βαρβάρους, μὴτερ, Ἡλλήνων, τὸ μὲν γὰρ δούλον οὐ δ᾽ ἐλεύθερον, the first four words of which are quoted by Arist., Pol. 1 2 § 4, with the comment ώς ταῦτο φίλει βάρβαρον καὶ δούλον δν. ἐπὶ τοῖς εἰργασμένοις] ‘for what you have done,’ Aesch. Suppl. 6 φεύγουμεν οὕτων ἐφ᾽ αἵματι δημηγλασίαν. Mil. p. 519 φεύγειν ἐφ᾽ αἵματι. P.] Dem. 3 § 24 τὴν ἐπὶ τοῖς ἔργοις ὁδίων. ἐξήταξε] i.e. in Or. 36 §§ 43 and 48, ἐγενέτο Πασίων Ἀρχεστράτου. On ἐξήταξεν, cf. § 76.

82. μεζινιν] sc. προσήκει φρονεῖν, which is also understood in both the next two clauses. 

σὺ δούλος ἴσθα] Emphatically placed at the close of the passage.
§§ 83—84. Oh, but my brother Pasicles takes no part with me in these claims against Phormion!

As for Pasicles (craving your forgiveness for being provoked into uttering what I am about to say), while I acknowledge him as my mother's son, yet, judging from his taking Phormion's side against me, I have my fears that his father was another. Say no more, then, of Pasicles! call him your son, Phormion, and not your master; my opponent (as he is bent upon it)—not my brother.

83. τούτω. Depending on ἐγκαλεί, not on τῶν αὐτῶν.

ὑψίσθαι] The mss have υψισθεῖς, which makes it necessary to take ὡστε with ὤν δύναμαι κατασχεῖν and at first sight leaves ei without a verb. To remove the supposed difficulty, Dobree reads υψισθαί, placing παρατηρόμενοι—κατασχεῖν in a parenthesis. But the emendation is at once unnecessary and inadequate, and we prefer accepting the arrangement suggested by Shilleto, who was the first to explain the manuscript reading correctly. 'Schaefer ὑψίσθαι frustra tentat. Interpunctionis egebat locus, nonconjecturae.' The passage should run as follows: ἐγὼ δὲ ὡν ἀνδρεῖς Ἀθηναῖοι καὶ περὶ Πασικλέους, (παρατηρόμενοι καὶ δεθείς ὤν) συγγνώμην ἔχειν, εἰ προεληλυθὼς εἰς τοῦτο ὡστε ὑπὸ τῶν ἐμαντῶν δούλων υψίσθαι! οὐ δύναμαι κατασχεῖν, ἀ τέως ὦν ὄντων ἄλλων λεγόντων ἀκούειν.

84 ἐδόκοιν, ἐρῶ καὶ ὦ σιωπήσομαι. ἐγὼ γὰρ ὀμομήτριον μὲν ἀδελφόν ἐμαντόν Πασικλέα νομίζω, ὀμοπάτριον


[The passage is slightly ἀνακλοῦσθαι, but it can hardly be doubted that we must construe προεληλύθως εἰς τοῦτο ὡστε—ὑψίσθεις οὐ δύναμαι κατασχεῖν, 'having reached such a point that—I am unable to restrain (my feelings),' and συγγνώμην ἔχειν (ἐμοί) εἰ————————ἐρώ καὶ ὦ σιωπήσομαι. The ἐγὼ δ' at the beginning is resumed at ἐγὼ γὰρ ὀμομήτριον. There is no great difficulty in the passage; certainly it is not made clearer by any proposed alteration. He was going to say ἐγὼ καὶ περὶ Πασικλέους—ἐρώ, but he lost himself, as it were, in the maze of the intervening clauses. P.]
117 δ’ οὖκ ὀίδα, δεδοικα μέντοι μὴ τῶν Φορμίώνων ἀμαρτημάτων εἰς ἡμᾶς ἀρχὴ Πασικλῆς ἦ. ὅταν γὰρ τὸ δοῦλὸν συνιδίκῃ τὸν ἀδελφὸν ἀτιμῶν, καὶ παραπεπτωκῶς θαυμάζῃ τούτων ύπ’ ὧν αὐτῶθα θαυμάζεσθαι προσήκε, τίν ἐχει δικαίων ταῦθ’ ὑποψίαν; ἀνελε οὖν ἐκ μέσου μοι Πασικλέα, καὶ σὸς μὲν νῦν ἀντὶ δεσπότου καλελθὼ, ἐμὸς δὲ ἀντίδικος (βουλεταὶ γὰρ) ἀντ’ ἀδελφοῦ.

Ἐγὼ δὲ τούτῳ μὲν χαίρειν λέγω, οὖς δ’ ὁ πατήρ 85 μοι παρέδωκε βοηθοῦς καὶ φίλους, εἰς τούτους ἥκω, εἰς ὑμᾶς, ὦ ἄνδρες δικασταί. καὶ δέομαι καὶ ἀντιβολῶ καὶ ἱκετεύω, μὴ ὑπερίδητε με καὶ τὰς θυγατέρας δι’ ἐνδειαν τοῖς ἐμαυτῷ δούλοις καὶ τοῖς τούτων κόλαξιν ἐπίχαρτον γενόμενον. ὦ ἐμὸς ὑμῖν πατήρ χειλίας ἐδωκεν ἀσπίδας, καὶ πολλὰ χρήσιμον αὐτὸν παρέσχε, καὶ πέντε τριήρεις ἐθελοντὴς ἐπίδους καὶ παρ’ αὐτοῦ πλη-

84. παραπεπτωκῶς] ‘Courting,’ ‘flattering.’ As this verb does not seem to occur elsewhere in this sense, H. Wolf and Dobree would prefer ύποπεπτωκῶς as in §§ 63, 65; but the text is supported by the mess and by Harpocratio, who says: ἀντὶ τοῦ ύποπεπτωκῶς. Δημοσθένης εἰν τῷ κατὰ Στεφάνου.—παραπεπτωκῶς implies subservience of a less abrupt and cringing form than ύποπεπτωκῶς, which would be too strong a word for this context. ύποπίπτετον est ad pedes alicuius, παραπίπτετον ad latus alicuius succumbere’ (Lortzing, Apoll. p. 90).

Πασικλέα] The silence of Pasicles is a point brought against Apoll. in Or. 36 § 22. The insinuation in the text seems quite gratuitous, and its indecency forms a singular contrast to the plaintiff’s affectation of reserve in referring to his mother in the earlier part of the speech (§ 3 and § 27).

§ 85. Farewell, then, to my so-called brother; while I turn to my true friends, the jury, and appeal to them not to allow me to be laughed to scorn by my own servants and by those who cringe to them, like Stephanus.—My father was a great benefactor to the state, and it would hardly be creditable to yourselves that his son should suffer wrong.

85. δέομαι…ἀντιβολῶ…ἰκετεύω] Cf. § 1.

τοῖς τούτων κόλαξιν] i.e. Stephanus and his friends (not excluding Pasicles).

ἐπίχαρτον] Thuc. in 67. ‘Demosthenes non dixit’ (Lortzing, Apoll. p. 91). ἐπιχαίρεων occurs in Dem. 9 § 61 and 21 § 134, ἀσπίδας] The father, Pasion, had a shield manufactory, as we learn from Or. 36 § 4.

ἐπίδους] Used of voluntary free gifts for state purposes
form some notion of their enormity if each one of you would just think of the slave he left at home and imagine himself treated by him as I have been treated by Phormion. Whatever satisfaction each of you would claim under such circumstances, you will allow me to have a right to now, and I therefore ask you, for the sake of the laws and of your solemn oaths, to establish a signal precedent by the punishment of the man who by his false evidence robbed me of that satisfaction. Remember all that you have heard on our side and meet my opponents' suggestions at every point. If they deny that they are responsible for all the details of their deposition, ask them 'What stands in the document?' 'Why did not Stephanus erase the clause?' If they say that a will has been deposited to by a guardian, by a ward, and by one who has it in his keeping; then ask these three witnesses 'What will? '‘what are its terms?’ for not one of the three has gone so far as to attest the terms of the will, which are deposited to by the other witnesses (viz. by Stephanus and his friends). If they appeal to your compassion, remember that the victim of a wrong deserves more pity than those who are doomed to be punished; and that if you inflict that punishment, you will grant redress to myself; you will restrain my opponents from their abject adulation, and you will be giving a verdict which will be true to your solemn oath.
Πολλὰ δὲ ἔχων εἶπειν περὶ ὧν ὑβρισμαὶ, ὅν τὰ κακά- 86 νῦν ὁν τὸ ὕδωρ ὢρῳ μοι. ὡς οὖν μάλιστ' ἂν ἀπαντᾷς ὑμᾶς ἑγοῦμαι γνῶναι τὴν ὑπερβολὴν ὑν ἡδικήμεθ' ἥμεις, φράσω· εἰ σκέψαστι πρὸς ἑαυτὸν ἐκαστὸς ὑμῶν τίνι οἴκιοι κατέλυτεν οἰκέτην, εἰθ' ὑπὸ τούτον πέπον- θῶθ' ἑαυτὸν θεία ταῦθ' ἀπερ ἡμεὶς ὑπὸ τούτοι. μὴ γάρ εἰ Σύρος ἡ Μάνης ἡ τίς ἐκαστὸς ἐκεῖνων, οὔτος δὲ Φορμίων· ἀλλὰ τὸ πράγμα τὸ αὐτὸ· δοῦλοι μὲν ἐκεῖ- νοι, δοῦλος ὃς ἦν, δεσπόται δ' ὑμεῖς· δεσπότης δ' ἦν ἐγώ· ἦν τοῖνυν ὑμῶν ἂν ἐκαστὸς δίκην ἄξιος εἰςε ἐκατον 87 λαβείν, ταύτῃ νομίζετε κάρμο προσήκειν νῦν· καὶ τὸν ἄφηρμενον τῷ μαρτυρήσαι τὰ ἤσυν ἀπὸ τῶν νόμων καὶ ὑπὲρ τῶν ὄρκων, οὕς ὀμολογότες δικαζέτε, τιμωρήσασθε καὶ· καὶ παράδειγμα ποιήσατε τοῖς ἄλλοις, μυνημονεύοντες πάντα ὅσα ἀκηκοάτε ὑμῶν, καὶ φυλάτ- τοντες, εἰπαράγεν ἐπιχειρῶσιν ὑμᾶς, καὶ πρὸς ἐκα- στὸν ἀπαντῶντες, εἰπαράγεν ἐπιχειρῶσιν ἂν, καὶ φῶς ἔκαντε, τοῦτο ἀπαντᾷ μεμαρτυρ- κέναι, “τί σή ἔν τῷ γραμματεῖο γέγραπται; τί σή “οὐ τότε ἀπηλείψας; τίς ἡ παρὰ τοῖς ἄρχονσι ταύτι- “γράφῃ;” εἰπαρ μεμαρτυρκέναι τοῦτον ὡς ἐπιτροπευθῇ- 88 καὶ κατὰ διαθήκας, τὸν τ' ἐπιτροπεύσαι, τὸν τ' ἔχειν, 86. οὔ τε κακὸν τὸ ὕδωρ] Or. 54 § 36. 87. τὸν ἄφηρμενον] Him (i.e. Stephanus) who by false testi- mony has robbed me of it (i.e. of my right to a verdict, τὸ δίκην λαβείν). 88. τὸν μὲν ἐπιτροπευθῆσαι k. t. l.] §§ 37, 38. 89. habet Σ a me collatus. om. Z et Bekker st.
ποίας; ἐν αἷς τί γέγραπται; ταῦτ' ἐρωτᾶτε: ἃ γὰρ οὕτωι μεμαρτυρήκασιν, οὐδεὶς ἐκεῖνοι προσμεμαρτύρηκεν. ἐὰν δ' ὁδύρωνται, τὸν πεποιθότα ἐλεεινότερον τῶν δωσόντων δίκην ἥγεισθε. ταῦτα γὰρ ἂν ποιήτε, ἢμοί τε βοηθήσετε, καὶ τούτους τῆς ἡγαν κολακείας ἐπισκήσετε, καὶ αὐτοὶ τὰ εὔορκα ἔσεσθε ἐψηφισμένοι.

1 Bekker. τὰς Ζ εὐμ ΦΣΦ.

γραμματεῖον inscribed διαθήκη Πασίωνος § 16, ὁ μὲν γραμματεῖον ἐχειν ἐφ' ὃ γεγράφθαι διαθήκη Πασίωνος.

ἀ γὰρ] None of the witnesses corroborate one another; one group depose to one series of isolated facts; another to another.—οὕτωι, Stephanus and his supporters.—ἐκεῖνοι, Pasi- cles and Nicocles.

ἐὰν ὁδύρωνται] Alluding to the pathetic appeals of the peroration. Cf. the miserabiles epilogi of Cicero and the 'Ελέου εἰσβολή of the Greek Rhetoricians (Volkmann’s Rhetorik § 27).

εὔορκα κ.τ.λ.] So in the former speech on the other side; Or. 36 § 61 αὐτοὶ εὔορκήσετε.
XLVI.

KATA ΣΤΕΦΑΝΟΥ ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ Β.

ΤΙΠΟΘΕΣΙΣ.

[Ἐν τούτῳ τῷ λόγῳ καὶ τῶν φθασάντων τινὰ ἐπικατασκευάζεται, καὶ ἕτερα προσεισάγεται, εἰ καὶ παράνομοι αἱ διαθήκαι.]

Argumentum a manu recentiore in Σ supra scriptum.

a Wolf. προσεισ. vulgo.

aa ιμπο ὡς καὶ vel ὦτι καὶ. αἱ Bekkerus addidit Ζ.

1. 1. τῶν φθασάντων τινὰ ἐπικατασκευάζεται] 'The speaker establishes afresh some of the points of his former speech; and brings on other new points, whether the will is not also in violation of the law.'

φθάνειν in this sense is found only in late Greek, e.g. Argument to Ορ. 4 (Philippic) τῷ φθάσαντι (λόγῳ), and Aelian Var. Hist. 134 τὰ φθάσαντα, 'the matters before-mentioned,' ἐπικατασκευάζειν (according to Sophocles' Lex. of late Greek) is found in Dio Cassius 50, 23, 3 ('to construct on') and Eusebius Π 557 λ ('to prepare after'). It is here perhaps middle, and not passive.

—προσεισάγω is found in Diogenes Laertius 9, 88 (quoted by Liddell and Scott, who take it as middle in the present passage).

§§ 1—3. Stephanus has made a long reply to my former speech, and, as I suspected, has had a good deal to say in defence of his evidence. A cunning rogue himself, and well primed by Phormion's numerous advisers, he has attempted to mislead you into the notion that he is not responsible for all the details of his deposition. He has not brought a single witness to prove, either (1) that he was present when my father made the alleged will, or (2) that he ever saw it opened after my father's death; and yet he has actually deposed that the copy set forth in his deposition is a transcript of the 'will.' By so doing he is palpably convicted of having given false testimony.
Οτι μεν ουκ ἀπορήσεων ἔμελλε Στέφανος ούτοσι

τι ἀπολογησταί περὶ τῆς μαρτυρίας, παράγων τῷ

λόγῳ, ὥστε οὐ πάντα μεμαρτύρηκε τὰ ἐν τῷ γραμματείῳ

γεγραμμένα, καὶ ἐξαπατῶν ὑμᾶς, καὶ αὐτὸς σχεδόν τι

ὑπενόουσιν, ὥς οὖνδε δικασταί. πανούργος τε γὰρ ἐστὶ

καὶ οἱ γράφοντες καὶ οἱ συμβουλεύοντες ὑπὲρ Φορμίω-

νος πολλοὶ ἁμα τ’ εἰκός ἐστι τοὺς ἐγχειροῦντας τὰ

ψευδὴ μαρτυρεῖν καὶ τὴν ἀπολογίαν εὐθέως ὑπὲρ αὐ-

τῶν μελετῶν. ὅτι δ’ ἐν τοσοῦτον λόγῳ οὐδαμοῦ μάρ-

τυρας παρέσχετο ὑμῖν ὡς ἡ διατεθεμένω στὶ πατρὶ τῷ

ἐμῷ παρεγένετο ποι αὐτὸς ταύτην τὴν διαθήκην, ὥστ’

εἰδέναι τάτα ὅτι ἀντιγραφά ἐστιν ὅν ὁ πατὴρ μου

διέθετο, ἢ ἀνοικθὲν εἰδὲ τὸ γραμματεῖον ὁ φασὶ δια-

θέμενον ἐκεῖνον καταλίπειν, ταῦτα συμμέμνησθέ μοι.

1. παράγων—ὑπενόουν] Απο-

λοδορὸς had already, in his

former speech, thrown out his

suspicions that Stephanus would

have recourse to this line of
defense. See Or. 45 § 44 and 87.

οἱ γράφοντες...ὑπὲρ Φορμίωνος

c.g. Demosthenes himself.

τὴν ἀπολογίαν...μελετῶν ‘pre-

pare their defence.’ μελετῶν,

like meditari, with which it is

etymologically connected, is

often used of ‘rehearsing a

part,’ ‘conning over a task,’

‘practising for a performance.’

2. μάρτυρας...ὡς...παρεγέ-

νετο] The plaintiff objects that

Stephanus could not attest to

a document purporting to be a copy

of Pasion’s ‘will,’ as he calls

no evidence to prove he was

present when the will was

made (cf. Or. 45 § 26). But

even supposing he had been

present, it would not follow that

he was familiar with the terms,

as even the witnesses to a will

would not necessarily know its

contents, or be able to attest to

its correspondence with any do-

cument purporting to be a copy

of the same. Cf. Isaens Or. 4

(Nicostratus) § 13 τῶν διατε-

θεμένων οἱ πολλοὶ οὐδὲ λέγουσι τὸς

παραγινομένων δ’ τι διατίθενται,

ἀλλ’ αὐτοῦ μόνον, τοῦ καταλιπέων

diathēkās, márturas παρίσταται,

tou δὲ συμβαίνοντος ἐστὶ καὶ γρα-

ματεῖον Ἀλλαγῆται καὶ τάναντα

tais τοῦ τεθεσμείου διαθήκαις μετα-

graphήνας. οὐδὲν γὰρ μᾶλλον οἱ

mártures εἰσονται εἰ ἐρ’ αἱ ἐκλή-

θησαν διαθήκαις, αὐταὶ ἀποφαινο-

ται (Becker, Charicles, Scene in 19

note 18).

The inelegance of the triple

repetition διατεθεμένω...διέθετο...

διαθέμενον is considered open to

criticism by A. Schaefer, Dem. u.

s. Zeit, iii 2, 187.

ἐκείνω] not aitw, either be-

cause it refers to a person de-

ceased, or to distinguish τὸν

πατέρα from the subject of the

sentence, Στέφανος. P.[

συμμέμνηθε] A verb ap-

parently never used elsewhere,

except in late Greek.
ἀλλὰ μὴν ὅποτε μεμαρτύρηκεν ἀντίγραφα εἶναι τῶν διαθηκῶν τῶν Πασίωνος τὰ ἐν τῷ γραμματείῳ γεγραμμένα, τὰς δὲ διαθήκας μὴ ἔχει ἐπιδείξει μήθ᾽ ὡς ὁ πατὴρ διέθετο ἡμῶν, μήθ᾽ ὡς αὐτὸς εἶδε παραγενόμενοι αὐταῖς διατιθεμένου τοῦ πατρὸς. πῶς οὐ περιφανῶς ὀντὸς ἐξελέγχεται τὰ ψευδὴ μεμαρτύρηκως;

Εἰ τοῖνυν πρόκλησιν φησιν εἶναι καὶ μὴ μαρτυρικώς ἔγειραι· ἀπαντα γὰρ ὅσα παρέχονται εἰς τὸ δικαστήριον προκαλούμενοι ἀλλήλους οἱ ἀντίδικοι, διὰ μαρτυριῶς παρέχονται. οὐ γὰρ ἄν εἰδείηθ᾽ ὡμείς εἰτ᾽ ἐστὶν ἀληθὴ ἢτε ψευδὴ ᾧ φασίν ἐκάτεροι, εἰ μὴ τις καὶ τοὺς μαρτυρίας παρέχοντο. ὅταν δὲ παράσχεται, τούτοις πιστεύοντες ὑποδίκοις οὔσι ψηφίζεσθε ἐκ τῶν λεγομένων καὶ μαρτυρουμένων ἂ ἄν ὑμῖν δοκῇ δίκαια εἶναι. Βούλομαι τοίνυν καὶ τὴν μαρτυρίαν ἐξελέγξαι, 5 ὅτι οὐ πρόκλησις ἐστὶν, καὶ ὡς ἔδει μαρτυρεῖν αὐτοὺς, εἴπερ ἐγίγνετο ἢ πρόκλησις, ὡς οὔκ ἐγίγνετο. μαρτυροῦσι παρεῖναι πρὸς τῷ διαιτητῇ Τισία, ὅτε προοικαλεῖτο Φορμίων Ἀπολλόδωρον ἀνοίγειν τὸ γραμματεῖον, ὃ παρείχεν Ἀμφίας ὁ Κηφισοφόντος κηδεστής, Ἀπολλόδωρον δὲ οὔκ ἐθέλειν ἀνοίγειν. οὕτω μὲν ἂν


c Bekker cum libris. αὐτὰς Z cum Baitero.

3. ὅποτε] See the note on Or. 34 § 33 and cf. inf. § 9 ad fin.

§§ 4—5. If my opponent urges that he is responsible for a Challenge only and not for a deposition, then he is not speaking the truth. Every Challenge necessarily involves a deposition, and I shall shew that he has deposed to something more than a mere Challenge, and I shall also criticize the terms of his deposition.

4. πρόκλησιν...μὴ μαρτυρικῶς] Or. 45 § 43 προκλήσεως ἐστὶν ὑπεθύνος, οὐχὶ μαρτυρικῶς. Stephanus disclaims responsibility for the deposition, but the plaintiff on his part insists that the deposition is inseparable from the Challenge, as no Challenge could be put in evidence at a trial unless attested by the deposition of a responsible witness.
μαρτυρούντες εδόκουν ἀληθῆ μαρτυρεῖν· ἀντίγραφα δὲ τῶν διαθηκῶν τῶν Πασίωνος μαρτυρεῖν εἶναι τὰ ἐν τῷ γραμματεῖῳ ἀπαρείχετο Φορμίων, μήτε παραγενομένους ἐκείνου διατίθεμεν, μήτ’ εἰδότας εἰ διεθέτο, πῶς οὐ περίφανος ἀναίσχυντια\(^{a}\) δοκεῖ ύμῖν εἶναι;

6 Ἀλλὰ μὴν εἰ φησὶ Φορμίωνος λέγοντος πιστεύειν ταῦτ’ ἀληθῆ εἶναι, τοῦ αὐτοῦ ἀνδρὸς ἐστὶ πιστεύειν τε λέγοντι τούτῳ ταῦτα καὶ κελεύοντι μαρτυρεῖν. οἱ δὲ γε νῦν οὐ ταῦτα λέγουσιν, ἀλλ’ ἄν εἰδῆ τις καὶ οὐς ἄν παραγένηται πραπτομένους, ταῦτα μαρτυρεῖν κελεύουσιν ἐν\(^{f}\) γραμματεῖῳ γεγραμμένα, ἵνα μήτ’ ἀφελείν ἕξῃ μηδὲν μήτε προσθείναι τοῖς γεγραμμένοις.

7 ἀκοὴν δ’ οὐκ ἔσσι ξοῦντος μαρτυρεῖν, ἀλλὰ τεθνεώτος τῶν δὲ ἀδυνάτων καὶ ύπερορίων ἐκμαρτυρίᾳ γεγραμ-

\(^{a}\) Malim περίφανος ἀναίσχυντια:’ Dobree.

\(^{e}\) ἀν Bekker st. ἀν Ζ. ἀν Σ prima manu.

\(^{f}\) εἰν Bekker cum Σ a me collato. εἰν τῷ Ζ cum Φ.

5. περίφανος\(^{b}\) § 3; the corresponding substantive περιφάνεια has occurred in Or. 45 § 2.

§§ 6—8. If Phormion’s assertion was the defendant’s only reason for deposing to the document being a copy of Passion’s will, then he has been guilty of giving hearsay evidence which is false and which he has given in a manner contrary to the law.

7. ἀκοὴν...μαρτυρεῖν] ‘to give hearsay evidence.’ Or. 57 (Enbul.) § 4 οὐδὲ μαρτυρεῖν ἀκοὴν ἔσσων οὐ νῦνοι, 44 (Leoch.) § 55. Isaeus Or. 6 (Philoctemon) § 54 (δικαίων) οὐς μὴ παρεγένετο, ἀλλ’ ἄκουσέ τις, ἀκοὴν μαρτυρεῖν, 8 (Kiron) §§ 6, 14, 29. Examples of this kind of evidence are found in Or. 43 (Macart.) §§ 36, 42, 44—46. Meier and Schömann, Attische Process p. 669 fin.

τῶν ἀδυνάτων καὶ ύπερορίων ἐκμαρτυρίᾳ] The witness, whether he had been present at the preliminary examination or not, was compelled to attend at the trial itself to confirm his evidence, unless he was either ill or abroad, in which case his evidence might be taken by a commission. Or. 35 (Laer.) §§ 20, 34. Isaeus Or. 3 (Pyrrhus) §§ 20—27, esp. § 20 παρὰ τῶν ἀσθενούτων ἢ ἀπὸ δημοί εἰς μελλόντων ὅταν τὶς ἐκμαρτυρίᾳ ποιήται... Harpocr. ἐκμαρτυρίας διαφέρει τῆς μαρτυρίας, ὅτι ἡ μὲν μαρτυρία τῶν παρόντων ἐστὶν, ἡ δ’ ἐκμαρτυρία τῶν ἀπόντων. σαφέστατα δὲ περὶ τούτων διδάσκοντι Δημοσθένης τε
The laws enact 'that the evidence of the absent witness shall come before the court under the same impeachment as that of the witnesses attesting the same, in order that, if the absent witness acknowledge his evidence, he may be liable to a trial for false testimony, and if he disown it, then the attesting witnesses.' For ἐπισκψης, the process of bringing an action for false witness, cf. Arist. Pol. ii 12 § 11 Χαρωνδου ἱδιον ὁδην ἐστι πλην αἱ δίκαι τῶν ψευδομαρτυριῶν, πρῶτος γὰρ ἐποίησε τὴν ἐπισκψησ. Or. 47 §§ 1 and 5 Θεώφημος αὐτοῖς ὃς ἀληθευματηεῖων καὶ ἀπὸ τῆς αὐτῆς ἐπισκψης τῆς τινὶ τῶν μαρτυριῶν καὶ ἐκμαρτυρίων ἀφωνίζεσθαί ἀμα, ἐν δὲ μὴ ἀναδέχηται οἱ μαρτυρίςαντες τὴν ἐκμαρτυρίαν. Στέφανος 8 τοίνυν οὔτοι, οὔτ' εἰδώς διαθήκας καταλαπάντα τὸν πατέρα ἡμῶν, οὔτε παραγενόμενος πώποτε διατιθεμένῳ τῷ πατρὶ ἡμῶν, ἀκούσας δὲ Φορμίωνος, με-μαρτυρήκεν ἀκοήν τὰ ψευδῆ τοῖς καὶ παρὰ τῶν νόμον. καὶ ταῦθ᾽ ὅτι ἀληθῆ λέγω, αὐτὸν ἡμῖν τῶν νόμον ἀναγνώστεται.

ΝΟΜΟΣ.

[Ἀκοήν εἶναι μαρτυρεῖν τεθνεῶτος, ἐκμαρτυρίαν δὲ ύπερορίου καὶ ἀδυνάτου.]

'Ὡς τοίνυν καὶ παρ᾽ ἔτερον νόμον μεμαρτύρηκεν ἀληθῇ μεμαρτυρήκοσιν οὐκ ἐπεσκήφα-το οὕδ᾽ ἐπεξερχεται τῶν ψευδο-μαρτυριῶν, ἢδ. 51. Or. 29 §§ 7, 41 and Or. 34 § 46 note. Cf. Meier and Schömann, p. 385.

ἐν τῷ κατὰ Στέφανον καὶ Δείναρχος. Meier and Schomann, p. 670.

The laws enact 'that the evidence of the absent witness shall come before the court under the same impeachment as that of the witnesses attesting the same, in order that, if the absent witness acknowledge his evidence, he may be liable to a trial for false testimony, and if he disown it, then the attesting witnesses.' For ἐπισκψης, the process of bringing an action for false witness, cf. Arist. Pol. ii 12 § 11 Χαρωνδου ἱδιον ὁδην ἐστι πλην αἱ δίκαι τῶν ψευδομαρτυριῶν, πρῶτος γὰρ ἐποίησε τὴν ἐπισκψησ. Or. 47 §§ 1 and 5 Θεώφημος αὐτοῖς ὃς ἀληθευματηεῖων καὶ ἀπὸ τῆς αὐτῆς ἐπισκψης τῆς τινὶ τῶν μαρτυριῶν καὶ ἐκμαρτυρίων ἀφωνίζεσθαί ἀμα, ἐν δὲ μὴ ἀναδέχηται οἱ μαρτυρίςαντες τὴν ἐκμαρτυρίαν. Στέφανος 8 τοίνυν οὔτοι, οὔτ' εἰδώς διαθήκας καταλαπάντα τὸν πατέρα ἡμῶν, οὔτε παραγενόμενος πώποτε διατιθεμένῳ τῷ πατρὶ ἡμῶν, ἀκούσας δὲ Φορμίωνος, με-μαρτυρήκεν ἀκοήν τὰ ψευδῆ τοῖς καὶ παρὰ τῶν νόμον. καὶ ταῦθ᾽ ὅτι ἀληθῆ λέγω, αὐτὸν ἡμῖν τῶν νόμον ἀνα-γνώστεται.

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another law. Under cover of the testimony of the defendant and his friends, Phormion has virtually given evidence in his own cause, which is illegal; and the law declares that a suit for false testimony shall be maintainable against a person on the ground of his having given evidence contrary to the law.

9. πρόφασιν λαβὼν τὴν πρόκλησιν] In Or. 45 § 19 (which should be compared with the whole of the present sentence) this Challenge is denounced as a παραπέτασμα. So below, προστηθήσεως τούτους ‘putting these men forward as an excuse.’ For the favourite antithesis between λόγος and ἔργον, cf. Thucydides passim, and Antiphon, Or. 5 § 5 οὗ γὰρ δικαίου ὅπερ ἔργῳ ἀμαρτώντα διὰ ρήματα εὐθύνοις ὁπερὶ ἔργῳ ὀρθῶς πράξαντα διὰ ρήματα ἀπαλλάσσεται τὸ μὲν γὰρ ρήμα τῆς γλώσσης ἀμάρτημα ἐστὶ τὸ δ’ ἔργον τῆς γνώμης. Cf. ib. § 84 and Or. 6 § 47 οἱ μὲν ἄλλοι ἀνθρωποὶ τοῖς ἔργοις τοὺς λόγους ἐλέγχουσιν, οὕτως δὲ τοῖς λόγοις τὰ ἔργα ἀξιούσιν ἀπίστα αἰσθάναται. See also Blass Att. Ber. i 129, 213.

tούτων is redundant after ὧν, that is, μαρτυροῦντων might have agreed with ὧν, instead of a new clause introduced with a genitive absolute. [The latter was preferred from its tendency to combine with ὧν. P.]

gραφαῖς...δίκαις] See note on Or. 54 § 2—εὐθύναι, ‘audits,’ ‘examinations on surrendering office,’ as opposed to δικαιμασία, ‘the enquiry preliminary to taking office.’

10. τῶν ἀντιδικῶν—μὴ] ‘that both parties be compelled to answer one another’s questions, but that neither be allowed to be a witness in his own cause.’ On ἐρωτησόμενοι see Aristot. Rhet. πιθανος 18 and for examples cf. Lysias Or. 12 §§ 24—26, Or. 22 § 5; Or. 13 §§ 30—33. Dem. de Cor. § 52, Plato Apol. p. 25,
Isaees Or. 11 § 4. ‘A favourite instrument of debate with speakers in the public assembly and law courts is the interrogation of the adversary. The object of this is to enforce an argument; or to take the adversary by surprise and extract from him an unguarded admission; or to place him in an awkward dilemma, by shaping your question in such a way, that he must either by avowing something which his antagonist wishes to establish, or by refusing seem to give consent by his silence to that which the questioner wishes to insinuate; or to gain some similar advantage’ (Cope’s Introduction to Ar. Rhet. p. 362).

αὐτός τοῦ τούτου = κατ’ αὐτὸ τοῦτο above.

ὁ προβαλόμενος κατὰ ταύτα] The person who produced the false witness, προβάλετο or προστήσατο, was liable to what was called a δίκη κακοτεχνῶν for conspiring to defeat the ends of justice. Or. 47 § 1 τὸν προβαλόμενον ὑπόδικον ἔχει τῶν κακοτεχνῶν.

§ 11. That the defendant’s evidence is false may be concluded from the material on which it is written.

The plaintiff curiously argues the falsehood of the defendant’s deposition from the nature of the material on which it is inscribed. The document, he points out, is ‘whitened, and must have been brought from home purposely prepared.’ This would have been proper enough for a deposition attesting to the facts of the past, in which case there is time to draw up an elaborate document. But a deposition purporting to attest a Challenge
katasekeusasménon. kai tois ménes tás pephragneména martzurónntas proshkei oikohên tas martzurías kat-
esekeusasménas martzureín, tois dé tas proklíseis martzurónntas tois átopo taumomátov proostántas en¹
málothi gegegramménh tìn martzurían, 'iv', vàm tì proso-
ypásai ἡ ἀπαλείψαι βουληθῇ, ράδιον γ."²

¹ Z cum Reiskio. kai ev Bekker cum libris.
² ei...βουληθῇ Z cum libris. 'malim éboulhθη vel βουληθεί' Sauppe.
³ γ H. Wolf. ἦv Z cum libris.

(evidence to which might be given by any duly qualified person even accidentally present) would naturally be rapidly writ-
ten on the spot en málothi, i.e. on a waxen tablet. This would allow of any addition or erasure being made at the request of the witnesees before they attested it. 'The difference between these methods,' as C. R. Ken-
dey remarks, 'was much the same as between writing with a pen on paper and with a pencil on a slate' (Dict. Ant. s.v. martzuría). The distinction here drawn is (as Mr Paley observes) between a waxed tablet (délagos) scratched with a point like the Roman stílus, and a whitened surface on which the letters could be conveniently laid on with black pigment (mélav).

For lekenkowhénov cf. Dem. Or. 24 (Timocr.) § 23 Lex, ὃ τιδεὶς τὸν καυμὸν νῦμον, ἀναγράφας εἰς λέκκωμα, ἐκτίβετο πρόσθε τῶν ἐπωνύμων. Bekker's Anecd. (Lēxeis ῥητορικά) p. 277 leu-
kowmá éstti pínavas γύψων ἀλημα-
ménos, πρὸς γραφήν πολιτικῶν γραμμάτων ἐπιτήδεοι (we may compare the Roman album and contrast the black boards of our class-rooms).

For ev málothi ib. p. 278 má-
lothi' meimalagagmévos khrós ἢ ἄλλο
τι τοιούτον, ὃ τὰ γραμματεία πράττεται. Pollux x 58: ὃ δὲ ἐνων τῇ πυκνίδι (sc. καλεῖται) κηρὸς ἢ
málothi ἢ máltha. 'Hroódotos méν γάρ κηρὸν εἴρηκεν, Κρατίνος δὲ ἐν
τῇ Πυτινῇ málothi ἐφη, 'Αρισ-
tofánhe δὲ ὑν τῷ Γερμανάδη 'τὴν
málahan ἐκ τῶν γραμματείων ἄσ-
thion.' Harpocr. málothi' ὁ me-
malagagmépos khrós' Demeodhénes ἐν ὑπό ἱατά 
ταῦτα. And similarly Hesychius and Suidas. (Bekker's Charis-
cles,Scene ix notes 12 and 13, and Beeles, diatirbe p. 116—119.)

oikoben katasekeusasménon] a 'pregnant' expression, equiva-

tent in sense to oikoi kate-
skeusasménav kal oikoben ἄπηγε-
ménav. Similarly below, where Reiske unneccessarily proposes oikoben ἐπιφερομένας τᾶς ἁρ-
turías katasekeusasménas martzureín. For the general drift of the ar-
gument and its imputatation of deliberate design, cf. Cic. Phil. 11 § 85 unde diadema? non enim abiectum sustuleras, sed attu-
leras domo meditatam et cogi-
tatum seclus.

τοὺς προστάτας] These words are rather obscure. Kennedy
renders προστάτας as equivalent to παρόντας. Rather, perhaps, ‘who stand forward voluntarily.’ [P.]

[αν βοώληθή] The vulgata lectio used to be ei, altered by G. H. Schafer into εἰ to avoid the anomaly of εἰ with the subjunctive, a construction described as ‘poetical’ in Bekker’s Anecdota (p. 144). See, however, the commentators on Thuc. vi 21 § 1 ei ξυστῶν, Hermann’s Opuscula i 280 and Kühner’s Gk. Gr. § 398 p. 207. Similarly in Dem. Or. 24 §§ 79 and 93 we have the ordinary indicative followed by the anomalous subjunctive, εἰ τιν...προστέθησα...ἡ τὸ λοιπὸν προστίθη, whereas in § 207 we find the regular construction εἰ τιν προστέθησα...καὶ τὸ λοιπὸν τιν προστίθησε (where see Wayte’s notes).

§§ 12—17. Further, my father made no will at all, nor do the laws allow it, laws which bind every citizen of Athens without exception. It was not until ten years after my father’s death that Phormion obtained the citizenship; not foreseeing this, how could my father have insulted our family, cast contempt on your bounty and disregarded the laws, by giving his own wife in marriage to Phormion, and that by a will which he was legally incompetent to make? The law forbids a man’s making a will if he have male issue lawfully begotten.—Again, the law only allows those who are not ‘adopted’ to dispose of their property by will, and my father was a citizen by ‘adoption’ only. Lastly, it does not permit a person to make a will if he is of unsound mind, and the terms of the alleged ‘will’ which give my father’s widow to Phormion are inconsistent with the terms of the ‘lease,’ and argue the absence of sound mind and therefore my father’s incompetence to make any will whatever.

12. κειμένους...θεύων] κείμαι is constantly borrowed as a perfect passive to τίθημι, while τέθεω is almost invariably used as a deponent perfect. Thus the usage of the perfect in the best writers would be:

ὁ νομοθέτης τέθεικε τὸν νόμον.

ἡ πόλις τέθειται τὸν νόμον.

ὁ νόμος κεῖται.

(See further in notes on Or. 34 § 16, Or. 39 Argument, line 23, and on Isero. ad Dem. § 36.) μηδὲ νόμον...ἐπ’ ἀνδρὶ θεύων] Just as a privilegium was for-
hidden by Roman law, so at Athens legislation expressly affecting a particular individual, whether in his interest or to his detriment, was not allowed, except in the single instance of ostracism; cf. the law quoted in Andocides, de mysteriis § 87 μηδὲ ἐπ’ ἄνδρι νόμον ἔχεινεθείναι, εάν μὴ τῶν αὐτῶν ἐπὶ πάσιν Ἀθηναίοις, εὰν μὴ ἐξανεσχῆς ἄδης κρύβον θηρίωμα, and see Dem. Or. 24 (Timocrates) § 59, and 23 (Aristocr.) § 86.

13. ὃ μὲν νόμος... ὃ δὲ πατήρ κ.τ.λ.] The sentence is rather loosely written, and the sense might have been brought out better by some such arrangement as this: ὃ μὲν νόμος... κ.τ.λ. A similar looseness of structure may be noticed in §§ 25 and 15—ἐπὶ Δυσνικήτου β.κ. 870. ἐπὶ Νικοφήμου β.κ. 360. τῆς δώρεις] κ.τ.λ. πολιτείας. Or. 36 § 30.

14. ὅσοι μὴ ἐπεποίητο κ.τ.λ. 'Any citizen (with the exception of such as had been adopted when Solon entered on his archonship, and had thereby become unable either to renounce or to claim his inheritance), shall be allowed to dispose of his own property at his pleasure, provided he have no male issue lawfully begotten.' Cf. Isaeus Or. 6 (Philoctemon) § 28 τοὺς φύσει υἱὸν αὐτοῦ οὐδὲς οὐδεὶς ἐν διαθήκῃ γράφει τὸν οὐδὲς, διότι ὁ νόμος αὐτῶς ἀποδίδοις τῷ νικεν ταῦτα πατρός καί οὐδὲ διαθέσαι εἴμ. οὕτοι οὐδὲς παι &[t. 93. 131]

The law is quoted to prove that Pasion had no right to make a will, (1) because he had male issue lawfully begotten (sc. Apollodorus). But it will be noticed that the law does not forbid such persons from making any will whatsoever. It simply enacts that those who have no male issue may dispose of their property as they please. Pasion was not debarred by this law from making a will, but was not allowed to make any disposition he chose, since (as in our law of entail) the right to the property was secured to the son.

Again (2), Pasion was a citizen by ‘adoption’, whereas this law implies that no ‘adopted’ person could dispose of his property as he pleased. But it will be observed on the other side, that the plaintiff has deliberately conformed two different senses of ποιεῖσθαι (1) ‘to adopt into a family’ and (2) ‘to present with the citizenship.’ ἑπετοίχυρτο refers to ‘family adoption’ (Or. 41 Leech. ad fin.), and the plaintiff argues as though it meant the same as ἑπετοίχυρτο πολίτης.

ἀπειτεῖν...ἐπιδίκασασθαι] Or. 52 (Callippos) § 19 οὔτε ἀμφίσ-βητὴσαντα οὔτε ἀπειτοῦντα περὶ τοῦ ἀργυρίου. ἀπειτεῖν may be paralleled by the phrase in Roman law eiurare heredita-
tem. For ἑπετοίχυρτο cf. note on 45 § 75.

μανιῶν] genitive, like the three subsequent substantives, gov-
erned by ἔνεκα at the end of the clause. ‘Unless his mind is impaired by lunacy, or dotage, or by drugs or disease.’ Ken-
nedy. [The plural μανία means, as usual, ‘mad fits,’ ‘delusions.’ P.]

ὑπὸ τοῦτων τοῦ παρανόμων] A certain correction of the old reading ὑπὸ τοῦτων τοῦ παρανό-
μων. Cf. Isaens Or. 9 ad fin. ei τοῦτον ἐποίησατο οὐν οὐ τῷ πατρὶ πολεμιστότας ἢ, πῶς οὐ δόξει τοῖς ἀκούσαι παρανοεῖν ἢ ὑπὸ φαρμάκων διεφθάρθαι; and ib. Or. 6 (Philoct.) § 9 οὔτοι οὐ νόμος κοινὸς ἀπασί κεῖται, ἐξείσαι τά ἐαυτοῦ διαπέματα, εάν μὴ παῖ-
ὲς ὃς γνήσιοι ἄρρενες, εάν μὴ ἄρα μανείς ἢ ὑπὸ γήρως ἢ δὲ ἀλλα τι τῶν ἐν τῷ νόμῳ παρανόμων δια-
βήται, Plut. Sol. 21, [Dem.] 48 § 56.—On φαρμάκων see further in § 16 φαρμακών. —νόσου ἕν-
ekεν can only refer to cases where the mind was enfeebled, for bodily infirmity was of course in itself no bar to the validity of a will (Becker, Charicles, Scene ix note 19).
15. Τού μὲν νόμου τοῖνυν ἀκηκόατε, δις οὐκ εὖ δια-
θήκας διαθέσθαι, εἰς παίδες ὑπὶ γνήσιοι. οὕτω δὲ
φασὶ ταῦτα διαθέσθαι τὸν πατέρα, δις δὲ παρεγένοντο
οὐκ ἔχουσιν ὑποδειξαί.  

16. οὗτοι.] In the same sense as ὁτι, for which it is not un-
frequently used, especially by Isocrates when a hiatus is
thereby avoided, e.g. Isoc. 

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Lochites § 7 ἐνθυμομένους ὅτι followed by καὶ διότι. Isoc. 

Paneg. § 48 n. Here σκέψασθε δὲ καὶ διότι corresponds
in sense to ἄξιον δὲ καὶ τὸδε ἐνθυ-

μηδήμηρα, ὅτι in the previous section. 

ἐν φρονή] Isaacs Or. 7 § 1

ἐί τις αὐτὸς ἔδω καί εὐ φρονῶν ἐποίησατο, contrasted with εἴ

τις τελευτήσει μέλλων διέθετο, εἴ

τι πάθοι, τίνι οὖναν ἐτέρω. Eur. 

Ion 520, εὐ φρονεῖς μὲν; i.e. ἀρα

ἐμφρον εἴ;—On νοσοῦτα see

above, § 14 υἱὸν ἔκεκεν. 

φαρμακῶν.] Harpoc. Δη-

μοσθένος ἐν τῷ κατὰ Στέφανον.

ἐάτι δὲ φαρμακῶν ὥπο φαρμα-

κῶν βεβαλλόμενος, ως καὶ θεό-

φραστος ἐν τῷ Νόμων ὑποστη-

μαίει. 

[φαρμακάν is one of a class of

verbs implying mental or bodily

affection, e.g. λημάν, ‘to have

blear eyes,’ ποδαγραν, χαλαζιῶν,

φοναν, ‘to be blood-thirsty,’

θαναταν, ‘to have a desire for

death,’ Plat. Phaedo p. 64 ν,

τομαν ‘to require the knife’ &c.

The verbs themselves are less

commonly used than their par-

ticiples. P.] Cf. Rutherford’s


ἐν δοκοῦσιν εὐ φρονοῦτος κ.τ.λ.]

It is curious to find the plaintiff

setting up this suggestion of

lunacy when in another speech,

Or. 49 (Timoth.) § 42, delivered

at an earlier date, he describes

his father as not only giving

him a written statement of

debts due, but also, in his last

illness, telling him and the brother

the details of each particular

sum, the name of the debtor,

and even the purpose for

which the money was lent.

He might have turned his

argument to more account, if,

instead of insinuating that the

terms of the alleged will sug-

gested that his father was of
unsound mind, and therefore legally incompetent to make any will at all, he had urged that, his father having been of sound mind up to the day of his death, the ‘insane’ provisions of the will betrayed it to be a forgery.

17. ἀκόλουθον εἶναι...τὸ ὁδόντι...τοῦτῳ δοῦνα] The juxtaposition of these two datives, referring to two different persons, is extremely harsh. The order is: δοκεῖ ὡμὲν ἀκόλουθον εἶναι (Πασίων), τῷ μὴ δόντι ἐξουσίαν ἐργάζεσθαι τῷ τῆς τέχνης ἐν τῷ αὐτῷ ὡμίν, δοῦνα τοῦτῳ (sc. Φορμίων) τῇ γυναίκα τῷ αὐτῷ; ‘Is it consistent for one who refused Phormion permission to carry on business in partnership with us, actually to give Phormion his own wife?’

Kennedy: ‘partner with himself in paternity’ (by marrying his widow). For σκευωρομένουs cf. Or. 45 § 5.

ἐγγράψαι] Specially used of ‘registering’ a man as debtor. Cf. Or. 53 § 14.

οὕτω δεινῶν] ‘They little dreamt I should be clever enough to examine all these questions thoroughly.’ This passage has been quoted as an indication of the plaintiff’s consciousness of his own oratorical skill, and as a presumption in favour of the view that Apollodorus is himself the writer of the speeches delivered by him which have come down to us among the orations of Demosthenes (A. Schaefer, Dem. u. s. Zeit, iii 2, 192).

§§ 18–21. The forger of the will is also proved by the law of betrothals, which provides that a woman may be affianced for lawful wedlock by her guardians, i.e. certain near relations, such
18. Σκέψασθε τοίνυν καὶ τοὺς νόμους, παρ’ ὄν κελεύουσι τὰς ἐγγύας ποιεῖσθαι, ὅπειρ’ εἰδήτε καὶ ἐκ τούτων ὡς κατεσκευασμένης διαθήκης ψευδής μάρτυς γέγονε Στέφανος οὐτοσί. Λέγε.

ΝΟΜΟΣ.

[Ἡν ἂν ἐγγύηση ἐπὶ δικαίως δάμαρτα εἶναι ἡ πατὴρ ἡ ἀδελφὸς ὁ μοπάτωρ ἡ πάττος ὁ πρὸς πατρὸς, ἢ τυπὴ εἶναι παΐδας γνησίους. ἔαν δὲ μηδεὶς ἢ τούτων, ἔαν μὲν ἐπίκληρος τὸς ἡ, τὸν κύριον ἔχειν, ἔαν δὲ μὴ ἡ ἢ, ὅποι ἂν ἐπιτρέψῃ, τοῦτον κύριον εἶναι.]

19. Οὔτος μὲν τοίνυν ὁ νόμος οὐς ἐποίησε κυρίους εἶναι, ἀκηκόατε ὅτι δ’ οὔδεὶς ἢν τούτων τῇ μητρί, οἱ ἀντίδικοι μοι αὐτοί μεμαρτυρήκασιν. εἰ γὰρ ἂν, παρεῖχοντ’ ἂν. ἡ μάρτυρας μὲν ψευδὴς οἰκεθ’ ἀν ἡ παρασχέ-

s Bekker. om. Z cum Σ. t Bekker cum libris. om. Z.

as father, brother, or grandfather. As none of these are in existence, and you may be sure that the other side would have produced them, or pretended to do so, to suit their purpose, it follows that my mother was an ‘heirress,’ and the law declares that the son of an heirress, when he comes of age, shall be his mother’s guardian. Now I was abroad on public service (and therefore of full age) when Phormion married my mother, (and he did so without obtaining the consent of myself, her guardian).

18. σκέψασθε τοὺς νόμους] The accusative after the principal verb, where in English we should prefer making it the nom. of the subordinate clause. Cf. Or. 45 § 24. Kennedy partially keeps up the Greek construction by rendering it thus: ‘look now at the laws, (to see) from whom they require betrothals to be obtained.’

[ἐγγύας] The betrothal (ἐγγύησην) was made by the natural or legal guardian of the girl, in the presence of the relatives of both parties. ‘All children born from a marriage legally contracted in this respect were γνήσιοι, and consequently, if sons, ἱδύμοροι, or entitled to inherit equally.’ (Whiston in Dict. Ant. s. v. Matrimonium, K. F. Hermann, Privatalt. § 30, 7 = p. 261 ed. Blümmer).
σθαι καὶ διαθήκας οὐκ οὖσας, ἀδελφὸν δὲ ἡ πάττον ἡ πατέρα οὐκ ἂν, οὕτε ἤν δυνατὸν ἕνεκα χρημάτων; ὅποτε τοῖνυν μηδέες φαίνεται ζῶν τούτων, τότε ἀνάγκη ἐπικλήρου τὴν μητέρα ἤμων εἶναι. τῆς τοῖνυν ἐπικλήρου οὐκ ἐκείνοις σκοπεῖτε τίνας κελεύουσιν οἱ νόμοι κυρίους εἶναι. λέγε τὸν νόμον.

ΝΟΜΟΣ.

[Καὶ ἔιν εὖ ἐπικλήρου τις γενηται, καὶ ἀμα ἡβύση ἐπὶ διέτες, κρατεῖν τῶν χρημάτων, τὸν δὲ σίτων μετρεῖν τῇ μητρὶ.]

Οὐκοῦν ὁ μὲν νόμος κελεύει τοὺς παίδας ἡβύσαντας κυρίους τῆς μητρὸς εἶναι, τὸν δὲ σίτων μετρεῖν τῇ μητρὶ. ἐγὼ δὲ φαίνομαι στρατευόμενος καὶ τριμαρχῶν ὑμῖν, ὅτε σύντομος χρόνος τῇ μητρὶ. ἀλλὰ μὴν ὁ πατὴρ πάλαι, ὅτε σύντομος ἐγχείμα, τὰς δὲ θεραπαίνας nisi generalis est sententia, in contrario non facile omittuntur' (Gebauer, de argumenti ex contrario formis p. 207).

τετελευτήκει Z cūm Σ.

20. καὶ ἔιν—μητρὶ] 'If a son is born of an heirress, two years after he has attained his puberty he shall enter into possession of the estate, and he shall pay alimony to his mother.' Kennedy. Harpocr. ἐπιδεῖκτος ἡβύσας. Δημοσθένης ἐν τῷ κατὰ Στεφάνου. At the end of his article he quotes Hyperides (frag. 223) ἐπεί δὲ ἐνεγράφην ἐγὼ καὶ ὁ νόμος ἀπέδωκε τῆς κομίδος τῶν καταλειμμάτων τῇ μητρὶ, ὃς κελεύει κυρίους εἶναι τὴν ἐπικλήρον καὶ τῆς οὕσιας ἀπάθης τῶν παιδας, ἐπειδὰν ἐπιδεῖκτος ἡβύσαι. Cf. Isaeus frag. 90, id. Or. 10 § 12 and Or. 8 § 31. (See A. Schaefer, Dem. π 2, 19—39, esp. p. 25, Eintritt der Mündigkeit nach Attischen Rechte, where ἐπιδεῖκτος ἡβύσαι is explained to include the 17th and 18th year, and the 'coming of age' is placed at the age of 18. K. F. Hermann, Privatalt. § 35, p. 322 Blümner.)

On ἐπικλήρος see note on Or. 45 § 75. (Cf. Lortzing, Apoll. p. 85 and A. Schaefer u. s. p. 176.)

στρατευόμενος κ.τ.λ.] And therefore of full age; referring back to παίδας ἡβύσαντας.

21. πάλαι] Pasion died b.c. 370, the trierarchy probably took place in b.c. 368 (Or. 45 § 3), and it was during the plaintiff's absence on this public service that the marriage of Archippe took place. The interval here implied by the vague word πάλαι 'some time before' would seem to be two years. The
plaintiff wishes to insinuate that, though some time elapsed before the marriage proper (ἐγγυμε), intrigues had been going on at an earlier date, and this is how the writer of the deposition in § 21 seems to have understood it.


The words, which would have been appropriate enough in the mouth of Apollodorus, are absurdly out of place in the deposition, and betray gross carelessness on the part of the fabricator of the document. Even apart from this detail, the general contents of the deposition are different from what we are led to expect by the plaintiff’s language in introducing it. (A. Westermann u. s. p. 113.)

§§ 22, 23. The law does not allow any one to marry an ‘heiress,’ without a legal adjudication. Phormion made no legal claim for the hand of my mother, but did exactly as he pleased, in defiance of the law.

22. τῶν ἐπικλήρων] The plaintiff attempts to prove that his mother was an ‘heiress.’ If so, her property ought to have passed absolutely into the hands of her eldest son, on his coming of age, whether her husband was alive or not. But there is not a single trace of such a relation between Archippe and Apollodorus in the rest of the speeches of the latter. Archippe was most probably of foreign extraction (cf. Or. 45 § 22) and the plaintiff’s argument seems the merest shuffling. (See further, A. Schaefer, Dem. u. s. Zeit, p. 2, 176.) On ἐπιδικασία τῶν ἐπικλήρων see note on Or. 45 § 75.
eisaginein kai epimeleisai, peri de tov metoikon tov polemerachou, kai anepidikov mi exeinai exein mi te kliron mi te epitkliron.

NOMOS.

[Khronon de tov archonta kliron kai epitkliron, osou eisi mhnes, plh v tov skiroforionos. Anepidikou de kliron mi exein.]

Oukoun auton eipter ebouleto" orbos diapratte-23 sthai, lachein edei tis epitkliron, eipte kata doin autou prosokei eipte kata genos, ei mene os uperc asth, pro tov archonta, e de uperc xeneis, pro tov polemerachou, kal tote, eipter ti ligein eixe dikaios, peisanta umon tous lachontas metata tov nymov kal

w Bekker. ηβουλετο Ζ. cum Σ. x autou Ζ. autov Σ.

G. H. Schaefer. prosokei Ζ. cum libris.

klironon kliron k.t.l. i.e. 'assign by lot days for the trial of claims to inheritances or heiresses.' Below, we have the corresponding phrase lachein tis epitkliron, i.e. 'to have allotted to one a suit for the hand of the heiress.' Compare the common phrases laxhaine kai klironon dikna. So laxhaine tov kliron 'to be a suitor for the property.' Isaacus Or. 11 (Hagn.) §§ 22, 40, Or. 3 (Pyrr.) § 74 and Or. 9 (Astyph.) § 4. After klironon Meier and Schumann, Att. Process 611, understand dikas.

ton archonta] The Archon Eponymus, or Chief Archon. See Or. 35 § 48 (where the duties of the Polemarch are also mentioned) and Or. 37 § 33.

plhn skiroforionos] The last month of the Attic year, nearly corresponding to our June. It is here excepted, apparently because it was in this month that most of the magistrates vacated office and passed their audit.


23, eipter...eipte...eipte...eile...eipter] ei is here repeated in various forms no less than six times in the same sentence; cf. Or. 53 § 23 where ei occurs twice. But even the undisputed writings of Demosthenes contain frequent instances of such reiteration, e.g. Or. 54 § 15 (twice); Or. 15 (de Rhod. lib.) § 15 (thrice); Or. 20 (Lept.) § 113 (four times) 'quanquam hic ei mven et ei de iter se opponuntur quae non est vera repetitio.' (Lortzing, Apoll. p. 33.)

umon tous lachontas] 'Those of your number who were drawn
XLVI. KATA ΣΤΕΦΑΝΟΤ §§ 23—26

τῆς ψήφου κύριον είναι, καὶ μὴ αὐτὸν αὐτῷ νόμους ἰδίους θέμενον διαπράξασθαι ὁ ἐβούλετο.

24 Σκέψασθε δὴ καὶ τονδὲ τὸν νόμον, ὅσ κελεύει τὴν διαθήκην, ἢν ἃν παῖδων ὄντων γνησίων ὁ πατὴρ δια-

θήται, ἐὰν ἀποθάνωσιν οἱ παίδες πρὶν ἡ βῆσαι, κυρίαν εἶναι.

ΝΟΜΟΣ.

["Ὁ τι ἃν γνησίων ὄντων νιῶν ὁ πατὴρ διαθήται, ἐὰν ἀποθάνωσιν οἱ νεῖς πρὶν ἐπὶ δίετε ἦβαν, τῇ

τοῦ πατρὸς διαθήκης κυρίαν εἶναι.]

25 Οὐκοῦν ὅποτε ξύσων, ἀκυροὶ μὲν ἡ διαθήκη ἑστὶν, ἢν φασιν ὦτοι τὸν πατέρα καταλιπέναι, παρὰ πάντας
dὲ τοὺς νόμους μεμαρτύρηκε Στέφανος οὕτως τὰ ἕνε-

δὴ, ὥς ἀντίγραφά ἐστι τῆς διαθήκης τῆς Πασίωνος·
pῶς ἡ τυχεῖ συ ὁδήγησα, καὶ ποὺ παραγένεμον παραθεμένῳ
tὸ πατρὶ; κακοτεχνὼν δὲ φαίνει περὶ τὸς διαθήκας,
tὰ ἕνεδή μὲν αὐτὸς μαρτυρῶν ἐτοίμως, κλέπτων δὲ
tὰς ἀληθεῖς μαρτυρίας, ἐξαπατῶν δὲ τοὺς δικαστὰς,
συναστάμενος δ’ ἐπὶ ταῖς δίκαις. οἱ δὲ νόμοι καὶ περὶ
26 τῶν τοιούτων γραφῆν πεποιήκασιν. καὶ μοι ἀνάγγειλθι
tὸν νόμον.

for the jury’ (‘allotted for the trial of the cause’).

§ 24. Again, there is a law allowing a will made by a father
(though he has legitimate sons) to become valid if the sons die
before reaching manhood. In the present case, as the sons are
alive and grown up the ‘will’ is invalid.

ἐὰν ἀποθάνωσι—πρὶν ἡ βῆσαι

‘Every man of full age and sound mind, not under durance
or improper influence (cf. § 15), was competent to make a
will; but if he had a son he could not disinherit him; al-
though his will might take effect on the contingency of the
son not completing his seven-
teenth year’ (C. R. Kennedy in


For the latter part of this
statement, the present passage
is perhaps the only express
authority.

§§ 25—26. Further, the de-

fendant has illegally entered

into a conspiracy to defeat the

ends of justice.

κλέπτων...μαρτυρίας] Or. 45
§ 58. On συναστάμενος, see note
on συστάσεις Or. 45 § 67.
26. *συνδέκαζεν*] ‘Bribe the Helian,’ Pollux viii 42; ὁ ὄρας κατὰ τοῦ ἐπὶ δόρων δικαστής ἢ ἡ γραφὴ, δεκασμοῦ δὲ κατὰ τοῦ διαφθείρας καὶ ὁ μὲν δεκαζέσθαι οὐ δέ δεκάζεσθαι ἐλέγετο (ib. vi 190). Or. 21 (Mld.) § 113 λέξις, ἐὰν τις...διὸ δὲ ἐτέρῳ τὴν διαφθείρα τινὰς ἐπαγγέλθησαν, ἐπὶ βλαβῆ τοῦ δήμου...ἀτίμος ἑστώ. δεκαζόμενος however (strictly meaning a systematic bribery by division into sets of ten) is only a late word and is not found in the Attic Orators, though ἀδέκαστος occurs in Ar. Ethics π 9 § 6, οὗ γὰρ ἀδέκαστον κρίνωμεν (τὴν ἡδο-νήν), and Aeschines, Timarch. § 86, has συνδεκαζέων τὴν ἐκκλησίαν καὶ τάλα δικαστήρια und ib. § 87 μαρτυρεῖν τὸν μὲν ὡς ἐδεκαζέων τὸ δὲ ἐδεκασμένον. Cf. Isoc. Or. 8 § 50 δακτύλῳ τῆς ἡμέρας ἐπικεμένης, ἐὰν τις ἄλλως δεκαζόμενος, and Lyias Or. 29 § 12 δεκασασμένοι. So in Latin, we have decuriae used of organised bribery at elections, Cicero, pro Plancio § 45 decuriiatio tribulum and decuriasse Plancium, conscripsiisse. Cf. the obscure name given to bribed dicasts at Athens, Ὅκον δεκάς (in wholesale bribery an agent, it is conjectured, was chosen from each tribe and the group of ten thus selected to deal with their fellow-tribesmen were comically called Ὅκον δεκάς from the statue of Lycus near the law-courts. Meier and Schömann, *Att. Process* p. 150. Harpocr. s.v. *dekaizw*.

The usual phrase for bribery is χρῆμασι φθείρεως (or διαφθείρεως), though the euphemism χρῆμασι πείται is still more frequent. It is curious to note how frequently the word διαφθοκία occurs, and how rarely δεκαζόμενος and its corresponding verb. Again and again we have charges of receiving bribes, seldom of giving them; possibly because those who gave them were too powerful to be attacked. —ἐπὶ διαφθοκία, ‘with a corrupt motive,’ is here a general term, implying without directly expressing the corresponding term δεκαζόμενος.

ἐταίρειαν ἐπὶ καταλύσει τοῦ δήμου] Thuc. viii 54, ὁ Πεισανόδος ταῖς ἔννοις σοι σα...ἀπάσας ἐπιλέουν καὶ παρακελευσάμενος ὄπως...καταλύσουσι τοῦ δήμου κ.τ.λ. See Grote, H. G. chap. 51 (iv p. 394, ed. 1862).

ἐπὶ ταῖς δίκαις κ.τ.λ.] ‘In any cause either of a public or private nature.’ Kennedy. Rather (as above, § 25), ‘with a view to winning the causes brought either by private persons or on public grounds.’ It is to a collusion for such a purpose between the σύνδοκος and the συνήγγορος that Aristophanes alludes in *Vesp.* 694. P.]
mosias, tou'ton einai tas grafas pro's tou's thesmo-

27 'Hdeos an toùnyn umas eroimhn etpi tou'tous apasi kата poiovs nomous oromokotes dikazete, pòtera kата tou's tis poleos ή kath' ou's Fomilou autòv nomotheitei. ēgō ménu toùnyn tou'tous parèchomai umin, kai ekleǵhox ou'tous ámfotérous paraýebhkontas, Fomilwia méν eξ ērχhás adikeisanta ḥ̄̂̂̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄̄ But
reason why people 'leave wills' is to shew how they wish to dispose of their property; the reason why they 'keep them under lock and key' is that no one may have access to them. P.

For the reiteration διατίθενται, see §§ 2 and 3.

§ 29. I implore the jury to grant me redress, that those who are so prompt to give false evidence may be punished on all grounds, particularly for the sake of justice and the laws.

τῶν νόμων] Placed last for emphasis, since the whole speech has dealt with quotations of laws and not with εἰκόνα, or 'presumptive proofs,' as in the former oration.
LIII.

ΠΡΟΣ ΝΙΚΟΣΤΡΑΤΟΝ
ΠΕΡΙ ΑΝΔΡΑΠΟΔΩΝ ΑΠΟΓΡΑΦΗΣ
ΑΡΕΘΟΥΣΙΟΥ.

ΤΙΘΕΣΙΣ.

'Απολλόδωρος γραψάμενος ψευδοκλητείας Ἀρεθούσιον εἶλεν. ὑφεῖλοντος δὲ τοῦ Ἀρεθουσίου τὰλαντον τῇ πόλει καὶ ἀποδοῦναι μὴ δυνηθέντος, καὶ διὰ τοῦτο εἰς τὰ δημόσια ἀπογραφομένης αὐτοῦ τῆς οὐ-5 σίας, ἀπογράφει ὁ 'Απολλόδωρος οἰκέτας ὁς ἤντας Ἀρεθουσίου, ὁ δὲ Νικόστρατος μεταποιεῖται ὡς ἰδίων καὶ ἐκεῖνῳ προσηκόντων οὐδέν. ἐτεί δὲ τὸ πράγμα μοχθηρόν ἐστι, διὰ τοῦτο ὁ ῥήτωρ διηγεῖται πηλίκα

a πρὸς Νικόστρατον περὶ τῶν Ἀρεθουσίου ἀνδραπόδων Ζ.
b ὁ δὲ Νικόστρατος Ζ. 'addidit Bekker cum H. Wolf.'
c om. Ζ. 'addidit Dindf. εx Σ.

1. ψευδοκλητείας] § 15 note.
8. μοχθηρόν] ' vexations,' sc. συκοφαντικών.

§§ 1—4. (Arethusius has incurred a debt to the public treasury and has neglected to discharge it.) I have accordingly laid an information against him and drawn up a specification of his property. I have done so, not in the spirit of an informer, but in the simple desire to exact vengeance for having been outrageously wronged by Arethusius and his brother Nicostratus. The purity of my motives will be proved, (1) by the small amount at which the two slaves are valued (two-and-a-half minae), so that the pecuniary gain to which I am legally entitled for bringing this information is small, while the loss which I should incur, if I fail, is 1000 drachmae, (or four times the value of the slaves). (2) The fact that I have laid the information in my own name, proves that I am prompted by the personal motive of revenge alone. Content with that revenge, I am willing to waive all
The court will now permit me to justify myself by shewing how ungratefully I have been dealt with by my opponents and by relating, so far as time permits, the most atrocious and flagrant of all the wrongs which they have inflicted upon me.

To avoid the fatal charge of sycophantia, any one prosecuting a fellow-citizen for some public offence endeavoured to shew that he had private and personal grounds of enmity against the accused; and if he succeeded in proving this, it was considered the most natural and reasonable thing in the world that he should endeavour to satisfy his hatred by becoming public prosecutor. Wilkins’ *Light of the World* p. 30 (where a reference is made to Lewes’ *History of Philosophy* i 108). For illustrations of the Greek view of the reasonableness of revenge, see note on Isoc. ad Dem. § 26.

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duled slaves worth two minas and a half.' Kennedy.

χιλιων δραχμων] The fine inflicted on a prosecutor who in a public accusation failed to obtain a fifth part of the votes. This fine was attended by complete or partial disfranchisement. Hyper. Eur. 44, 5 των ἑγχειρησάντα συκοφαντείν αὐτούς (in an ἀπογραφή) εὐθὺς ἠτίμωσαν τὸ πεπτὸν μέρος τῶν ψυφῶν οὐ μεταδόντες. Lysias 18 § 14 χιλιας δραχμαι ἑξημιώσατε τὸν βουλόμενον τὴν ἡμετέραν γῆν δημοσίαιν πουσία. Or. 58 (Theocrit.) § 6 ἐὰν ἐπεξεῖν τις μὴ μεταλάβῃ τὸ πεπτὸν μέρος τῶν ψυφῶν, χιλιας ἀπότινες, κἀν μὴ ἐπεξῆ, χιλιας ἑτέρας, ἡμαὶ μὴ συκοφαντὶ μηδεὶς μὴ τὴν ἀδειαν ἔχων ἐργαλαβῇ καὶ καθυστῆ γὰ τὰς πόλεις.


ωστ' οὐκ ἂν ἐξευρέτην] A mixed phrase between ωστ' οὐκ ἂν ἐξεϊρομαι and ωστ' μη ἐξευρείν. The use of ἂν with ωστε and the infinitive is rare, but it occurs when a mere contingent result is described. P.

2. αὐτὸς is kept in the nom., referring back to ἡγησάμενος, in spite of the interposition of δεινότατον εἶναι which leads us to expect an acc. with the infinitive ἀδικεῖσθαι (Shilleto on Fals. Leg. § 387).

τούνομα παρέχειν] 'to lend his name,' i.e. allow himself to be used as a cat's paw. [Euripides has παρασχεῖν ϊώμα in Helena 1100 and 1653, where Helen is said to have 'lent her name' for the fraud put upon Paris in marrying a mere εἴδωλον. In both passages however the genuineness of the verse may be doubted. P.

τεκμήριον—ὡς ψευδόμαι] My opponents might have said, 'If you really had a quarrel against us, why did you not file the action against us in your own name?' Perhaps we should read: οὐ γὰρ ἂν ἐὰν ποτὲ ἑτερον ἀπογραφαί, 'for I never should have allowed another, &c.' P.
(οὐ γὰρ ἂν ποτε ἑτέρον ἀπογράψαι, εἶπερ ἐγὼ αὐτὸς ἡδικοῦμην), διὰ μὲν ταῦτ' ἀπέγραψα. ἀπογράψας δὲ ἐὰν ἀποδείξῃς τὰνδράποδα Ἀρεθυσίων ὄντα, οὔτε 1247 ἐγέρραπτο εἶναι, τὰ μὲν τρία μέρη, ὃ ἐκ τῶν νόμων τῷ ἴδιωτῇ τῷ ἀπογράφαντι γέγραται, τῇ πόλει αἵφιμε, αὐτῷ δ' ἐμοὶ τετιμωρήσθαι ἀρκεῖ μόνον. εἰ μὲν οὖν 3 μοι ἤν ἰκανὸν τὸ ὦδορ διηγήσασθαι πρὸς ὑμᾶς τὰ ἐξ ἀρχῆς, ὃς' ἀγαθὰ πεποιθότες ὑπ' ἐμοῦ οἶμα με εἰργασθέ- μένῳ εἰς ἐν, εὑ ὃ οἰκί ζᾶ τ' ἀν μοι ἐτι μᾶλλον συγγρώμην ἐξεχε τοῦ ὄργιζεσθαι αὐτοῖς, τούτους τ' ἀνοσιωτάτους ἀνθρώπων ἡγήσασθε εἶναι τῶν δ' οὐδὲ διπλάσιον μοι τούτον ὦδορ ἵκανον ἃν ἱένοιτο. τὰ μὲν οὖν μέγιστα καὶ περιφανῆ τῶν ἀδικημάτων, καὶ ὁπό- θεν ἢ ἀπογραφη ἀυτὴ γέγονεν, ἔρω πρὸς ὑμᾶς, τὰ δὲ πολλὰ ἐάσω.

τά τριά μέρη] Three-fourths of the valuation was allowed by law to be paid to the individual who brought the action. Boeckh, Sec.-urkunden p. 535 ἀφίκε Πολυ-μεντος ὁ ἀπογράφας τά ἐκ τῶν νό- μων καὶ τῆς ἀπογραφῆς Σωπολίδου τά γεγράμενα εἰς τὴν ἐπιστίμιαν (penalty). It has been inferred from the inscription just quoted that this regulation was not confined (as Boeckh supposed) to concealed property, which was discovered by the informer. (Pubb. Econ. ὑ chap. xiv p. 395 Lewis, p. 512 Lamb). Cf. Meier and Schömann p. 260, note 321 Lipsius, and Hermann, Public Antiquities § 136, 14.—τῷ ἴδιωτῃ τῷ ἀπογάφαντι, 'to the individual informer' Kennedy, ὁ ἴδιωτης ἐν hero contrasted with ἡ πόλις. ἀφίκημα] remitto atque condono, Reiske.

3. εἰ ἦν ἰκανὸν...ὑμεῖς ἃν συγ- γρώμην εἰχετε...ὑν δ' οὐδὲ διπλά- σιον...ἰκανὸν ἃν γένοιτο] The student will be careful to distinguish between the two forms of conditional sentences here combined. 'If the time allowed had been sufficient, you would have made allowance for me... but, as the case is, even twice as much time would not suffice.' (Goodwin, Greek Moods § 49, 2 and § 50, 2)—On τὸ ὦδορ cf. Or. 54 § 36.

ὅσα...ὀν] 'What benefits they have received from me and what a requital they have paid me for them,' or, better, 'the return they have given me for all the benefits I have conferred upon them.' For this idiomatic use of the double relative, cf. Soph. El. 751, α' ἔργα ὅρασα ὁνα λαγχάνει κακά, also Ovid, Fasti v 460, cernite sim qualis qui modo qualis eram; and Cornelius Nepos, Atticns, 18, 3, notans quis a quo ortus quos honores quibusque temporibus ce- pisset.

P. S. D. II. 10
4. Νικόστρατος γὰρ οὕτως, ὁ ἀνδρες δικασταί, γεί-
των μοι ὁν ἐν ἀγρῷ καὶ ἡλικιώτης γνωφίμος μέν μοι
ἐίχε καὶ πάλαι, ἑπειδὴ δὲ ἐτελεύτησεν ὁ πατήρ καὶ ἐγὼ
ἐν ἀγρῷ κατὼκον, οὔπερ καὶ νῦν οἰκῶ, καὶ μᾶλλον
ἀλλήλοις ἣδη ἐχρώμεθα διὰ τὸ γείτονές τε εἶναι καὶ

f  Bekker. om. Ζ cum Σ. (οὕτως Αὐτή.)

§§ 4—9. My opponent’s bro-
ther Nicostratus, was my neigh-
bour in the country, and, being
about the same age, we were
thrown much together and be-
came more and more intimate
with one another. I granted him
whatever he asked of me, and he
on his part was of some service
to me in taking charge of my
property whenever I was abroad
on public or private business.

On one of these occasions,
when I had left him in charge,
three of his servants ran away
from him. While pursuing them,
he was taken prisoner by a
privateer, and sold as a slave.
On my return, I was told of his
unhappy plight by one of his
brothers, Deinon, and I supplied
the latter with travelling ex-
penses and thus enabled him to
go to the rescue of Nicostratus.
The latter, on his return, in-
formed me that he had been
ransomed for a considerable sum.
He appealed to me with tears in
his eyes and pointed to the marks
left by the galling fetters (though
he is now ashamed enough of
those scars that are the memorials
of his slavery). He thus suc-
cceeded in inducing me to for-
give him the three minae, which
I had advanced for his brother’s
travelling expenses, and to con-
tribute, as a free gift towards the
twenty-six minae required for
the ransom, the sum of ten minae
which I raised on the security
of some of my property.

4. Νικόστρατος γὰρ] γὰρ is
almost invariably used at the
beginning of narratives like the
present; the English idiom ge-
nerally requires us to omit it in
translation, though we may
sometimes render it, ‘Well, then,’
‘to proceed, then.’ Cf. Or. 55
§ 10 τοῦ γὰρ χωρίου κ.τ.λ., 27
§ 4.

γνωφίμος εἰχέ] γνώριμος is a
much weaker word than φίλος,
as has already been noticed, on
Or. 45 § 73. The gradually in-
creasing intimacy between Apol-
lodorus and Nicostratus is well
expressed by the successive
phrases (1) γνωφίμοις εἰχε, (2)
mᾶλλον ἀλλήλοις ἐχρώμεθα, (3)
πᾶν οἰκεῖος διεκέιμεθα of the
present section, and (4) φίλος
ἀληθῶς of § 12. Cf. 33 § 5
γνωφίμοις ἐχω...πᾶν οἰκεῖος χρώ-
μα.

ἐτελεύτησεν ὁ πατήρ] The
death of Pasion took place b.c.
370 (Or. 46 § 13).

κατώκου...οἰκῶ] If any dis-
tinction is to be drawn, the
compound verb should be ren-
dered ‘I settled’ and the sim-
ple ‘I live’; but it is more likely
that οἰκῶ is intended as a virtual
repetition of the preceding κατ-
ώκου. In such cases it is un-
necessary to repeat the prepo-
sition, e.g. Enr. Bace. 1065 κατ-
ὕγειν ἥγεν ἥγεν εἰς μέλαν πέδων
and Orest. 181, ὑσαχώμεσθ', αἰχό-
μεθά, where Porson remarks that,
when a verb is repeated, it is
generally used first in its com-
pound, then in its simple form. Or. 36 § 4 προσώπειε...ώφελε, 33 § 18 εξοιθεν...ἐνδυναμεν.

μάλλον...ηλικιώταται] 'We grew more and more familiar with one another from being not only neighbours but also of the same age.' Or. 55 § 23 ad fin. and Or. 35 § 6 ἐπιτήδειοι μιᾷ εἰς αὐτόν...καὶ χρώμεθ' ἄλλοις ὡς οἷον τε μάλιστα.


δημοσία τριεραρχίαν] This reference to the speaker's public services is dexterously inserted to ingratiate him with his audience, as well as to lead up to the subsequent narrative συμβαίνει δὴ μοι τριεραρχία.—On some of the later trierarchal services of Apollodorus cf. note on Or. 36 § 41.

5. τριεραρχία περὶ Πελοπόννησον κ.τ.λ.] The date of this event, if it could be determined with certainty would assist materially in determining the date of the delivery of the speech. It seems very probable that this trierarchy should be identified with that referred to in Or. 45 § 3, which, as we have already seen, may be placed in the year 308 B.C. See Introduct. p. lvii.

διὰ ταχέων] Thuc. 1 80, διὰ ταχέων ἐλθείν, Isocr. 14 § 3 διὰ βραχέων ἂν ἐποιησάμεθα τοὺς λόγους followed by ἀναγκαίον διὰ μακροτέρων δήλωσαι (Kühner Greek Grammar p. § 434, 1, d). Or. 50 (Polycl.) § 12 ἀναγόμενος διὰ τάχους, 47 (Euerget.) § 49.

ἀνήγμα] ἀνάγκησαι is constantly contrasted with καταγεσθαι; the latter word occurs in § 6 κατήχθη εἰς Ἀγίαννα. The verb, with its corresponding substantive ἀναγωγή, implies a notion that ships in the open sea or, as we say, on the 'high seas', are at a greater elevation than vessels in harbour. So in Thuc. 1 48 and viii 10 μετέφερος is an epithet of ships at sea. Similar references to this familiar optical illusion may be noted in Milton's Paradise Lost p. 636, Far off at sea a fleet deserted Ílands in the clouds, and in Ruskin's thorny slopes of down overlooked by the blue line of lifted sea (Modern Painters iii iv 14 § 51).
οίος τ’ εἶχεν oικάδε αφικέσθαι, ὃν μὴ κατακωλύομι 1248 τοὺς πρέσβεις τοῦτον δὲ προσέταξα ἐπιμελεῖσθαι τε τῶν οἰκὸι καὶ διοικεῖν, ὡστερ καὶ ἐν τῷ ἐμπροσθέν 6 χρόνῳ. ἐν δὲ τῇ ἐμῇ ἀποδημίᾳ ἀποδιδράσκουσιν αὐτὸν οἰκεῖται πρεῖς εξ ἄγρου παρὰ τοῦτον, οἱ μὲν δύο ὃν ἐγὼ ἔδωκα αὐτῷ, δὲ εἰς ὃν αὐτὸς ἐκτήσατο. διόκων οὖν ἀλίσκεται ὑπὸ τρήρους καὶ κατήχητε εἰς Ἀγίων, καὶ ἐκεί ἐπράθη. ἐπετείθεν δὲ κατέπλευσα ἐγὼ τριηραρχῶν, προσέρχεται μοι Δείνων ὁ ἀδελφὸς ὁ τοῦτον λέγων τὴν τε τοῦτον συμφορᾶν, αὐτὸς τε ὃτι δι’ ἀπορίαν ἐφοδιών ὑπὲρ πορευμένοις εἰς ἐπὶ τοῦτον πέμπτους τοῦτον αὐτὸν ἐπίστολάς, καὶ ἁμα λέγων πρὸς ἐμὲ ὡς 7 ἀκούσας δ’ ἐγὼ ταύτα καὶ συναχθεθεῖς ἐπὶ τῇ ἀτυχίᾳ τῆς τοῦτον πέμπω τὸν Δείνωνα τὸν ἀδελφὸν αὐτοῦ εὐθὺς ἐπὶ τοῦτον,

" Bekker. ἃν Z cum ΣτA1 et Φ (prima manus).

οῖχ oivos τ’ εἶπεν] The historic present εἰπότελω being virtually a secondary tense has the optative εἶπεν in the dependent clause. For the combination of the indicative ἀνήγμα with the optative εἰπεν, we may compare Or. 59 (Neer.) § 81 λέγει ὃτι οὐκ ἦν...ἀλλ’ εὔπατηθείη, 47 (Energ.) § 50 λέγων ὃτι...δεῖ...καὶ κελεύ...ἴθ. 68 ὃς εἶχον...καὶ...τελευτήσειν, and esp. 27 (Aphob. λ.) § 19 ἐπόλα...λέγων ὃς χρεά τε παμπολλά ἐκτέτεικν...καὶ ὃς πολλά τῶν ἐμῶν λάδιν. The optative of the perfect and future was less familiar than the optative of the other tenses. It is apparently for this reason that the indicative of the perfect or the future was often retained after secondary tenses, even when the present or the aorist was changed from the indicative to the optative (Goodwin, Moods and Tenses § 70, 2, R 2).

The ass appear to have been misled by the indicative ἀνήγμα into writing ἃν instead of εἰπεν.

κατακωλύομι] Or. 33 § 13 τοῦ εἰς Σικελίαν πλοῦ δια τοῦτον κατεκωλύη.

6. παρὰ τοῦτον] ‘From the defendant’s house.’ — ἐν ἐγὼ κ.τ.λ. ἰ. ἐ. ‘of the number of those whom I had given him.’

κατέπλευσα τριηραρχῶν] ‘When my voyage as trierarch came to an end.’ Or. 50 § 12 κατέπλευσα τόσο πρέσβεις ἄγων. For the preposition in κατέπλευσα cf. κατήχη ἄγων, and see note on ἀνήγμα supra § 5.

ἐπὶ τοῦτον] ‘In quest of him,’ ‘to fetch him back.’
dou̱s ūfɒdion aʊ̱t̥o̱ ðriako̱sias ðraχmās. ἀφικόμενος ὃ̀ ὁντο̱s καὶ ἔλθων ὡς ἐμὲ πρῶτον μὲν ἡσπάζετο, καὶ ἐπῆνε ὅτι παρέσχον τὰ ἐφόδια τῷ ἀδελφῷ αὐτοῦ, καὶ ὦδύρετο τὴν αὐτοῦ συμφόραν, καὶ κατηγορῶν ᾄμα τῶν ἐαυτοῦ οἰκείων ἔδειτο μου βοηθήσαι αὐτῷ, ὦσπερ καὶ ἐν τῷ ἐμπροσθὲν χρόνῳ ἦν περὶ αὐτοῦ ἀληθινὸς φίλος; καὶ κλάων ὥμα, καὶ λέγων ὅτι ἦ lý καὶ εἰκοσὶ μυῶν λευμένος εἶη, εἰσενεγκείν αὐτῷ τι ἐκέλευε μὲ 8 εἰς τὰ λύτρα. ταῦτα ὃ ἐγὼ ἀκούων καὶ ἔλεγχας τοῦτον, καὶ ἦμα ὅρδων κακῶς διακειμένου καὶ δεικνύοντα ἐλκη ἐν ταῖς κυήμασι ὑπὸ δεσμῶν, ὅν ἐτὶ ταῖς

1 τοῦτον ἔν ςυμ Σ. αὐτοῦ Ἀγ. ‘Fortasse verba τῶν ἀδελφῶν τοῦτον delenda sunt’ Sauppe.

7. ἐπῆνε) Not ‘praised,’ but, rather, ‘thanked.’ Cf. § 13, ἐπαινέσας με ἐκέλευε κ.τ.λ. So also in Ar, Ianae 508, κάλλοστ’, ἐπαινό, ‘thank you!’ where however the notion of declining the offer is also involved.

ἀληθίνος φίλος] ἀληθίνος is the Latin verus; ἀληθής verax. ‘We may affirm of the ἀληθής that he fulfils the promise of his lips, but the ἀληθίνος the wider promise of his name’ (Trench, Synonyms of the New Testament § viii). See also Donaldson, New Cratylius § 258 and Kühner Greek Gr. i § 334. 7. [ἀληθίνος is ‘genuine,’ as χρυσός, ἀρετή, &c.; ἀληθής is more directly contrasted with ψευδός, as ἀληθής λόγος. But the distinction is not always observed. Euripides has ἀληθής φίλος Suppl. 867, and σαφῆς φίλος is not unusual in the same sense. P.] Cf. note on Or. 40 § 20.

κλάων] ‘In Tragedy κλαῖον and κλάω; in Aristophanes κλάω prevails, in Attic prose κλαίω and κλάω, the latter gaining ground.’ Veitch, Greek Verbs.

εἰκοσὶ μυῶν] Aristotle, Eth. ν 10 § 9, gives as an example of νομικῶν δίκαιων, conventional right, τὸ μύος λυτροῦσθαι, the right of every man to claim his freedom on payment of one mina,—perhaps referring only to slaves. P.]

λευμένος] Isaeeus Or. 5 § 44 οὐδ' ἐκ τῶν πολεμίων ἐλύσω σω- δέα, Lysias Or. 19 § 59, Dem. Fals. Leg. § 169.

ἐκέλευε] ‘urged me,’ ‘asked me,’—less strong than the aorist ἐκέλευε (inf. § 9). The impf. of this verb is often found in passages where we should expect the aorist, especially in Herodotus and Thucydides. It may be regarded as used in a tentative sense, in so far as the result of the request is uncertain.

8. ἐλκη ἐν ταῖς κυήμαις] Ar.
οὐλας ἔχει, καὶ ἐὰν κελεύσητε αὐτον δείξαι, οὔ μή ἐθελήσεικ, ἀπεκρινάμην αὐτῷ ὅτι καὶ ἐν τῷ ἐμ-1249 προσθεν χρόνῳ εἶπεν αὐτῷ φίλος ἀλήθινος, καὶ νῦν ἐν τῇ συμφορᾷ βοηθήσομι1 αὐτῷ, καὶ τάς τε τριακοσίας, ἀς τῷ ἀδέλφῳ αὐτοῦ ἐδώκα ἐφόδιον ὅτε ἔπορευτο ἐπὶ τοῦτον, ἀφείην αὐτῷ, χιλίας τε δραχμῶς ἔρανον

k ἐθελήσει Dobree. οὔ μή ἐθελήσῃ Z. θελήσῃ Σ. ἐθελήσῃ Bekker. 1 G. H. Schaefer. βοηθήσωμι librī.

Eq. 907, τὰν τοῖσιν ἀντικινῆσις ἐλκύσας περιαλείφεις.

οὐ μή ἐθελήσει] 'There is little chance of his consenting.'

Niecostratus would naturally refuse to display the sears left by the galling fetters: to do so would be to confess that he had incurred the disgrace of having been sold as a slave.

The future indicative with ὦ μῆ has here, as elsewhere, the force of an emphatic future with ὦ. The subjunctive, especially in the aorist tense, is still more common in this sense, and is indeed the reading of the mss in the present passage, the indicative being an apparently unnecessary emendation due to Dobree. [The Greeks said ὦ μῆ φίλγη, ὦ μῆ ἔλογη, and ὦ μῆ ληφθῶ, but seem to have preferred ὦ μῆ πράξει to ὦ μῆ πράξη. But here too mss generally vary. P.] This construction must be distinguished from the special use of ὦ μῆ with the second person of the fut. indic., to express a strong prohibition (Goodwin, Moods and Tenses § 89, 1 and 2).


⁰τι ἐν τῷ ἐμπροσθεν χρόνῳ εἶπεν φίλος, καὶ νῦν βοηθήσομι] 'That I had been his true friend formerly, and would assist him now.' The opt. εἴη represents not the present or future but the imperfect of direct discourse; while the future optative βοηθήσομι corresponds to the future ind. of oratio recta. 'The fut. opt. in Classic Greek is used only in indirect discourse after secondary tenses to represent a fut. indic. of the direct discourse' (Goodwin, Moods and Tenses § 26). βοηθήσωμι is wrong, because it would represent ἐβοηθήσασα of the oratio recta and would therefore be inconsistent with νῦν.—Similarly below, εἰσώσωμι (contrasted with ἀφείην) represents the fut. indic. of direct discourse. Cf. 36 § 6 ἐσοςτο, and Rehdantz, index 1, s.v. optativus.


ἔρανος κ.τ.λ.] 'I would contribute 1000 drachmae towards his ransom,' i.e. 10 minae out of the total amount of 26 minae mentioned in § 7 ad fin. On ἔρανος cf. Hermann, Privatalt. § 65, 13, esp. p. 65 of Rechtsalt. ed. Thalheim. 'L'éranos, dit
très - exactement M. Foucart (des associations religieuses chez les Grecs, Paris, 1873, p. 143), n'était ni un don, ni un secours, mais un prêt qu'il fallait rembourser' (Dareste).

9. οὐ λόγῳ μὲν ὑπεσχόμην, ἔργῳ δ' οὐκ ἐποίησα] Cf. de Corona § 179 οὐκ εἶπον μὲν ταῦτα οὐκ ἔγραψα δὲ, οὖν ἔγραψα μὲν οὐκ ἐπρέσβεσα δὲ, οὖν ἐπρέσβεσα μὲν οὐκ ἐπέσω δὲ τοῖς Θυβαίους. Kennedy neatly translates: 'nor did I content myself with mere words; but what I promised I performed.'

Διαφόρως—τῷ Φορμίωνι] The context shows that the reference is to the estrangement between Apollodorus and Phormion shortly after the death of Pasion in 370 B.C.—τῷ οὐσίαν refers mainly to the banking-stock which forms the subject of Or. 36, the claim to which was not brought forward until some twenty years later.

Δώρῳ] not as a loan, but as a free gift.

§§ 10—13. Not many days afterwards, he came once more and told me with tears in his eyes that the persons who had advanced the ransom were demanding payment of the remaining sixteen minae, and that the agreement required him to refund the money within thirty days, or, failing payment, to be liable for twice the amount. He could raise no money, he said, on the farm in my neighbourhood, as that property was already encumbered by a claim upon it on the part of his brother Arethurius; and he asked me to advance the remainder, as otherwise my former gifts would be thrown away, and himself carried off to prison as the lawful property of the ransomer. He further promised to collect the whole amount and to repay me. Accordingly, I raised the remaining sixteen minae on the security of my lodging-house, and lent him this sum for a year without interest.
10. ἀπαιτοῖν] ἀπαιτεῖν (cf. ἀπολαμβάνειν) is 'to ask for one's due,' 'to request repayment of the sum borrowed.' Or. 49 § 2 οὐ μόνον οὐκ ἀπέδωκε χάριν ἄλλα καὶ τὸ δοθὲν ἀποστειρεῖ με. In Arist. Rhet. π 7 § 5, among the reasons which indicate the absence of real gratitude, we have οτι ἀπέδωκαν ἄλλα οὐκ ἔδωκαν ('they merely returned the favour,' simply repaid a debt, and nothing more). Cf. St Luke vi 34, 35, ἀμαρτωλοὶ ἀμαρτωλοὶ δανείζονσιν, ὅνα ἀπολάβων τὰ ιόα.

διπλάσιον ὄφειλεν] Or. 56 § 20. Cf. Revue archéologique, 1866 no. 11 (quoted by Dareste), εὰν δὲ μὴ ἀποδίδῃ τὴν μίσθωσιν κατὰ τὰ γεγραμμένα ἡ μὴ ἐφικτεύουσιν ὄφειλεν αὐτὸν τὸ διπλάσιον, and the stipulatio duplæ of Roman law.

τὸ χωρίον τὸ ἐν γειτόνων μοι] 'the property (or farm) in my immediate neighbourhood.' ἐν γειτόνων seems to be an elliptical phrase equivalent to εἰς τοὺς γειτόνους 'in my neighbours' lands,' 'in my own neighbourhood.' In early Greek there is probably no other instance of this phrase, and as ἐκ γειτόνων is not without example in the Attic Orators, it appears preferable to the reading in the text, which is obtained by Reiske from τὸ ἐγγειτόνων, found in three good mss (2A1'B). Inepse Reiskius, says Dobree, who refers to Ar. Plut. 435, ἢ κατηγίς ἢ τῶν γειτόνων. For ἐκ γειτόνων cf. Lycurgus, (Lecocrates) § 21 οὐδὲ τὰ ὁρία τῆς χώρας αἰσθητοῦ ἀλλὰ ἐκ γειτόνων τῆς ἐκθεσβάς αὐτῶν παρίδος μετοχῶν (cf. e vicinia and exadversum in the sense of prope). For ἐν γειτόνων we find no parallel earlier than Lucian, φιλοσεβάσματα § 25 ἐν γειτόνων δὲ ἴμιν ὕκει οἰκία καὶ κοινωνίαν § 22; also Icaromenippus § 8, ἐν γειτόνων ἐστι τὰ δόγματα καὶ μὴ πόλυ διεστρατέται ('their doctrines are next door to one another and differ but slightly').

πρίασθαι ... ὑνίείαν] The former is used as the aorist of the latter; ὑνίειαν (though common in Lucian and Plutarch) being never found in early Greek Prose, and perhaps once only in Greek comedy (in a doubtful fragment of Eupolis). The correct aorist and present are found side by side in § 21, πρίαστο following ἐν ὑνίειας; similarly in Lysias, Or. 7 § 4, πράματος occurs with ὑπάρχει in the very next sentence. Cf. Rutherford's New Phrynichus p. 210.

τίδεσθαι] lit. 'to get security given you,' hence 'to lend
money on security' of land, &c; 'to lend on mortgage,' as opposed to 'lend,' lit. 'to give security,' to put in pledge,' to mortgage,' 'to borrow on security.'—Hermann, Privatalt. § 68. 15 = p. 90 Thalheim, quotes Dionys. de Isaco 13 (Is. frag. 29), which illustrates the general sense of the present passage; δανειομένων ούσιον άν ἐδοκεν ἐπὶ αὐτοῖς ἐτί πλέον οὐδὲν ἀποδέδωκότα τὰς μισθώσεις.

άνον ἀπογέγραται] 'which have been scheduled in the present suit (entered in the ἀπογραφή, or specification).'

ὡς ἐνοφειλομένου — ἀργυρίων] 'on the ground that money was due to himself thereon. The property was already saddled with a debt due to Arethius, to whom it was (in part at least) mortgaged. Arethius, in other words, had a lien of money upon the property. In another speech delivered by Apollodorus, Or. 49 (Timoth.) § 45, we have the words ἐνεπισκύψασθαι ἐν τῇ οὐσίᾳ τῇ ἐκείνῳ ἐνοφειλόμενον αὐτῷ τοίτο τῷ ἀργυρίῳ. To contract a fresh loan on the security of property already mortgaged was of course fraudulent and was very properly forbidden. Cf. Bekker's Anec. 1250 ἐπί τοῖς αὐτοῖς ἐκεῖνοις. Or. 35 (Isacro) § 21 estin ἐν τῷ συγγραφή ὧσιν ὑποτευάσαι ταῦτα ἐλευθερα (unencumbered) και οὔδεν οὐδέν ὀφείλοντες, καὶ ὧσιν οὔτ' ἐπιδεικνύσατο ἐπὶ τούτοις παρ' οὐδεσε. See also Or. 31 §§ 6, 50.

11. ἵνα μὴ ὅ ὅ το ἀποδέδωκα, τὰς χειλίας δραχμᾶς, ἀπόλονται] i.e. ἵνα μὴ αἱ τὰς χεῖλις δραχμαὶ, ὅταν ἀποδέδεωκα, ἀπόλονται. τὰς δραχμᾶς is here attracted into the same case as the relative ὅ, the object of ἀποδέδωκα. Or. 20 (Mipt.) § 18, οὕτω ἐστὶν ἀτελῆς, οὕτως ὡς αὐτοῦ ἑγγαζε, οὕτως ἀρχηδοῦν καὶ Ἀριστογέιτονος. See Kühner, Gk. Gr. i § 556, 4. ἀγώνυμοι] 'liable to seizure.' Or. 23 (Aristoec.) § 11 ἀν τοίς αὐτοῖς ἀποκτείνῃ, ἀγώνυμον εἶναι. ἀπαλάξῃ. Or. 34 § 22 τοὺς διανεύοντας ἀπῆλθασεν. See note on Or. 36 § 25.

τοῦ ψυμαθέου...ἐναὶ τὸν λυ-θέντα] 'the laws enact that a person ransomed from the enemy shall be the property of the ransomer, if the former fail to pay the redemption money.' Hermann, Rechtsalt. ed. Thalheim p. 18 note 6.
12 λύτρα. ἀκούων δ' αὐτοῦ ταῦτα καὶ δοκῶν οὐ ψεύδεσθαι ἀπεκρινάμης αὐτῷ ἀπερ ἄν νέος τε ἀνθρωπὸς καὶ οἰκείως χρώμενος, οὐκ ἂν νομίσας ἄδικηθήναι, ὅτι, ὁ Νικόστρατε, καὶ ἐν τῷ πρὸ τοῦ a σοι χρόνῳ φίλος ἦν ἀληθινός, καὶ νῦν ἐν ταῖς συμφοραῖς σου, καθ' ὅσον ἐγὼ ἐδυνάμην, βεβοήθησα. ἐπειδὴ δ' ἐν τῷ παρόντι οὐ δύνασαι πορίσαι ὑπαντα τὰ χρήματα, ἀργύριον μὲν ἐμὸν οὐ πάρεστιν, οὐδ' ἔχω οὐδ' αὐτῶς, τῶν δὲ κτημάτων σοι τῶν ἔμων κλήρημι ὦ τι βούλει, θέντα τοῦ

a Bekker. πρὸ τοῦτον Ζ χωμ ΓΣΦ.

12. ἀπερ ἄν] sc. ἀποκρίνασθαι. οὐκ ἂν νομίσας ἄδικηθήναι] i.e. οὐ νομίσας ἄδικηθήναι ἄν. ἂν is often separated from its verb by such words as οἴματι, δοκὼ, οἶδα, νομίζω. Xen. Cyrop. viii 7 § 25 ὄνεος ἂν μοι δοκῶ κοινωνίασαι (Goodwin, Moods and Tenses, § 42, 2, p. 62). This is most frequently the case when ἂν is closely attracted to an emphatic negative, e.g. Or. 36 § 49, οὐ γὰρ ἄλλο γ' ἔχοις οὐδὲν ἂν ποιήσαι.

ὅτι, ὁ Νικόστρατε, κ.τ.λ.] ὅτι, which usually introduces an indirect construction, is here followed by oratio recta, and need not be translated. Xen. Cyrop. viii 3 § 3 ἀπεκρίνασθαι ὅτι, ὧ δέσποτα, οὐ δὴ (Goodwin, Moods and Tenses, § 79).

ἐπειδή...οὐ δύνασαι κ.τ.λ.] G. H. Schaefer suggests ἐπειδή δ' οὐ δύναμαι (for δύνασαι) πορίσαι...ἀργύριον γὰρ (for μὲν) ἐμὸν οὐ πάρεστιν...τῶν (om. δὲ) κτημάτων...κλήρημι ὦ τι βούλει. He holds that this reply suits the request of Nicostatus in § 11, πόροι τὸ ἐλεύθερον τοῦ ἀργυρίων, better than the manuscript reading. The proposed alteration does not, however, commend itself as conclusive; indeed, the emphatic pronoun ἐμὸλ, and the words οὐδ' ἔχω οὐδ' αὐτῶς, are more appropriate as a contrast to the second person δύνασαι than to the proposed substitution δύναμαι. The sense of the text is simply this: 'inasmuch as you are at present unable to pay the whole of the debt, although I have no money by me, nor indeed have I any at all (e.g. at my banker's) any more than yourself, I freely grant you the loan of any part of my property; you may mortgage it for the remainder of your debt and have the use of the money for a year without interest.'

κλήρημι] here, as elsewhere, of a friendly loan, commodare, as contrasted with δανείζω, which is generally used of a money-lender's loan on interest, mutuo dare. Or. 49 (Timoth.) § 28, στρώματα καὶ ἰμάτια καὶ φίλας ἀργυρᾶς δίνο...ἐχρησε, καὶ τὴν μνα τοῦ ἀργυρίου, ἢν ἐδανείζετο, ἐδάνεισεν, where, in the very next section, ἐδανείσατο is applied to the furniture as well as to the money; τὰς φίλας...ᾆ ἕτησατο ὑπερ καὶ τά στρώματα καὶ τὴν μνα τοῦ ἀργυρίου ἢν ἐδανείσατο. Fals. Leg. p. 394 ἐχρησα τάργυριον.
Bekker.  

P. 1250] ΠΕΡΙ ΑΝΔΡΑΠ. ΑΠΟΓΡ. ΑΡΕΘ. 155

... κτλ.] sc. θεινά τι (τῶν κτημάτων) τῶν ἀργυρίων καὶ χρηματίσαι κτλ. For the genitive (of price) cf. ἐν οἷᾳ § 13, τίθημι τῶν συνοικίαν ἐκκαίδεια μινῶν. (For numerous instances of gen. after words like ὤνεισάθαι, πωλέων, περιάδοσθαι, see Kühner, p § 418, 6 a).—οὖν εἴδει sc. 16 minae, Apollodorus having already (§ 8 fin.) provided 10 out of the 26 minae (§ 7 fin.).


λοῦσαν μοι] sc. τὸ κτήμα, 'Release my property from the mortgage,' or (with Kennedy), 'pay off my mortgage as you promise.' So, in another speech delivered by Apollodorus, Or. 50 (Polyycles) § 28 ὥνα λύωνται μοι τὸ χωρίον, ἀποδόται...τρακοῦντα μινᾶς.

13. την συνοικίαν] not 'the lodging-house' mentioned in Or. 45 § 28, for that belonged to his mother who did not die until 360 n.c.; but another, possibly of equal value (100 minae). Such a security would amply suffice for a loan of 16 minae, and the rate of 16 per cent. below mentioned would, if paid on the value of the house, exactly produce the 16 minae required. In consideration of lending this sum on the security in question, Arceas would further receive interest (from Apollodorus) at the rate of 16 per cent. on the 16 minae. Cf. Or. 36 § 6, ἐπὶ συνοικίαις δεδανεικῶς ἐρ (with note). Aeschin. Timarch. § 124 ὅπου πολλοὶ μαθοσάμενοι μίν οἴκησιν διελόμενοι ἔχουσι, συνοικίαν καλοῦμεν, ὅπου δὲ εἰς ἑνώκει, οἴκίαν.

... Παμβυστάδη] Harpocratio, Δημοσθένης ἐν τῷ πρὸς Νίκοστρατον. Παμβυστάδη τῆς Ἑρεξηθόδου δήμος. Suidas gives the name of the deme as Παμβυστα. On προεξένεσθαι, 'introduced,' cf. Or. 37 (Pant.) § 11.

... ἕπι ὅκτω ὀβσολοῖς τῆν μινᾶ τοῦ μηνὸς ἐκάστου] 'Who lent me the money at an interest of 8 obols per mina per month,' i.e. 12 × 8 obols per 600 obols (or '16 per cent.'), per annum. When the interest is quoted at so many obols per mina per month, we have simply to double the number of obols to find the rate per cent. per annum. Thus ἕπι πέντε ὀβσολοῖς is 10 per
...somewhat foregoing pleadings, pledged far alleged. received me of case my 2 vas

First, lawsuits he rising of interest, the method engaged he...from any inexperience to...it was driven by my youthful inexperience into foregoing the attempt to recover the money which he owed me. First, as I was then engaged in lawsuits against my relations, he made overtures to them and pledged himself to make common cause with them. Next, as he was acquainted with my proposed pleadings, he disclosed them to my opponents, and further got me condemned to pay a fine in a case for which I had never really received a summons, though he fraudulently entered the name of his brother Arethusius as one of the witnesses to the summons alleged. Moreover, in the event of my bringing to a preliminary hearing the lawsuits which I had obtained leave to institute

against my relations, they were preparing to inform against me as a debtor to the treasury and to get me thrown into prison. Lastly, Arethusius actually got me condemned as a debtor to the treasury, made a forcible entry into my house, and carried off all my furniture, though it was worth far more than the 'debtor' in question.

...in question. 

... of modal non. Lit. I do not say that he did, (because he did not do it). Trans. 'so far from making any grateful return, &c.'

... What to do with (how to treat) the matter.' Or. 10 § 18 and Lysias 9 § 5...made as a foreible entry into my house, and carried off all my furniture, though it was worth far more than the 'debtor' in question.

...and...is somewhat out of place, indeed...is really superfluous, as the whole sentence depends on the particle of purpose ἵνα.—αφένει, § 8.

14. τῶν ἀντιδικῶν] Referring principally to his opponent Phormion (cf. § 9, διαφόρως ἐχειν τῷ Φορμίων, and § 14 ad fin. τῶν οἰκεῖων τῶν ἀδικουόντων με). But a litigious person like Apollodorus doubtless had many such opponents, even apart from those whose lawsuits are expressly

against...
recorded in the orations that have come down to us (see Or. 36 § 53).

τοὺς λόγους ἐκφέρει μου εἰδὼς]
‘Divulges my arguments, with which he was acquainted.’

ἐγγράφει τῷ δημοσίῳ ἀπρόσκλητον κ.τ.λ.] Lit. ‘registers (against me) for the state-treasury an unsummoned fine of 610 drachmae arising from production of property in court,’ i.e. ‘enters me as a state-debtor to the amount of 610 drachmae, demanded from me without formal citation, as a fine for non-production of property in court’; or, as Prof. Kennedy renders it, ‘registers (against me) a fine to the treasury... upon a writ of exhibit of which I had no notice by legal summons.’

The note on this sentence in Jerome Wolf’s edition of Demosthenes (λ.δ. 1547) deserves to be quoted not only for its modesty and candour, but also as an illustration of the difficulties which embarrassed a commentator in the sixteenth century, owing to the inadequacy of the books of reference then accessible. ‘Sententia quae sit, Oedipus divinet. Me et Budaeus (sc. Budaei commentarii linguae Graecae) et lexica Graeca Latinaque omnia destituant. Quaesivi ἀπόκλησις (sic), quaesivi ἐμφανῆς, quaesivi κατάστασις, quaesivi ξ ἐμφανῶν καταστάσεως. Sed aut muta aut ἀπρόσκλινσα omnia. Doctiores, si boni viri sunt, explicante potius, quam me sugillante.’

Before entering on the details, it may be well to explain the general drift of the passage. Apollodorus is engaged in a variety of lawsuits, in one of which we must suppose that he was alleged to be in possession of certain articles, probably documents, either actually belonging to one of his opponents or such that the latter had a legal right to demand production of them. The proper course on the part of Nicostratus, who had made common cause with one of these opponents, would have been to serve Apollodorus with a summons, duly attested by witnesses, requiring him to produce the articles in question. If Apollodorus had, without assigning a legally valid reason, refused to do so, Nicostratus would have been entitled to have a fine levied on Apollodorus and to get him entered as a debtor to the state for the amount of that fine. Instead of this, it appears that Nicostratus served no summons on Apollodorus (the ἐπιζολή was ἀπρόσκλητος), thus giving the latter no opportunity for shewing cause against the production of the articles demanded; he then proceeded to obtain a verdict against his opponent in contumacia, and to have him registered as owing 610 drachmae to the public treasury. Cf. Meier and Schömann, Att. Process, p. 758.

ἐγγράφει [‘registers (against me),’—a common term for a formal entry or registration, especially of a debt or fine. Or. 43 § 71 lex, ἐγγραφότων oii ἄρ-
Valesius ad Harpocrateionem p. 52. ἐπιβολὴν libri.


χορτε...τοίς πράκτοροιν (the collectors) δ τῆς δημοσίως γίγνεται.
Or. 27 § 38 προσφειδοντας ἡμᾶς ἑνέγραφεν. Or. 25 (Aristog. a) § 4, ὁθεῖοντα τῷ δημοσίῳ καὶ ἐγκεκριμένον ἐν ἀκροπόλε (cf. ib. § 70, ἑγγραφόνται πάντες οἱ ὀφλικακάντες, ὅρος δ' ἡ σανίς ἡ παρὰ τῇ θεία κειμένη). Or. 40 § 23.

τῷ δημοσίῳ] Φορ το δημόσιον in the sense of το κοινόν 'the treasury,' cf. Isaeus, Or. 10 § 20 ἐμοὶ τι ἅτυχημα πρὸς τὸ δημόσιον συνέβη. Mid. § 182 and Deinarchus, Or. 2 § 2, ὁθεῖον τῷ δημοσίῳ. See Or. 39 (Boeot.) § 14.

ἀπρόσκλητον] This is the reading of the codex Augustanuss primus (A'), first accepted by Reiske for the vulgata lectio ἀπόκλητον which is unintelligible. ἀπρόσκλητος ἐπιβολὴ 'a fine without a citation,' here means 'a fine inflicted in a case for which no citation has been issued.' Similarly ib. § 15 ἀπρόσκλητον δίκην and Mid. § 92 τὴν κατὰ τὸ διαιτητοῦ γνώσις, ἕν ἀπρόσκλητον κατεσκεύασεν, αὐτὸς κυρία ἐαυτῷ πεποίησα.

ἐξ ἐμφανῶν καταστάσεως κ.τ.λ.] 'a fine upon a writ of exhibit,' lit. 'arising out of an ἐμφανὸς κατάστασις, i.e. a case of formal production of property in court.' Isaeus, Or. 6 § 31, ἀπίτει τον Πυθόδωρον τῷ γραμματείῳ καὶ προσκεκάλεστο εἰς ἐμφανον κατάστασιν. καταστάντως δὲ ἐκείνου πρὸς τὸν ἄρχοντα, ἐλεγεν ὦτι βουλοῦσιν ἀνελέσθαι τὴν διαθήκην.

Dem. Or. 56 § 3 τὸ ἐνέχυρον καθιστήσω εἰς τὸ ἐμφανές. ib. § 38, ἐὰν μὴ παρασχέτο τῷ υποκείμενα ἐμφάνη. Or. 52 § 10 μάρτυρας ἐχὼν ἐμφανῆ καταστήσαται τὰ χρήματα. Cf. the Roman exhi- bitio (Upian, Digest, 29, 3, 2, exhibitio tabularum testamentii); and actio ad exhibendum (Upian, Digest, 43, 29, 1, exhibere est in publicum produere). Hence comes our common legal term, an exhibit or writ of production. With ἐμφανῆ καταστήσαται, we may further compare our ordinary phrase sub paena duces tecum, used when a solicitor (for instance) holds a document which the court can require to be put in, for the furtherance of the ends of justice. Cf. Meier and Schömann, p. 374.

ἐπιβολὴν] Harpocr. ἐπιβολὴς ὡς ἔλεγμα. Lysias, Or. 20 § 14 ἡνάγκαι, ἐπιβολάς ἐπιβάλλοντες καὶ σημείων, and ib. Or. 30 § 3. ἐπιβολὴ is a certain correction for ἐπιβολῆ, a mistake possibly due to τὴν ἐπιβολὴν in the middle of the next section. Another instance of the same confusion may be noticed in Isocr. Paneg. § 118 διαμαρτών τῆς ἐπιβολῆς where the best ms wrongly has ἐπιβολῆς.

διὰ Δυκίδου...πυρσάμενος τήν δίκην] 'having got the case brought on by means of Lyccidas,' who as the tool of Nicostatrus was either a merely nominal prosecutor or possibly a venal arbitrator. For this use
of διὰ referring to a mere 'cat's-paw' see note on Or. 45 § 31. 
κλητῆρα ... ἐπιγράφεται 'enters as witness to the citation.' Mid. § 87 κλητῆρα οὐδ' ὄντων ἐπιγραφάμενος, and Or. 51 § 31 ἐπιγράφεται μάρτυρας, i.e. 'endorses on the deposition the names of certain persons as witnesses.'

ἀνακρινοῦμεν ... τὰς δίκας 'in the event of my bringing to a preliminary hearing the suits which I had instituted against my relatives (Phormion, &c) who were doing me wrong.' Harpor. ἀνάκρισις ἐστών ἐξέτασις υφ' ἐκαστῆς ἀρχῆς γινομένη πρὸ τῶν δικῶν περὶ τῶν συντευκτῶν εἰς τῶν ἀγώνων' ἐξετάζοντες δὲ καὶ εἰ δώσει εἰσάγειν χρῆ. Cf. Meier and Schömann, p. 622.

ἐνδεικνύεται μὲ 'to lay an information (ἐνδείκνυε) against me' for undertaking a prosecution, while still a debtor to the treasurer.

Or. 58 (Theocrit.) § 14 κελεύει (ὁ νόμος) κατὰ τὲ τῶν ὀφειλόντων τῷ δημοσίῳ τὰς ἐνδείξεις τὸν βουλόμενον ποιεῖσθαι τῶν πολιτῶν. By ἐνδείκνυε is meant a criminal information against a person acting when under legal disability. It was brought in writing before the Archon and was a very summary process. Hermann, Public Antiquities, § 137, 11. (Cf. Or. 39 § 14 and Pollux there quoted.)

15. ἀπρόσκλητος δίκη. He-sychius, ἢ μὴ τυχοῦσα τῶν καλομένων κλητόρων κατὰ τὸν νόμον καὶ διὰ τὸ τούτο οὐκ ἦν εἰσαγόμενος. 
κλητήρας ἐπιγραφάμενος i.e. 'having endorsed it with the names of witnesses to a citation.' As the δίκη was ἀπρόσκλητος, i.e. as there were no κλήτρας, this endorsement was virtually a forgery.
Not many days after, I brought my case before the jury and with the greatest care got Arethusius convicted. Though the jury proposed to condemn him to death, I begged them to acquiesce in the penalty proposed by my opponents themselves, a fine of one talent.

When I thought it my duty to avenge myself, and on hearing of the plot, was proceeding, after payment of the debt, to take measures against Arethusius, &c. In translating the whole sentence it is convenient to omit ὅτε, to render ὕμνῳ and ἐβάδιζων as principal verbs, and to begin a new English sentence with the first words of the apodosis, ἐλθὼν eis τὸ χωρὶν κ.τ.λ.

§§ 15—18. On my proceeding against Arethusius for fraudulent citation, he came into my property at night and laid waste my orchard with all its fine fruit-grafts, its vines and its olive-trees. Further they put up a boy of free birth to go in broad daylight and pluck the flowers of my rose-bed, hoping I would mistake him for a slave and strike him, and thus make myself liable to an indictment for assault. In this they were disappointed. Thereupon, as soon as I had brought to the preliminary stage before the magistrate my indictment of Arethusius for fraudulent citation, and was on the point of taking it before the jury, he lay in wait for me when I was coming up from the Peiraeus late at night and violently assaulted me, and was only prevented from dashing me into the quarries by some people hearing my cries and rushing to the rescue.
commonly found after δώκες, εἰςάγεως and ἑπεξήρχεσθαί (in the legal sense). Plato, Leg. 886 b, ἔπεξεῖτο φόνον τῷ κτείνατι. Or. 49 (Apolodorus v. Timotheus) § 56 μη...ἐπὶ τῶν κακοτεχνων ἐλθομιν. The phrase βαδίζειν ἐπὶ τινα is found in a similar sense in Or. 52 (Apolod. v. Callippus) § 32 ἐπὶ τῶν Κηφασάδον βαδίζειν. Cf. 56 §§ 15, 18, and 42 § 12 εἰς τὸ δικαστῆρον βαδίζειν.

ὅσα ἐνήν φυτὰ—διαθείεν [he cut off all the choice fruit-grafts that were there, and the trained vines besides; he also broke down the nursery-beds of olive-trees set in rows around my plantations, making worse havoc than would ever be made, even by enemies in war.]

ἀκρόδρυων] The primary sense of the word is 'fruit,' the secondary 'fruit-trees.' Though used in early writings of any edible fruit, later authorities restrict it to the hard-shelled varieties alone. Cramer's Anecdota Oeconiumia 1157 Ὄρθρεις ἀκρόδρυα πᾶσαν ὑπόφαν καλεῖ太极ρας δὲ καὶ οἱ τὰ φυτονυχικα συνταξάμενοι ἀκρόδρυα φασὶ τὰ ἕκτην ἔχοντα, ὅον ρόια, κάρνα, ἀνυγδάλας καὶ εἴ τι ὄμοιον (pomegranates, nuts, almonds and the like), ὑπόφας δὲ τὰ ἀσκετῆ ως μῆλα, ἄπιον καὶ τὰ ὄμοια (apples, pears, &c). Similarly Democritus, Geoponica x 74, ἄκροδρυα καλεῖται ὅσα ἐξωθῆνε κέλυφος ἔχει. In Xenophon, Oeconom. 19 § 12 we have τᾶλα ἀκρόδρυα πάντα after mention of vines and fig-trees, and in Plato, Critias, 115 ν, τὸν ἄμερον καρπῶν, τὸν τε ἄκρον (different kinds of grain) ...καὶ τῶν ὄσος ἔξωθαν (fruits of hard rind).


The etymological formation of the word, referring as it does originally to what we may call the 'tree-tips,' or the fresh growth at the furthest extremities of the branches, may be illustrated by the passage in Hesiod's Works and Days 231, ὀφει δὲ όρος ἀκρη μέν τε ἑφερε βαλάνους, μέσην δὲ μελίσσας, and Theocritus, χν 112, πάρ δὲ οἵ ὀρια κεῖται, ὅσα δρόνε ἀκρα φέροντι.

[It seems to me that ἀκρόδρυνα meant trees which produced fruit chiefly on the upper boughs, as distinguished from vines, from which the grapes hang in clusters nearer to the ground. The edible acorn, βαλάνος, may have been specially so described, if we limit ὀρός to the sense of 'oak-tree.' R.]

γειναία] 'of a choicest kind,' 'of a good stock.' Plato, Leg. 844 ε, τίν γειναίαν νῦν λεγομένην σαφῆ λέγω οὔ τα γειναία εἶναι ὄπωραξένων ὑποξώμενα οὕτως ἐχεῖν. (Cf. nobiles in Martial pi 47, 7 frutice nobili canes and as an epithet of uva ib. iv 44, 2 and olivae v 78, 19.) Athenaeus, χν π 68 p. 653, γειναία λέγει ὁ φιλόσοφος (sc. Plato u. s.), ὃς καί
planted round the beds of the garden." Harpocr. peristoichor' Δημοσθένης ἐν τῷ πρὸς Νικόστρατον περὶ τῶν 'Αρεθούλαιαν άνδραπώδον. Δίδυμος δὲ τι γένος ἑλαίων περιστοιχίων καλεῖ ἀς Φιλόχορος στοιχάδας προσηγόρευσε. μήποτε (‘perhaps’) δὲ περιστοιχίους κῆ- κληκεν ὁ ἤρησα τὰ κύκλω ἐπὶ τὸ χωρίον εἰς στοιχιὸν περικυκλαίσας (cf. Λτ. Αχ. 997, περὶ τὸ χωρίον ἄπαν εὔδασ ἐν κύκλῳ). Πολλά n 36, Σώλων δὲ καὶ στοιχάδας τι- νάς ἑλλας ἐκάλεσε ταῖς μορίαις αὐτιτοίς, ἰώς τὰς κατὰ στοιχίον πεφυτευμένας [Lutcr. n 1373, uti- que oleaern aqua diutius inter phagra currete posset. P.] On the laws protecting the cul- tivation of the olive in Attica and providing for the preser- vation of the sacred olives (or μορίαι) and even of the hollow trunk of an olive tree, see the interesting speech of Λύσιασ, Or. 7, περὶ τοῦ στιγκοῦ, esp. § 2, ἀπε- γράφη τὸ μὲν πρῶτον ἕλλαν ἐκ τῆς γῆς ἀφανίζεσθαι, καὶ πρὸς τοὺς ἑωνημένους τοὺς καρποὺς τῶν μο- ρίων πυθανόμενον προσήγεσαι... ναὶ μὲ σηκοῖν φάσαι ἀφανίζεσθαι. See also Dem. Or. 43 (Macart.) §§ 69—71.

16. παιδάριον ἀστόν] i.e. a little boy, who was free born. It was expected that Apollolo- rns would have mistaken the boy for a slave and either bound or beaten him, thereby render- ing himself liable to an indict- ment for assault (ἀβρᾶ). Aeschines (Timarch. § 16) quotes a ‘law of Solon’: ἄν τις Ἀθηναῖον ἐλεύθερον παιδὰ ἀβρᾶσθη,
The Greek appreciation of the rose seems to have been mainly utilitarian. Thus it is under the head of στεφανώματα that Theophrastus dilates on the many beauties of the rose and on its numerous varieties (πληθυντες τε φίλλων και ὀλιγότητι και τραχύτητι και λειώτητι και χρυσῆ και εὐσμά). Hist. Plant. vi 6). To the Greek, says Ruskin, ‘a rose was good for scent, and a stream for sound and coolness; for the rest one was no more than leaves, the other no more than water’ (Modern Painters iii 4 13 § 13). ‘A Greek despises flowers,’ says Mr Bent, unless ‘they are sweet-smelling or useful for something’ (Cyclopaedia, p. 276). It is indeed a noteworthy fact, attributable partly to the insignificance of the Attic flora, and still more to the defective development of Greek taste in this particular, that in what is known as the

[11—2]
best period of Greek literature there is scarcely a single instance of a refined appreciation of the attractions of a flower-garden. One of the rare exceptions is the mention of κήπος εὐώδες in Ar. Aves 1067. The passage in Eur. El. 777, κυρέ, ἐκ κήπου εἰς καταρρίτους βεβώς, δρέπων τερένδων μυραίνης κάρα πλάκων, is hardly an exception, as the epithet ‘well-watered’ is somewhat prosy, and the context shows that the only reason why Aegisthus is in his garden is for the purely practical object of making himself a myrtle-wreath for his sacrifice to the mountain-nymphs. (Cf. Becker’s Charicles p. 203—4, esp. 1 p. 349 sqq., of the 2nd German ed. with the excellent addenda of K. F. Hermann; also the latter’s PrivataIt. § 15 note 20 p. 106 ed. Blümner; St John’s Manners and Customs of Ancient Greece, 1 301—334, esp. p. 304, 305: Büchsenschütz, Besitz u. Erwerb p. 72, and Schleiden, die Rose.)

17. ἀνακικρημένον] passive form in middle sense (§ 14 ἀνακρι-

νολμην τας δίκας): ‘when I had brought to the preliminary ex-

amination my indictment for false citation, &c.’

τηρήσας—ἐβοήθησαν]. The at-

tack reminds us partly of the murder mentioned by Cicero, pro Cluentio § 37, in arenarías quasdam extra portam Esquili-
nam perductus occiditum.

The quarries referred to in the text were possibly near the Museum hill where the Long Walls leading to the Peiraicus strike the wall enclosing Athens itself, or still more probably at a point immediately outside the ἄστυ, south of the Peiraic gate of Athens. In the excel-

lent Atlas von Athen by Dr E. Curtius, the third map indicates ‘recent quarries’ at this point, just north of the ancient βά-


ραδίον. In Murray’s Greece, 1884, 1 341, the incident de-
scribed in the text is oddly sup-
posed to have happened to De-
mosthenes.

τύχ] Or. 47 § 38 παίς τύχ

tο στόμα.

καὶ ἔσθει]. The mss have καὶ

ἔσθε, ‘struck me with his fist

and gripped me round the waist

and was pushing me into the

quarries, had not some people, hearing my cries, come up and
rescued me.' This is more graphic than the sense given by Schaefer's emendation καὶ ὧδει.  

"εἰσελθὼν…πρὸς ἡμέραν διαμετρημένην" [having entered into court upon a day divided out among several causes, i.e. the day on which I came into court was allotted to several law-suits, and the number of motions was so great that the time at my disposal was therefore very limited. Apollodorus wishes to indicate the ease with which after a necessarily short speech he had got a conviction against Arethius. Cf. Aeschines,Fals. Leg. § 120, ἐνέδεχεται δὲ τὸ λα- πτὸν μέρος τῆς ἡμέρας ταῦτα πράξαι (i.e. βασανίας) πρὸς ἐνδεκα γὰρ ἀμφορέας ἐν διαμετρημένῃ τῇ ἡμέρᾳ κρίνομαι. Dem. Fals.Leg. § 120, ὃς γὰρ ἀγῶνας καινοὺς ὑστερ ἰδρύματα, καὶ τούτοις ἀμαρτήτους πρὸς διαμετρημένην τὴν ἡμέραν αἱρεῖς διωκών, ὦτι πάνθεον εἰ τις. Ἡπειροτ. σ. ν. μέρος τὰ ἴδιατον ἐστὶν πρὸς μεμετρημένον ἡμέρας μέρος βέαν διε- μετρεῖτο δὲ τῷ Ποσειδέων…i.e. the standard length of time for calculating the measurement of the Clepsydra was taken from a day near the end of our December. The length of the twelfth part of the day would vary with the time of the year, and the running out of the water would indicate the lapse of a particular portion of the whole day. Thus the water-clock might indicate a time equivalent to (say) the fourth part of the shortest day (Dec. 21) and this length of time might be taken as a unit of the measurement during the rest of the year (Heslop's note on Fals. Leg. l.c.; see however Meier and Schömann p. 716).

"τὰς λιθοτομίας, εἰ μὴ τινες προσιόντες, βοώντος μου ἀκούσαντες, παρεγένοντο καὶ ἐβοήθησαν. ἡμέρας δ' οὐ πολλαῖς ὑστερον εἰσελθὼν εἰς τὸ δικαστήριον πρὸς ἡμέραν διαμετρημένην, καὶ εξελέγειας αὐτῶν τὰ ψευδὴ κεκλητευκότα καὶ τὰ ἄλλα ὡσα εὑρήκα ἥδικη- κότα, εἶλον. καὶ ἐν τῇ τιμῆσε κουλομένων τῶν δικα- στῶν θανάτου τιμῆσαι αὐτῶ, ἐδεήθην ἐγὼ τῶν δικα-
§§ 18—20

"A men toivn a'dikoumenon, d' andres dikastai, ups aitou tis apograpfin epitouismuhn dedelwaka ymwn' wos d' estin 'Aretousiou taindrapoda tantia kai ynta en tis ovsia tis ekeinou apengrapha epideizw ymwn. Tov men gar Kerdowa ek mikrou paiadairov exethreufato' kai wos

di' emon] 'through my agency,' 'on a prosecution of mine.' Reiske conjectures di' eme, 'on my account,' which would also make good sense, though disapproved by Dobree, who refers in support of di' emon to Or. 51 § 17 'o'sper...xarw tivemewn dia twv toioton tois ameloutin ymwn, all' ou dia twv peltwon tois uphretiouw a de' xarizeiathai prosotikon.

Passiowos ev] i.e. the son of one who, originally a banker's slave, had received the citizenship by adoption. Neither the father nor the son was a citizen by birth, and it would have been peculiarly invidious had the latter compassed the death of one who was by birth a citizen of Athens.

§§ 19—21. Having now recounted some of the wrongs done me by Arethusius and his brother Nicostratus, I will call evidence in detail to prove that the two slaves entered by me in the specification do not belong to Nicostratus who is now attempting to claim them, but are really part of the property of Arethusius and are thus liable to be confiscated to the state, as a partial payment of his debt to the treasury.

§ 19. At this point the speaker, after having shewn the reasons which justified him in regarding Arethusius as his enemy and exacting vengeance from him, reaches the real point at issue, viz. the proof that the slaves specified in the schedule belong to Arethusius, and not, as is alleged, to his brother Nicostratus.

tov men gar Kerdowa] contrasted with tov de Marn in § 20. Kerdow is a slave-name expressive of knavish cunning (cf. le kerdo, 'the wily one,' i.e. 'the fox'). Digest xxxviii 1, 42 Cerdonem servum meum manumitti volo (quoted by Mayor on Juv. iv 153 tollat sua munera Cerdo).

ek mikrou paiadariou] Plat. Symp. 207 D ek paiadariou, Or.
59 (Apoll. catà Νεαίρας) § 18, ταύτας παιδίκασ ἐκ μικρῶν παιδίων ἐκθήσατο, and similarly the far more frequent phrases ἐκ παιδίων (Or. 27 § 4), ἐκ νέου, ἐκ μειρακίου.

20. παρ’ οἷς τοίνυν—δεσπότης ὥρ] sc. ὡς Ἀρεθούσιος ἐκομίζετο τοὺς μισθούς παρ’ ἐκείνων παρ’ ὃις εἰργάζατο πώποτε ὁ Κέρδων κ.τ.λ. "I shall shew also that Arethusius got the wages on his account from all the persons with whom he ever worked; and that he used to receive compensation or to pay it when Cerdon did any mischief, as a master would be bound to do." Kennedy.—[πώποτε in the earlier Attic is never used without the negative, but often in Plato and Demosthenes. P.]

Slaves were sometimes let out by their owners either for work in the mines or for any kind of labour; or again (as here) to work as hired servants for wages (ἀποφορά) which went to their masters. Aeschin. Timarch, § 97 οἷκέτας δημιουργοῦς τῆς σκυτοτομίκης τέχνης ἐνεα ἡ δέκα ὡν ἐκαστὸς τούτω δι' ἀβο-

λὸνσ ἀποφοράν ἐφερε τῆς ἡμέρας. Isaeus Or. 8 (Ciron) § 35 ἀνδράποδα μισθοφοροῦτα (Hermann, Privatalt. § 13, 10 and § 49 ad fin. pp. 91, 463 ed. Blümner).

δικασ ἐλάμβανε A slave was incapacitated from conducting a law-suit either on his own account or on behalf of another. Plato Gorg. 483 b, ἀνδραπόδου, ὡς ἀδικουμένος καὶ προτήλακτομένος μὴ οἷς τῷ ἔστιν αὐτὸς αὐτῷ βοηθεῖν μηδὲ ἄλλῳ οὐ ἀν κηδηταί. Or. 37 (Pant.) § 51 ἐδεί...λαχόντα ἐκείνῳ (sc. τῷ δοῦλῳ) τὴν δίκην τῶν κύριον διώκειν ἐμὲ. (Hermann, Privatalt. § 59, 1 = Rechtsalt. p. 19 Thalheim.)

dικασ...ἐδίδων, ὡς τάκον τι ἐργάσαιτο The law by which the master had to make good any damage done by his slave is quoted as a law of Solon by Lysias, Or. 10 (Theomnest. a) § 19, οἰκήσας καὶ δούλησ τὴν βλάβην ὀφείλειν.—The clause containing ἐργάσαιτο refers of course to δικασ ἐδίδων alone; otherwise we should have had some such phrase as ὡς τάκον τι πάθω ἡ ἐργάσαιτο.

τῶν δὲ Μάνην, δανείσας ἀργύριον Ἀρχετοπόλιδι τῷ...
Πειραίει, ἐπειδὴ οὐχ οἶδο τ' ἢν αὐτῷ ἀποδοῦναι ὁ Ἀρχέπολις οὔτε τὸν τόκον οὔτε τὸ ἀρχαῖον ἀπαν, ἐν-απετίμησεν αὐτῷ. καὶ ὅτι ἀληθὴ λέγω, τούτων ὑμῖν τοὺς μάρτυρας παρέξομαι.

ΜΑΡΤΤΡΕΣ.

21 Ἐστι τοίνυν καὶ ἐκ τῶν ὑψώσεις, ὦ ἄνδρες δικαι-σταῖ, ὅτι εἰσὶν Ἀρεθοὺσίον οἱ ἄνθρωποι· ὅποτε γὰρ οἱ ἄνθρωποι οὗτοι ἢ ὀπώραν πρίαντο ἢ θέρος μισθοῖν-

ε οὔτε τὸ ἀρχαῖον, ἀπαν ἐναπετίμησεν αὐτῷ Reiske, G. H. Schaefer, Z, Dind, (Oxon. 1846), et Bekker st.

for emphatic contrast with τὸν μὲν Κέρδωνα in § 19. It may almost be regarded as an accusative absolute.

Μάνης was one of the commonest slave-names. Theophrastus in his will, which is preserved by Diogenes Laertius, n 55, mentions among his slaves Callias and Manes, and the latter name occurs in Ar. Ran. 965, Lys. 908, 1213, and Pax 1146, while in the Aves, 523, it is used in the plural as a synonym for 'slaves,' τῶν δ' ἀνδραπόδων ἡμίθιος Μαράς. See further on Or. 45 § 86.

ἐναπετίμησεν] Archopolis handed over Manes to Arethusus as an equivalent for part of the debt due to the latter. The nominative to this verb is not Arethusius, the subject of the participle δανείσας, but Archopolis, the subject of the subordinate clause ἐπειδὴ οὐχ οἶδο τ' ἢν. It will further be noticed that, while the verb ἀποτιμᾶω is generally used in the active of borrowing and in the middle of lending money on security, the compound ἐναποτιμᾶω is in the present passage applied to the debtor's transfer-

ence of a part of his property on valuation in lieu of direct payment of his debt. The same compound occurs in the passive form in Dio Cassius xpi 37 τὰ ἐνέχυρα πρὸς τὴν ἄζην ἐναποτιμηθηκαί ἐκλέκεισε (i.e. Caesar ordained that the securities on which money had been borrowed should be valued and transferred to the creditors in place of a money payment).

The editors who place a comma after τὸ ἀρχαῖον, construe ἀπαν with ἐναπετίμησεν αὐτῷ, 'handed him over in full payment,' 'paid off the whole sum in the person of Manes.'

21. ὀπώραν πρίαντο κ.τ.λ. de Cor. § 51 τῶν θεριστῶν ἡ τῶν ἄλλο τι μισθὸν πράττοντας and ib. § 262 σύκα καὶ βότρυς καὶ ἐλλὰς συλλέγων ὄσπερ ὀπωρών ἐκ τῶν ἀλλοτρίων χωρίων. 'Whenever they bought up the produce of an orchard or hired themselves out to reap a harvest, it was Arethusius who made the bargain on their behalf for the purchase or for the wages respectively.' μισθοῦμενος refers back to θέρος μισθοῦτο ἐκθερίσαι, just as ὡνοιμενος corresponds to πρίαντο. The latter
to ἐκθερίσαι ἢ ἄλλο τι τῶν περὶ γεωργίαν ἔργων ἀναίροιντο, Ἀρεθούσιος ἦν ὁ σωφρόνεος καὶ μισθούμενος ὑπὲρ αὐτῶν. ὥς δ’ ἄληθή λέγω, καὶ τούτων ὑμῖν τοὺς μάρτυρας παρέξομαι.

ΜΑΡΤΤΡΕΣ.

"Οσας μὲν τοῖνυν μαρτυρίας παρασχέσθαι ἔχον 22 ὑμῖν, ὡς ἔστιν Ἀρεθούσιον ταύνδραποδα, δεδήλωκα ὑμῖν. βούλομαι δὲ καὶ περὶ τῆς προκλήσεως εἶπεῖν, ἣν οὕτωι μὲ προῦκαλέσαντο καὶ ἐγὼ τούτους. οὕτωι μὲν γὰρ μὲ προῦκαλέσαντο, ὅτε ἡ πρότη ἀνάκρισις ἦν, φάσκοντες ἐτοιμοὶ εἶναι παραδίδοναι ἐμοὶ αὐτὸ ταύνδραποδα

verb having no present participle of its own, ὑφόμενος commonly takes its place and is so used in the present passage. Cf. note on § 10, where πρᾶσθαι is followed by ὑκείσθαι.

§§ 22—25. I now propose to deal with the Challenge which my opponents proposed to me, and also with that which I myself proposed to them.

At the preliminary hearing of my case against Arethusa, they put in a Challenge, and offered therein to deliver up the slaves, to be tortured by myself, their object being to claim the Challenge as a piece of evidence in their own favour in the event of my refusing to accept it.

I replied to the Challenge by stating in the presence of witnesses, that since this was not a private but a public cause and since the slaves, as I contended, were the property of the state, it was not for myself to torture them, as I was only a private person. On the contrary, it was a question for the board of police or for certain persons chosen by the Council of the state. On these conditions I was willing to accept their Challenge, and I challenged them to accept my own proposal. They declined my offer.

22. προκλήσεως] On the subject of Challenges, see Or. 45 § 15.

ἡ ... μὲ προῦκαλέσαντο] For the double acc. cf. Or. 56 § 17 προκαλείσθαι τινα πρόκλησιν.

ἡ πρότη ἀνάκρισις ‘the first preliminary investigation,’ see note on ἀνάκρισις § 14 supra.

παραδίδοναι ... ταύνδραποδα βασισάσσαι] The principle of extracting evidence by the torture of slaves, was one of the weakest points in the judicial system of Athens (some interesting criticisms on it may be found in Forsyth’s Hortensius p. 40, and in Mahaffy’s Social Life in Greece p. 226–8).—ἐμοὶ αὐτῷ is emphatic, just as, six lines further, εἰ ἐμοὶ ἐξεδίδοσαν contrasted with δημοσίᾳ. The speaker holds that the slaves belong to the state and should have been handed over to the public official and not to a private individual like himself.
23 ταύτην] Not the evidence given by the slaves, but the mere offer to allow them to be tortured, ‘wishing this (offer) to be a kind of evidence on their own side.’ ταύτην is attracted into the same gender as μαρτυριάν; τοῦτο would have made the same sense, but would have been less idiomatic.

23. eì... eì] Two or even three protases, not co-ordinate, may belong to one apodosis, e.g. Plat. Men. 74 b, eì τίς σε ἀνέροιτο τοῦτο, τί εστὶ σχήμα; eì αὐτῷ εἶπες ὧτι στραγγυλῇς, eì σοι εἶπεν ἀπέρ ἐγώ, εἶπες δὴ-πον ἃν ὧτι σχήμα τι (Goodwin, Moods and Tenses § 55. 1).

The reiteration of eì in the present passage has been considered open to objection; it occurs however in Or. 54 § 15, in an undoubtedly genuine speech of Demosthenes (A. Schaefer, Dem. u. s. Zeit iii 2, 188 and Lortzing, Apoll. 33).

δημοσία βασανίζεσθαι] ‘to be questioned publicly,’ i.e. ‘to be tortured by a state-officer.’

24. οὗτε τῆς βασάνου κύριος εγενόμην] i.e. I did not acquire control of the ‘question,’—authority over the examination.

οὗτε καλῶς ἑχειν] sc. ἡγούμην, ‘it was unsuitable, I thought, for myself to decide as to the answers of the slaves.’

τὴν ἄρχην] sc. τοὺς ἔνδεκα, as appears by comparing § 23, μετὰ (τῆς βουλῆς) ὧ μετὰ τῶν ἔνδεκα. Reiske wrongly renders: ‘illum Archontem ad causam tribunal habe causam pertineret, aut deductos a senatu.’ Frequently it is the context alone that decides whether ἡ ἄρχη or even οἱ ἄρχοντες refers to the Archons or to some other public functionaries. Thus in Or. 22 (Androt.) § 26, τῶν ἄρχοντων ἐφήγον refers to the Eleven, and in Lysias, Or. κατὰ τῶν σιτοφυλάκων §§ 5 —10, οἱ ἄρχοντες is several times used of the five σιτοφυλάκες in the Peiraecus. On τὴν ἄρχην for ‘the authorities,’ abstract for concrete, see note on Or. 45 § 58.

γράφεσθαι] ‘to have the answers written down,’ or ‘to
kaĩ kataσηηmηnαmέnous τας βασάνους, δ’ τι εἰποιεῖν’ οἱ ἀνθρώποι, παρέχειν εἰς τὸ δικαστήριον, ἵνα ἀκούσαντες ἐκ τοῦτων ἐψηφίσασθε ὁποιοῖ τι ὑμῖν ἐδοκεί. Ἰδία μὲν γὰρ βασανιζομένων τῶν ἀνθρώπων ὑπ’ ἐμοῦ 25 ἀντελέγετ’ ἀν ἀπαντᾶ ὑπὸ τοῦτων, εἰ δὲ δημοσία, ἰμεῖς μὲν ἁν ἐσιωπᾶμεν, οἱ δ’ ἀρχοῦτες ή οἱ ἱρημένοι ὑπὸ τῆς βουλῆς ἐβασάνιζον ἀν μέχρι οὐ αὐτοῖς ἐδόκει. ταῦτα δ’ ἐμοῦ ἑθέλοντος οὐκ ἂν ἐφάσαν τῇ ἀρχῇ παραδονῦαι, οὐδ’ εἰς τὴν βουλὴν ἱθελον ἀκολουθεῖν. ὡς οὖν ἀληθὴ λέγω, κάλει μοι τοὺς τοῦτον μάρτυρας.

1 εἴπαιεν Σ cum BF. εἴποιεν Λ. εἰπεν Σ.

take down the answers.’ Plato Theaet. 143 a, ἐγραψάμην ὑπομνήματα, ‘I wrote me down some memoranda.’ This sense of the middle must not be confounded with the technical meaning ‘to indict.’

κατασημημαμένους] ‘having sealed up the testimony extorted.’ The documents were put into an ἐχῖνος or ‘casket,’ which was sealed up and afterwards produced in court and there opened. Or. 54 § 17 σμαυρίζει τοὺς ἐχίνους.

βασάνους, as is proved by the subsequent clause, ‘whatever the slaves said,’ is here used, not of the torture itself, but of the extorted evidence. Harro. βάσανος: 'Αντιφῶν λίθος οὗτῳ καλεῖται, ἥ το χρυσόν παρατιβάμενον δοκιμάζεται. 'Ὑπερείδης δ’ ἐν τῷ κατ' 'Αντιφῶν τὰ ἐν τοῖς βασάνοις εἰρημένα ὑπὸ τῶν βασανιζομένων καὶ ἀναγραφέντα βασάνους ὀνόμασε. (Anaximenes) rhet. xvi 1, βάσανος ἐστὶ μὲν ὁμολογία παρὰ συνειδότος, ἀκούτος δὲ.

παρέχειν κ.τ.λ.] ‘to produce in court’ the evidence obtained by torture. The torture itself, it appears, did not take place in court (see note on Or. 45 § 16).

όνα—ἐψηφίσασθε] For ένα ‘in which case,’ cf. Or. 36 § 47. ἐκ τοῦτων should be taken with ἐψηφίσασθε and not with ἀκούσαντες, cf. Or. 45 § 2 εἰ ὧν (ἀκούσαντες)...γρώσσεθε.

25. ἰδία βασανιζομένων τῶν ἀνθρώπων] equivalent to ei idia εβασανίζοντο. Hence in the corresponding clause, instead of δημοσία δὲ, which would have been equally good Greek, we have ei δὲ δημοσία sc. εβασανίζοντο (Goodwin, Moods and Tenses § 109, 6).

[The drift of the argument is: ‘I objected to a private examination, because my opponents would have said that my report of their statements was untrue; whereas if the examination were public, the responsibility would have rested wholly on the authorities.’ P.]

Kata polla mēn oūn ἐμοιγε δοκοῦσιν εἶναι ἀνα-
σχυντοί ἁμφισβητοῦντες τῶν ύμετέρων, οὐχ ἰκιστα
δὲ ὑμῖν αὐτοὺς ἐπίδειξὺν ἐκ τῶν νόμων τῶν ύμετέρων.
οὕτω γὰρ, ὅτε οἱ δικασταὶ ἐβουλοῦντο βανάτῳ τιμῆσαι
τῷ Ἀρεθοῦσιῷ, ἐδέοντο τῶν δικαστῶν χρημάτων τι-
μῆσαι καὶ ἐμοῦ συγχωρῆσαι, καὶ ἀμολόγησαν αὐτοὶ
τὸ συνεκτίσειν. τοσούτων δὴ δέονσιν ἐκτίνειν καθ’ ἄ
ἡγγυός τοῦ ὅστε καὶ τῶν ύμετέρων ἁμφισβητοῦσιν.
καίτοι οἳ γε νόμοι κελεύοντι τὴν ὴνυσίαν εἶναι δημο-
σίαν, ὅσ ἂν ἐγγυησάμενοι τι τῶν τῆς πόλεως μὴ ἀπο-

\[\text{§§ 26—29. My opponents are really claiming what is public property, that is, your own property, men of the jury, and I shall prove this by your own laws. When the jury were proposing to condemn Arethius to death, my opponents proposed a pecuniary penalty and promised jointly to pay it. So far from fulfilling their guarantee, they are actually claiming your own property; and the laws declare that the property of persons who guarantee the payment of a sum to the state and fail to do so shall be confiscated; so that even on this ground alone, the laws would require the slaves in question to be state property. As soon as Arethius becomes indebted to the treasury, instead of being, as was admitted in former days, the wealthiest of the brothers, he is now made out to be ever so poor, and part of his property is claimed by his mother, part by his brothers, as in the present instance by Nicostratus. I must ask you in conclusion to consider that there will never be any lack of claimants to contest your property, and to defraud the state of her dues, by making pitiful appeals to your compassion. If you disregard all such pleas in the present case, you will do wisely in finding a verdict against Nicostratus.}

26. τιμῆσαι] See § 18. ἐμοὶ συγχωρῆσαι] sc. ἐδέοντο, implored me to acquiesce in my opponents having a pecuniary penalty imposed on them.—ὡμο-
λόγησαν αὐτοὶ συνεκτίσεις, 'they agreed that they would be jointly responsible for the payment.' Kennedy.

27. τῶν ύμετέρων] The slaves claimed by the state, for non-payment of the fine due from Arethius, are here dexterously represented as the property of the jury.

ὅσ ἂν ἐγγυησάμενοι κ.τ.λ.] Andoc. de Myst. § 73 οἱ μὲν ἀργυρῶν ὁφείλοντες τῷ δημοσίῳ, ὁπότεν εὐδόκει τῇ ώρᾳ ἀρεστὴς ἀρ-
χᾶς... ἡ ἐγγύησα ἡ ἡγησάμενοι πρὸς τὸ δημόσιον, τούτοις ἦ μὲν ἐκτίσεις ἅ ἐπὶ τῆς ἑναίης πρωτανελα, εἰ δὲ μὴ διπλάσιον ὁφείλει καὶ τὰ κτή-

διδῷ τὴν ἐγγύην· ὥστε καὶ εἰ τούτων ἢν τὰνδράποδα, προσήκειν αὐτὰ δημόσια εἶναι, εἴπερ τι τῶν νόμων ὀφέλος. καὶ πρὶν μὲν ὀφείλειν τῷ δημοσίῳ ὦ 'Αρε-28 θούσιον ὁμολογεῖτο τῶν ἀδελφῶν εὐπορώτατος εἶναι· ἐπειδὴ δ' οἱ νόμοι κελεύσουσι τάκεινον ὕμετερα εἶναι, τηνυκαίτα πένης ὃν φαίνεται ὦ 'Αρεθούσιος, καὶ τῶν μὲν ἡ μὴτορ ἀμφισβῆτει, τῶν δ' οἱ ἀδελφοὶ. χρῆν δ' αὐτοῖς, εἴπερ ἐβούλουσι δικαίως προσφέρεσθαι πρὸς ὑμᾶς, ἀποδείκνυεται ἀπασαν τὴν ὠφείν τὴν ἐκείνου, τὰ τούτων αὐτῶν εἰ τις ἀπέγραφεν, ἀμφισβῆτεῖν. εὼν 29 οὖν ἐνθυμηθῆτε ὅτι οὐδέποτε ἔσται ἀπορία τῶν ἀμφισβητησόντων ὑμῶν περὶ τῶν ὑμετέρων,—ἡ γὰρ ὄρφανος ἡ ἐπικλήρους κατασκευάσαντες ἐξώσουσιν ἐλεείσαθαι υφί τῶν, ἡ γῆρας καὶ ἀπορίας καὶ τροφῆς μητρί λέγοντες, καὶ ὀδυρόμενοι δι' ὑμών καὶ ἀφίσα τῆς ἐλεήσουσιν εὐκατηνεύξεων ὑμᾶς, πειράζονται ἀποστερήσαι τὴν πόλιν τοῦ ὀφλῆματος. εὼν οὖν ταῦτα παριδόντες πάντα καταψυφίζοντες, ὀρθῶς βουλεύσεσθε.

28. πένης ὃν φαίνεται] 'is made out to be a poor man,' προσφέρεσθαι] 'to behave,' Or. 40 § 40.
ἀποδείκνυετας] 'having disclosed' (delivered a formal specification of) 'the estate of Arethius'—τούτων αὐτῶν ι.ε. Nicostratus and Deinon.
29. ἐάν οὖν—ἐάν οὖν ταῦτα] The sentence is suspended by a parenthesis of several lines from ἡ γὰρ ὄρφανος to ὀφλήματος, and it is then resumed by the repetition of εάν οὖν.
ὄρφανος ἡ ἐπικλήρους] 'orphan-sensorlheires,' meaning by the latter 'orphan-daughters,' 'portionable-sisters'; 'an 'heirress' under the Athenian law was by no means necessarily in good circumstances. (See note on Or. 45 § 75.) ἀπορίας] 'embarrassments,' 'distresses.' For the plural cf. Fals. Leg., § 146, εὐπορίας κτήματα πλοῦτον ἀντὶ τῶν ἐσχάτων ἀπορων.—τροφῆς μητρί, 'a mother's maintenance.'
ὸδυρόμενοι κ.τ.λ.] 'Appeals ad misericordiam formed the staple conclusion of every speech, and it was not held undignified for the greatest aristocrats, or grotesque for the most notorious scamps, to burst out crying in court, and to bring up their children to excite the compassion of the jury by their tears.' Mahaffy, Social Life in Greece p. 369. Cf. Or. 45 § 88 and Or. 54 § 38.
καταψυφίζοντες] see. Νικοστράτου.
1. 2. *τετυπτήςθαί*] In Classical Greek, we should have had the phrase πληγᾶς ειληφέναι. The tenses from *τυπτέω*, with the exception of the future τυπτήσω (used in Attic Prose and Comedy), are characteristic of late Greek. Thus, in the first Argument to the Midias, we have τετύπτηκεν and τετυπτήσκεν. Again, in Lucian (Demonax § 16) we read ἑπεὶ δὲ τις ἀδιπτής...ἐπάταξεν αὐτὸν εἰς τὴν κεφαλὴν Λίθω καὶ αἷμα ἔρρησ, οἱ μὲν παρώτες ἥγανακτος ὡς αὐτὸς ἔκαστος τετυπτήσκεν, where ἑπάταξεν is correctly used (as in Classical Greek Prose) instead of the aorist active of τύπτω, while τετυπτήσκεν is only a late form, for which writers of the best age would have written either πεπληγμένος or πληγῆν ειληφέω.

The κατὰ Κόσωνος affords an instructive study on this point of Greek usage, as will further appear in Excursus (A) at the end of the speech (p. 221).

6. εὐχεροῖς ἔχειν κ.τ.λ.] 'make no difficulty about lying.' Or. 21 (Mid.) § 103, τῶν μαραθόν καὶ λαον εὐχερῆ, τὸν κοινοτόν Εὐκτήςμον. So ῥάδιος ὀμοῦσα infra § 39. P.]

§§ 1, 2. I was grossly assaulted by the defendant Conon, and, for a very long time, indeed, my life was despaired of. When I was restored to health and strength, instead of going beyond my years by bringing against him a public indictment for brutal outrage, I followed the advice of my friends and took the easier course of instituting a private suit for a common assault. I ask for your indulgent hearing, while I briefly relate to you my wrongs, and I trust that, if I prove my case, you will help me to my rights.
Τβρισθείς, ὁ ἁμένες δικασταί, καὶ παθῶν ὑπὸ Ι
Κόνωνος τοιτοῦ τοιαῦτα ὡστε πολὺν χρόνον πάνυ
μήτε τοὺς οἰκείους μήτε τῶν ιατρῶν μηδένα προσδοκῶν
περιφεύγεσθαι με, ύμίνας καὶ σωθείς ἀπροσδοκήτως
ἐλαχῶν αὐτοῦ τὴν δίκην τῆς αἰκίας ταυτην. πάντων

1. υβρισθείς—ταυτην[1] The opening sentence is best ren-
dered by treating υβρισθείς and παθῶν as principal verbs, and
beginning a fresh sentence with the word ύμίνας, e.g. ‘I was
the victim of wanton outrage, and I suffered such maltreat-
ment at the hands of Conon the defendant, that, for a very
long time indeed, neither my friends nor any of my medical
attendants expected my recov-
ery. Contrary to expectation, I was restored to health and
strength; and I thereupon brought against him the pre-
sent action for the assault in
question.’

This exordium is quoted by
the rhetorician Hermogenes as
an example of perspicuity and
directness of expression (καθαρ-
ότης, Spengel, Rhetores Graeci
π 276). Here, as in Or. 45,
the keynote of the whole speech is
struck by the opening word, υβρισθείς. Cf. also Or. 21 (Mid.)
§ 1 τὴν μὲν ἄσελγειαν, ὁ ἁμένες
dlικασταί, καὶ τὴν ὑμᾶν κ.τ.λ.
πολὺν χρόνον πάνυ] For this
position of πάνυ, placed after
πολῶν, and even separated from
this position, cf. Plato, Hipp. Maj. 252 e
ἐν ὅλῳ χρόνῳ πάνυ, Or. 30 § 2
ὑβριστικὸς ὑπὶ αὐτοῦ πάνυ ἔσ-
βλήθη, and (Dem.) Prooem. 18
βραχός τί μοι πεινάθητε πάνω.

ἐλαχω...δίκην] lit. ‘obtained
this suit by lot,’ ‘had it allotted
to me,’ i.e. ‘obtained leave
(from the Archon) to bring this
action.’ Where several lawsuits
were instituted at the same
time, the Archon decided by
lot the order in which they
were to be heard (κληροῦν τὰς
dίκας); hence the applicant for
leave to bring an action is com-
monly said λαχγάνειν δίκην. See
Meier and Schömann, p. 595—8.

τῆς αἰκίας] ‘the assault in
question.’ Ariston, as he further
explains in the next sentence,
is bringing against Conon a
private suit for assault (αἰκίας
dίκη), instead of a public in-
dictment for wanton outrage (ὑβρεως γραφή). The penalty
in the former was light, namely,
a pecuniary fine paid to the
plaintiff; in the latter, it was
either a fine paid to the state,
or, in extreme cases, death.
The former implied that the
complainant had been simply
assaulted and struck, the latter
that he had been subjected to
malicious and brutal indigni-
ties.

Harpocration s.v. αἰκίας: εἰ-
δος δίκης ἰδιωτικῆς ἐπὶ πληγαῖς
λαγχανομένης, ἢ... ὁ μὲν καθή-
γορος τίμημα ἐπυγράφεται, ὁπόσον
δοκεί αξιόν εἶναι τὸ ἄδίκημα, οἱ δὲ
dlικασταί ἐπικρίνοντι (Isocor. 20
Loch. § 16). See Meier and
Schömann p. 517 ff.—p. 616
ed. Lipsius.

Lexica Segueriana p. 355, αἰ-
kia διαφέρει υβρεως, ὅτι αἰκία
μὲν ἡ διὰ πληγῶν, υβρεως δὲ καὶ
ἀνευ πληγῶν μετὰ προσπηλακισμῶ
καὶ ἐπιβουλῆς. ὁδὸ καὶ ἐνθισμὸν
ἐλάττων τῆς αἰκίας. See also Or.
57 § 33.
The active and middle senses of this verb are also found side by side in Xen. Anab. i 1 § 17, εμπυξουλευομένους ἔνεβολευέσται. According to the plaintiff's subsequent statement, this would be actually true, as Conon and his friends had stripped him of his cloak and carried it off (§ 8 ἔξεδσαν, and § 10 ἀπεκομίσθη γυμνός, οὖτοι δὲ ψιχοτο θεμάτων λαβόντες μου). Cf. Isoc. antid. § 90, τοῦτον ἀπαγαγόν αὐτοὶ προκεκαλάθη καὶ κλέπτην καὶ λωποδύτην, Dem. Or. 22 § 26, Aeschin. Timareh. § 91, Lysias Or. 10 § 10, and 13 § 68 ἐνθάδε λωποδύτην ἀπῆγαγε, καὶ ὦμεις κρίναντες αὐτὸν ἐν τῷ δικαστηρίῳ καὶ καταγγέλλεις αὐτῷ βάραντον ἀποτύπωσαν παρέδοτε. Hermann, Rechtsalt. p. 41 Thalheim; Meier and Schömann p. 229 (n. 208 Lipsius).

ὑβρεὺς γραφαι] here contrasted with αἰκίας δίκη.—Har- pocr. γραφη—δημοσίου τινος ἐγκλήματος ὄνομα. δίκη ἰδίως λέγεται εἰποδικίων ἐγκλημα- των, ὡς σαφές ποιεὶ Δημοσθένης ἐν τῷ κατὰ Κόνωνος.

[The plural γραφαι shows that more than one public indictment could have been framed. See also Or. 21 (Mid.) § 28, και δίκας ἰδίας δίδωσιν ὁ νόμος μου καὶ γραφην ὑβρεως. P.]

ἐπάγεσθαι] 'to take upon my shoulders a greater burden than I should be able to bear.' —πράγματα, in taking legal action. P.]

ὑπὲρ τὴν ἡλικίαν—φαίνεσθαι] 'to incur the imputation of going beyond my years in undertaking to prosecute for the maltreatment I had received.' Or. 58 § 1 (of a youthful citizen appearing as a prosecutor) μὴδ' ἡλικίαν μὴδ' ἀλλὰ μηδὲν ὑπολο- γισάμενος, 29 § 1. The task of instituting and carrying to its issue a γραφη ὑβρεως would be more laborious and would require greater skill and experience than was involved in a δίκη αἰκίας. A young man like Ariston would find himself in an awkward and invidious position, as prosecutor in so ambitious a case as a γραφη ὑβρεως.
not to mention his being un-

qually matched against an un-

scrupulous opponent who was

older than himself and had

numerous connexions to sup-

port him. He would also be
deterred (though he does not

here confess it) by the rule re-

quiring the prosecutor to pay a

fine of a thousand drachmae

in the event of his not obtain-

ning at least one-fifth part of the

votes (Or. 21 § 47).

The construction is, ἐγκα-

λοῦντα τούτων ἀπετέκνθες. For

the gen. cf. Or. 36 § 9 πῶς ἐνεστ’

ἐγκαλεῖν αὐτῷ μισθώσεως.

[ὑπὲρ τὴν ἡλικίαν may mean,

‘beyond the resentment suited to

my years,’ implying that a

young man ought to put up

with a little affront, and not

make a serious matter of it. P.]

[ἰδίαν] ἀντὶ τοῦ ἰδιωτικῶν Δη-

μοσθένης ἐν τῷ κατά Κόνωνος,

ἐλέγετο δὲ τὸ ἱδίον καὶ ἰδιωτικῶν

ὡς ὁ αὐτὸς ῥήτωρ ἐν τῷ κατά

Σηνόθεμον (§ 32 πράγμα ἱδίων),

Harpocratio.

[ἡδίστ’ ἰν κρίνας, for καίτοι

ἡδίστ’ ἰν ἐκρίνα, well illustrates

the fondness of the Greeks for

participial construction. The

sense is, ‘though I would most

gladly have brought him to

trial on the capital charge.’ P.]

Cf. Or. 53 § 18 οὐχ ἦνα μὴ ἀπο-

θάνην κ.τ.λ.

‘Ce cri de haine a quelque

chose de naïf et de sauvage; le

plaignant semble le laisser é-

chapper malgré lui, sous l’im-

pression trop vive encore des

injures, qu’il a reçues. Cet

involontaire et rapide obli de

la modération qu’il s’est com-

mandée donne à son langage un

accent de sincérité plus marqué;

il lui sert aussi pour amener la

récit des faits de la cause’ (Per-

rot, Revue des deux mouches,

1873, 3, p. 946).

[θανάτου] The penalty of
death was inflicted in cases of

λασποδιτών ἀπαγωγή, and even

in special cases of ὑβερεως γρα-

φή. For the former, cf. Xen.

Mem. 1 2 § 62, ἐὰν τις φανερὸς

γένηται λωποδιτῶν ἡ βαλαν-

τισιμοὶ ἡ ταχωρικοί, τούτους

θανάτοσ ἐστίν ἡ ἃμια. For

the latter, cf. Lysias, fragm. 44,

καίτοι τις οὐκ ὄβεν ὑμῶν ὅτι τὴν

μὲν αἰκίαν χρημάτων ἔστι μόνον

times τοι, τοὺς δὲ υβριζείν δο-

ξιατας ἐξεστιν ὑμῖν θανάτῳ ἱγ-

μοῦν, Dem. Or. 21 § 49, inf. § 23.

—θάνατος articulo carete solet,

si supplicium significat et cum

vocabulo iudicaii coniungitur’

Zink (quoting Procksch in Phi-

lologus xxxvii 306).

2. δεινῆς—τούτου] ‘The origi-
nal outrage, atrocious as it was,
does not surpass the subse-
quent brutality of the defend-
ant.’ See § 26. The first clause
may perhaps be taken as a geni-
tive absolute.
κήσθαι καὶ παρανενομήσθαι δοκῶ, βοσθήσαι μοι τὰ δίκαια. ἐξ ἀρχῆς δ’ ὡς ἐκαστὰ πέπρακται, διηγήσομαι πρὸς ὑμᾶς, ὥσ ἄν οἶος τε ὁ διὰ βραχυτάτων.

The passive is formed just as if the verb were directly transitive in the active, i.e. as if the active construction were παρανομεῖν τινα, and not εἰς τινα. So also the active παρανομεῖν εἰς τινα has παρανομήσθαι for its corresponding passive (see below § 4 init. and § 5 fin.).

βοσθήσαι μοι τὰ δίκαια] ‘assist me to my rights.’ For the phrase and the context, cf. Or. 27 § 3 δέομαι μηών...μετ’ εὐνοίας τ’ ἐμοῦ ἀκούοι καὶ φηκήσαὶ δοκῶ, βοσθήσαί μοι τὰ δίκαια, πονήσομαι δ’ ὡς ἄν δύνωμαι διὰ βραχυτάτων τοῦς λόγους, ib. § 68, Or. 35 § 5; 38 § 2; 40 § 61. A fuller phrase may be noticed in § 42 of this speech, βοσθεῖν καὶ τὰ δίκαια ἀποδόναι. Kühner, Gk. Gr. 264 § 410 c, quotes Xen. Mem. π 6 § 25 ὅπως αὐτὸν τε μη ἀδικῦται καὶ τοῖς φίλοις τὰ δίκαια βοσθεῖν δύνηται,—ζυμ ρεχτε ὑερόῃσ. It is an extension of the cogn. accus. βοσθεῖν βοσθεῖαν.

The exordium has several points of coincidence with that of Or. 45. See p. 56.

In the next four sections the plaintiff states the origin of the bad blood between the defendant’s family and himself. The narrative, though part of the δίκαιος which naturally follows immediately after the προσλομον of a forensic speech, is only preliminary to the recital of the facts on which the suit is really founded. It is to this portion of the statement of the case that Rhetoricians like Theodorus of Byzantium would have given the name of προσδήγγησις (Arist. Rhet. iii 13).

§§ 3—6. Two years ago, we were ordered out to Panactum on garrison duty, and, as ill luck would have it, the sons of Conon pitched their tents close to our own. They picked quarrels with our servants and were persistently guilty of drunken and indecent conduct at the expense of our attendants and ourselves. My messmates and myself represented the case to the general, and he reprimanded them severely for their treatment of ourselves and for their misbehaviour in the camp. Notwithstanding, they burst in upon us on that very evening and violently assaulted us; indeed, serious consequences might have ensued, but for the arrival of the officers on the scene of disorder. On our return to Athens, there was naturally some ill blood between Conon’s sons and myself, but I simply made up my mind to have nothing more to do with them. However, as the result proved, my collision with the sons in the camp led to my being grossly maltreated by their father the defendant, who instead of rebuking his sons for the original outrage, has himself been guilty of a much more shameful aggression.

‘Par sa vive et familier simplicité, ce récit dit plaire aux juges, vieillards auxquels il rappelait les compagnes de leur jeunesse, les nuits passées sous la tente, les repas au grand air, dans ces beaux sites où se dres-
'Εξήλθομεν, ἔτος τούτῳ τρίτον, εἰς Πάνακτον φρουρᾶς ἡμῖν προγραφεϊσθαι. ἐσκήνωσαν οὖν οἱ νεῖδες οἱ Κόνωνος τουτού ἐγγὺς ἡμῶν, ὡς οὐκ ἂν ἐβουλόμην ἢ γὰρ ἔξ ἄρχης ἐχθρα καὶ τὰ προσκρούσματ' ἐκείθεν ἡμῖν συνέβη, ἔξ ὑπ' ἐκ, ἀκούσατε. ἐπινυόν ἐκάστοτε οὕτω τῆν ἡμέραν, ἐπειδὴ τάχιστα ἀρστήσαμεν, ὅλην, καὶ τοῦτ' ἔοις περ ἡμεν ἐπὶ τῇ φρουρᾷ, διετέλουν ποιοῦντες. ἡμεῖς δ' ὥσπερ ἐνθάδ' εἰώθαμεν, οὕτω διήγομεν καὶ ἔξω. ἢν οὐν δειπνοποιεῖσθαι τοῖς ἄλλοις ὑπάραν συμβαίνον, ταυτὴν ἄν ἡδὴ ἐπαρφόνουν οὕτω, τὰ saient, au milieu des montagnes, les forteresses destinées à protéger les frontières de l'Attique’ (Perrot u. s. p. 947).

3. ἐξήλθομεν not as youthful περίπολοι, but as part of the regular troops. This may be inferred from § 5, where the στρατοπέδων, στρατηγὸς and ταξιάρχοι are mentioned, and where there is apparently an absence of the strict discipline which was usual in the case of ἐφήβων (Zink p. 19).

'ἔτος τούτῳ τρίτον] ‘two years ago’ (sc. ἐστὶ), Dem. Ol. 3 § 4 ἀπηγγελθο[τ]ρίτον ἢ τέταρτον ἔτος τούτοι, Ἡραίων τείχος πολιορκῶν.

The present passage places the date of the speech in the ‘third year after,’ or, as we should say, ‘two years after,’ an expedition to Panaetanum. See Introd. p. Ixiii.

On Panaetum, or Panactus, a fort on the borders of Attica and Boeotia (Leake’s Demi p. 128), Harpoeration has this article; Πάνακτος Δημοσθένης κατὰ Κόνωνος πόλις ἐστὶ μεταξὺ τῆς Ἀττικῆς καὶ τῆς Βοιωτίας. He further notes that Thucydides (v 42) makes the word neuter, and Menander masenline.

φρουρᾶς...προγραφεῖσθαι] ‘being ordered out on garrison duty.’ For προγράφειν, in the sense of ‘putting up a public notice’ at head-quarters, compare Arist. Aves 418, ἀκούσετε λεψ τοῦ ὁμλυτρα νυνεὶν | ἀνελομένον θῶπ’ ἀπείναι πάλιν οίκαδε, | σκοπεῖν δ’ ὅ τι ἐπὶ πρόγραφομεν ἐν τοῖς πυναίοις, and Aristotle ἐν Λαθηρίων πολετείᾳ (quoted by Harpoeration s. v. στρατεία), ὅταν ἡλικιαν ἐκπέμποις, προγράφοισιν ἀπὸ τίμοις ἄρχοντος ἐπιμνήμου μέχρι τίνος δει στρατεύεσθαι.

ὡς οὖν ἂν ἐβουλόμην] sc. σκηνόσαι αὐτοῖς, ‘and would to heaven they had not!’

προσκρούσματα] ‘collisions.’ Or. 39 § 18, πολλοὶ προσκρούειν and Or. 37 § 15, ὃ φίλος ἢ... τοῦτο προσκρούκατα, 33 § 7.

ἔξ ὑπ’ ἐκ, ἀκούσατε] Or. 14 § 17 δι’ ὅ ἐκ, ἐλευθεροῦνται ἀρστήσαμεν...δειπνοποιεῖσθαι] On ἄρματον ἐπίδειπνον, see Becker’s Charicles p. 313, ed. 3.

—The optative ἀρστήσαμεν denotes frequent and repeated action, which is also clearly brought out by ἐκάστοτε and διετέλουν ποιοῦντες.

4. Ὑμᾶν] Not to be translated ‘hour,’ but ‘time,’ as
μὲν πολλὰ εἰς τοὺς παίδας ἡμῶν τοὺς ἀκολούθους, τελευτῶντες δὲ καὶ εἰς ἡμᾶς αὐτοὺς· φήσαντες γὰρ καταντίζειν αὐτοὺς ὁ συντοιουμένως τοὺς παίδας ἦ γὰρ κακῶς λέγειν, ὡς τι τύχοιεν, ἡττητὸν καὶ τὰς ἁμίδας κατεσκεδάζοντο καὶ προσεύροντο καὶ ἀσέλγειας καὶ ὑβρεῖον οὖν ὄπιον ἀπελευτοῦν. ὥρωντες δὲ ἡμεῖς ταῦτα καὶ λυπούμενοι τὸ μὲν πρῶτον ἀπεπεμψάμεθα, ὡς δὲ τὰς ἁμίδας κ.τ.λ. 'They emptied the chamber-pots on them,' Kennedy. Hermogenes, who selects the present narrative as an instance of ἄπλη δύνης, draws attention to the orator's plain-speaking in the clauses before us, and quotes them from memory with this comment: οὔ γὰρ εἰς μᾶλλον δεινῶσα τῷ λόγῳ ἢ τὰ πράγματα λέγον αὐτά ὁ ῥήτωρ φιλα, ὁ ἐπράττον ἐκεῖνοι γυμνὰ γάρ τοι λέγομεν πλείονα ἵσχυν ἑλαβεν ἢ εἷς τις αὐτὰ ἐκοσμεῖ λόγοις (Spengel, Ilhet. Gr. p 199.) ἀπεπεμψάμεθα] Either 'we drove them away,' 'told them to be off' (Westermann), a sense which is supported by Hdt. 1 120 τὸν παῖδα τὸν ἔξ ὄρθιαλων ἀπόπεμψαι and vi 63; or (more probably) 'we took no notice,' literally, 'we put the matter (ταῦτα) aside from ourselves,' 'dismissed it from our thoughts,' primum quidem satis habuimus tabia aversari, detestari (G. H. Schaefer); 'at first only expressed our disgust' (Kennedy and Dareste). [Cf. Eur. Hec. 72, ἀποπέμπομαι ἐννυχον ὅψιν. In the present passage it is a remarkable use. P.]

ὅρα in the former sense is found in late Greek only, and was probably first so used by Hipparchus the Alexandrine astronomer in the second century B.C. In phrases like ἐδών ὁρᾶν οὔδένος κοινήν θεῶν (Eumen. 109) and τὴν τεταγμένην ὁρᾶν (Bacch. 724), the rendering 'hour' should be avoided as open to misconstruction. ταῦτα....ἐπάρφοντο....εἰς τοὺς παίδας] Liddell and Scott (ed. 6) inadvertently quote this passage as an instance of παροιμείνων being used transitively 'like υβρίζειν,' whereas ταῦτα is obviously the accusative of time (sc. τὴν ὁρᾶν) and the object of παροιμείνων is expressed by εἰς τοὺς παίδας (this has been corrected in ed. 7). For the corresponding passive to this intransitive active, see § 5 fin. παροιμομένων. [παροιμοὶ and παροιμείνω mean, not 'to be intoxicated,' but 'to be abusive over one's cups.' P.]

ὁ τι τύχοιεν] This clause is to be taken ἐσφυότειν. 'Pretending, in short, anything they pleased.' The full construction would be: φήσαντες ὁ τι τύχοιεν φήσαντε. ἡττητὸν] See Excursus (A) on p. 221.
έχλευαξόν ἡμᾶς καὶ οὐκ ἐπαύνοντο, τῷ στρατηγῷ τὸ πράγμα εἴπομεν κοινῇ πάντες οἱ σύσσωτοι προσελθόντες, οὐκ ἔγω τῶν ἄλλων ἔξω. λοιδορθέντος δὲ αὐτοῖς ἐκείνων καὶ κακίσταντος αὐτούς οὐ μόνον περὶ ὧν εἰς ἡμᾶς ἥσσελγαίνου, ἀλλὰ καὶ περὶ ὧν ὠλος ἐποίησεν ἐν τῷ στρατοπέδῳ, τοσοῦτον ἐδέσσαν παύσασθαι ἡ αἰσχυνθήκῃ ὡστ', ἐπειδὴ θάττων συνεσκότασεν, εὑρὼς 1258 ὡς ἡμᾶς εἰσεπῆδοντας ταύτῃ τῇ ἑσπέρᾳ, καὶ τὸ μὲν πρῶτον κακῶς ἔλεγον, τελευτώντες δὲ καὶ πληγάς ἐνέτειναν ἐμοὶ, καὶ τασαύτην κρανῆν καὶ θόρυβον περὶ τὴν σκηνὴν ἐποίησαν ὡστε καὶ τὸν στρατηγὸν καὶ τοὺς ταξιάρχους ἐλθεῖν καὶ τῶν ἄλλων στρατιωτῶν τινῶς, οὔτε ἐκολογυσαν μηδὲν ἡμᾶς ἀνήκεστον παθεῖν μηδ' αὐτοὺς ποιήσαι παροινουμένους ὑπὸ τούτων; τοῦ δὲ πράγματος εἰς τοῦτο προελθόντος, ὡς δὲ ὧ' ἐπανήλθομεν, ἦν ἡμῖν, οὗν εἰκός, ἐκ τούτων ὅργῃ καὶ

5. λοιδορθέντος κ.τ.λ.] 'He censured and rebuked them severely, not only for their brutal treatment of ourselves, but also for their general behaviour in the camp.' For λοιδορθέντος used in the sense of the aorist middle, cf. διαλέχεις in § 7.—On κακίσταντος, cf. note on Or. 34 § 2.

'As soon as ever it grew dark,' 'no sooner was it dusk than...' For ἐπειδὴ θάττων (which is less common than ἐπειδή τάχιστα, § 3), cf. Or. 37 § 41 ἐπειδὴ θάττων ἀνείλετο, Plato Protag. 425 c, ἐπειδὴν θάττων συνή τις, Xen. Cyrop. 111—20 ὡς θάττων. 'εἰσεπῆδον] Aeschin. 1 § 59 εἰσεπῆδοντες νῦκτωρ εἰς τὴν οἰκίαν. τοιχίας] sc. μηδὲν ἀνὴκεστον. The plaintiff candidly admits that the arrival of the authorities prevented himself and his friends doing violence to Conon's sons in self-defence, provoked and exasperated as they were by the brutal assaults of their opponents.

'παροινουμένου] Fals. leg. § 198 ἀπώλετ' ἐν παροινουμένῃ. The active construction is παροινεῖν εἰς τίνα, cf. § 4 and see note on Isocr. ad Dem. § 30, πιστευθέντες.
Εὐθὺς πρὸς ἀλλήλους. ἦν μὴν ἔγνωκε ὀμην δεῖν οὕτε δῖκην λαχεῖν αὐτοῖς οὕτε λόγου ποιεῖσθαι τῶν συμβαντῶν οὕδενα, ἀλλ' ἐκείνο ἀπλῶς ἐγνώκειν τὸ λοιπὸν εὐλαβεῖσθαι καὶ φυλάττεσθαι μὴ πλησίαζειν τοῖς τοιούτοις. πρῶτον μὲν οὖν τούτων ὁν εἰρηκα βούλομαι τὰς μαρτυρίας παρασχόμενος, μετὰ ταῦτα οἶα ὑπʼ αὐτοῦ τούτων Πέπονθα ἐπιδείξατι, ίνα εἰδήτε ὅτι ὁ προσήκει τοῖς τὸ πρῶτον ἀμαρτηθεῖσιν ἐπιτιμάν, οὕτος αὐτὸς πρῶτος πολλῷ δεινότερ' εἰργασταί.

ΜΑΡΤΥΡΙΑ.

7 Ὡν μὲν τοῖνυν οὐδένα ὀμην δεῖν λόγον ποιεῖσθαι,

μὰ τοῦς θεοὺς, οὐ μὴν ἔγνωκε Π. cum libris Demosthenis; οὐ μὴν ἔγνωκε μὰ τοῦς θεοὺς Bekker cum Dionysio.

6. μετὰ ταῦτα οἷα—προσήκει] These few words as printed in Dindorf's ed. include no less than seven instances of hiatus, five of which can however be readily removed by elision. Benseler, who has exhaustively treated this subject in his volume de hiatus in oratoribus Graecis, says of the speeches of Dem. against Conon and Calliades: orator solet verba ita continuare et collocare, ut silvique vocalium concursus evitetur. p. 152.

τοῖς...ἀμαρτηθείσιν] Nenter, sc. ὑπὸ τῶν νέων τῶν Κόνωνος. πρῶτος] as a ringleader in acts of aggression.

Here follows the narrative proper.

§§ 7—9. Not long after our return from the camp, I was taking my usual evening walk in the market-place with a friend of mine, when a son of the defendant, Ctesias by name, who was intoxicated at the time, caught sight of us, and after raising a yell and muttering something indistinctly to himself, went off to a part of the town where a large party, including his father, had met for a carouse; summoned them to his standard, and made them march with him down to the market-place. On closing with us, one of them fell upon my friend and pinned him, while Conon and his son and another attacked myself, stripped me of my cloak, dashed me into the mud, jumped upon me, and otherwise grossly maltreated me. The language I heard them use, as I lay helpless on the ground, was simply awful, and would hardly bear repeating. Conon himself meanwhile set up a crowing like a victorious game-cock. When they had left me, some people, who happened to come up, carried me home, and afterwards took me to a public bath, where they washed me all over, and brought the surgeons to see me. I will now call evidence, to attest to these facts.
taυτ' εστιν. χρόνῳ δ' ύστερον ου πολλῷ περιπατούντος, ὦσπερ εἰώθειν, ἐσπέρας ἐν ἀγορᾷ μου μετὰ Φαινοστράτου τοῦ Κηφισίωνος, τῶν ἥλικιωτῶν τινῶς, παρέρχεται Κηνσίας οὐ ύδος οὐ τοῦτον, μεθύων, κατὰ τὸ Δεωκόριον, ἐγγὺς τῶν Πυθοδώρουν. κατιδῶν δ' ἡμᾶς καὶ κρανγάσας, καὶ διαλεχθείς τι πρὸς αὐτὸν οὕτως ὄς ἄν μεθύων, ὅστε μὴ μαθεῖν ὅ τι λέγοι, παρῆλθε πρὸς

7. περιπατούντος κ.τ.λ.] Hor. Sat. i 6, 113 vespertinumque pereruo Saepe forum.


ἐν ἀγορᾷ] The article is omitted, as in ἀστὺ καὶ πόλις (when used of Athens); below we have εἰς τὴν ἀγορὰν. Similarly εἰς βαλανεῖν in § 9, followed by εἰς τὸ βαλανεῖν in § 10.

The ἄγορα probably extended at this time over the inner Cera-
meicus, the district to the N.W.
of the Acropolis.

τοῦ Κηφισίωνος] The deme Κηφισία belonged to the tribe Erchtheis, and lay 12 miles N.E. of Athens at the foot of Pentelicus. It still retains its ancient name.

κατὰ] 'opposite to,' as Aesch. Theb. 528, τύμβον κατ' αὐτὸν διωγενὸς 'Αμφίωνος, and so frequently in Thucyd, in the sense of 'aff' a coast, or river.' P.]

Ἀφικώραν] The monument of the daughters of Leos (Praxithea, Theope, Eubule), who, at the command of an oracle, sacrificed themselves for their country. Or. 60 (Epitaph.) § 29 (ἀi Λεω κόραι) ἐαυτὰς ἐδοσαν σφάγιον τοῖς πολεμαῖς ὑπὲρ τῆς χώρας. Cicero de Nat. Deor. III § 50. Harpocration states that it was ἐν μέσῳ τῷ Κεραμεικῷ, i.e. in the midst of the inner

Cerameicus, the N.W. district of Athens, lying within the walls, as opposed to the outer Cera-
meicus, the κάλατων προάσ-
τεων where the Athenian war-
rriors were buried (Thuc. ii 34, Arist. Aves 395). It was close to the "Leocorium that Hipparchus was slain by Har-
modius and Aristogeiton (Thuc. vi 57).

τῶν Πυθοδώρουν] 'The premises (or shop) of Pythodorus,' either understanding οἰκίων, or more probably δωμάτων, like the ex-
pression which occurs twice in Or. 43 Macart. § 62 (φώμος) εἰς τὰ τοῦ ἀποθανότου εἰσενέα. Theocr. II 76 μέσαν κατ' ἀμαξ-τῶν, ὥ τα Λύκωνοι. [Ar. Vesp. 1440, οὕτω δὲ καὶ σὺ παράτρεχ ἐς τὰ Πιπτάλου. P.]

Pythodorus is possibly the friend of Pasion mentioned in Isocr. Trarpez. § 33 Πυθόδωρον τῶν σκηνίτην καλοῦμεν, quoted by Harpoc. σ.ν. σκηνίτη: ἔοικεν ἐπώνυμον εἶναι. μήποτε (perhaps) δὲ ως ἀγοραῖον καλοῦμεν, ἑπείδη ἐν σκηναῖς ἐπιπράσκετο πολλὰ τῶν ὁμίων.

διαλεχθείς] Cf. § 5 λαυδορθείς.

—ὡς ἀν μεθύων, sc. διαλεχθείς. See on Or. 34 § 32,—μαθεῖν, sc. ἡμᾶς.

πρὸς Μελίτην ἄνω] A hilly district within the walls, com-
prising part of the western half
of Athens, and including the hill of the 'Pnyx' and that of
The Nympths. Schol. on Ar. Aves 997 τὸ χωρίον...ὦ περιλαμβάνεται καὶ Πινυ...Μελίθη γὰρ ἀπαν ἐκέινο, ὡς ἐν τοῖς ὄρμοις γέγραφα- ται τῆς πόλεως. That it was near the agora is implied by the present passage, as well as by Plato Parm. 126 e, where Cephalus meets Adeimantus and Glaucon in the agora, and they conduct him to Antiphon, οἰκεί δὲ ἐγγὺς ἐν Μελίθῃ. It was so called from the nymph Melite, wife of Hercules (Leake's Athens i 441, 485; Dyer's Athens 97).

ἐπινον κ. τ. λ.] Either Pampphilus had invited Conon and his set to a friendly symposium, or, which is more probable, his shop was their place of lounge. Lysias 24 § 20 ἐκαστος ύμων εἰδοται προφοταν ὁ μὲν πρὸς μυρπαλείον, ὁ δὲ πρὸς κουρείον ὁ δὲ πρὸς ακυτομείον, ὁ δὲ ὁποῖον ἄν τύχῃ, καὶ πλείστοι μὲν ἡ τῶν ἐγγυτάτω τῆς ἁγορᾶς κατεσκευασμένοι, ἐλάχιστοι δὲ ὡς τῶν πλείστων ἀπέχοντα αὐτής. (See Becker's Charicles p. 279.)

tῷ κναφέ] 'the fuller.' As woollen cloaks would be spoiled by ordinary washing, they were regularly sent to the fuller to be scoured. The process consisted in rubbing in a kind of alkaline marl (fullers' earth), Κιμωλία γῆ, Ran. 713, and carding (κωπάτειο) to raise the nap (Jebb's Theophrastus xxv 18, and St John's Manners and Customs of Ancient Greece iii 232).

'Αρχεβιάδης] § 34 note.

Σπινθάρος ὁ Εὐβούλου] This Eubulus was probably the orator and statesman, one of Demosthenes' most formidable opponents. This supposition is strongly confirmed by the fact that the orator in question is known as Εὐβοῦλος Σπινθάρου Προβαλίων. The person mentioned in the text would, according to the common custom, be called Spintharus, after his grandfather. Cf. note on Or. 39 § 27. (A. Schäfer's Dem. u. s. Zeit, i 190 n.)

ἐξαναστήσας] The word is sometimes used as a military term of starting soldiers from ambush, as in Thuc. i 68, iii 7 and 108 § 3 ἐξανάστατες, and Xen. Hell. iv 8 § 37; cf. Iliad i 191. The orator makes his client, a young soldier, characteristically describe the scuffle in the language of military life. Similarly, a few lines below, ἀνεμίχθης, 'when we closed with one another.'

8. συμβαίνει...καὶ περιτυχάνομεν] A simple and somewhat archaic form of phrase instead of ὅτε περιτυχάαμοι. Thuc. i 50, ἡδη ἡν ὄψε καὶ οἱ Κορινθιοὶ ἐξαπινθῆς πρώμαν ἐκρούσοντο. Soph. Phil. 354 (Kühner § 518, 8).

Φερεφαττίου] The site of the temple of Persephone is uncertain; it is supposed to have been south of the Leocorium, and close to the statue of
Triptolemus, but we have no data worth mentioning besides the vague indications of the present passage (Leake’s Athens i 488, and Wordsworth’s Athens and Attica, p. 150).

els μὲν—ἐκείνων] ‘One of them, whom I failed to identify, suddenly fell on Phanostratus, and pinned him.’ The present προσπίπτει gives a vivid effect to the description, and the imperfect κατέχειν must also be noticed as implying that the plaintiff’s friend was held fast during the whole of the ensuing scuffle, and therefore could offer no assistance.—ο οὐδ’ αὐτοῦ, Ctesias.—ἐξέδυσαν, ‘stripped me’ of my cloak; § 9, ἡχὸντο θοιμάτων λαβώντες μου.

ἐlicting—συγκλέων] ‘next, they tripped me up, and made me fall heavily into the mud, and by leaping upon me, and maltreating me, they put me in such a condition that they cut my lip right through, and bunged up my eyes.’

9. τὰ μὲν ἄλλα—ἐν ὑμῖν ἔνα] i.e. ‘much of what they said was most abusive, and some of it I should be sorry to repeat in your presence.’ Cf. Or. 18 § 103, δ’ ὁκνῆσαμ’ ἀν πρὸς ὑμᾶς εἰπεῖν, 21 § 79, οὐ γὰρ ἔγγει προαχθείν ἡν εἰπεῖν πρὸς ὑμᾶς τῶν τότε ῥηθέντων οὐδέν, 2 § 19, and esp. Aeschin. 1 § 55, τοιαῦτα ἀμαρτήματα καὶ τοιαῦτα ὑβρεῖς... οὐας ἐγὼ μὰ τὸν Δίο τὸν Ὄλυμπον οὐκ ἀν τολυσάμα πρὸς ὑμᾶς εἰπεῖν ἄ γαρ οὕτως ἔργοι πράττων οὐκ ἡχυόντε, ταῦτ’ ἐγὼ λόγῳ σαφῶς ἐν ἐμί εἰπὼν ὁκ γὰρ ἐδεξαμένης εἶναι. Cie. Ver. ii 1 § 32.

This rhetorical device of professing to have compunctions at repeating the bad language of one’s opponent is sufficiently obvious. The effect is threefold.
(1) The court is left to imagine that the terms of abuse were singularly offensive. (2) The plaintiff is accredited with being a man of high principle for hesitating to repeat the abominable language of his opponent, —for what Aristotle would call his δυσχέρεια τῶν αἰσχρῶν. (3) The court is flattered by the compliment implied in the assurance that the language was too indecent to be repeated in their hearing. Cf. Arist. Rhet. π. 7, παθητικὴ δὲ, ἐὰν μὲν ἡ ὑβρὶς, ὑργιζομένου λέγει, ἐὰν δὲ ἀσεβή καὶ αἰσχρά, δυσχέραινοτοι καὶ εὐλαβομένου καὶ λέγειν. σημεῖον] To be taken with ὑβρισὶς; τεκμήριον with τοῦ γεγένηθαί. The former is ‘an indication,’ ‘a sign;’ the latter ‘a conclusive proof’ (note on Isocer. ad Dem. § 2). Or. 36 § 12.

ἡδε—πλεύρας] ‘he began to crow, mimicking the fighting-cocks that have won a victory, while the rest bade him flap his elbows against his sides, like (lit. in lieu of) wings.’

We find representations of cock-fighting on ancient gems and vase-paintings; and, if the authority of Aelian (var. hist. π. 28) may be trusted, it was a political institution at Athens, and took place in the public theatre once a year. (See esp. Becker’s Charicles p. 77 n., also pp. 80—81, where the whole scene described in the text is admirably woven in with the adventures of Charicles.)

[Plato, Theaet. p. 161, φαινομεθά μοι ἀλεξτρόνοις ἀγεννοῦς δίκην, πρὶν νεκυκλείαι, ἀποπνηθάντες ἀπὸ τοῦ λόγου ἄδειν. Ar. Vesp. 705, καθ’ ὅταν αὐτός γ’ ἐπισίζῃ ἐπὶ τῶν ἐχθρῶν τιν’ ἐπιρρῆξας, ἄριστοι αὐτῶς ἐπιπηδάς. The fighting-cock springs upon its adversary, and uses its spur to strike the head. P.]

γυμνός] sc. ἅνευ τοῦ ἰματίου, stripped of his cloak, as is clearly shown by the following clause. Or. 21 § 216 γυμνός ἐν τῷ χιτώνισκῳ. Aeschin. 1 § 26 ῥήβας θοιμάτων γυμνός ηπαγκρατίαζεν. Ar. Lys. 150 ἐν τοῖς χιτώνισι...γυμναί. Nub. 497, κατάθον θοιμάτων...γυμνόν εἰσοέναι νομίζεσθαι. Herrmann Privatall. § 21 p. 175 Blümner.—ὡχωτο, in its usual pluperfect sense, ‘after stripping me of my cloak, they had taken to their heels.’—ξυλον, possibly first person singular, but more probably third person plural, referring to οἱ παρατυχόντες. But cf. § 20, ῥήγος ἐξέλθων φοράδην ἤλθον οἰκάδε.
pauvidon ἵν, καὶ μόλις¹ ποτὲ εἰς βαλανεῖον ἐνεγκόντες μὲ καὶ περιπλάνατες ἐδείξαι τοῖς ἰατροῖς. ὡς οὖν ταῦτ' ἀληθῆ λέγω, τούτων ύμῖν τοὺς μάρτυρας παρέξομαι.

ΜΑΡΤΥΡΕΣ.

Συνέβη τοῖς, ὥν ἀνδρεῖς δικασταί, καὶ Εὐξίθεον το τούτοι τὸν Χολλείδην, ὃνθ' ἤμων συγγενῆ, καὶ Μειδίαν μετὰ τούτου ἀπὸ δείπνου ποθὲν ἀπίστος περιπλάνος πλησίον ὑπήρξεν, καὶ εἰς τὸ βαλανεῖον φερομένῳ παρακολουθήσας, καὶ ἰατρὸν ἄγουσι παραγενέσθαι. οὕτω δ' εἴχον ἀσθενῶς ὡςθ', ῥομ δὴ μακρὰν φερομένῳ οὐκάδε ἐκ τοῦ βαλανείου, ἑδόκει τοῖς παροῦσιν ὡς τὸν Μειδίαν ἐκεῖνην τὴν ἐστέρας κομίσαι μὲκ καὶ ἐποίησαν οὕτως: λαβέ οὖν καὶ τὰ τούτων μαρτύρια, ἕνεκ' ἐγὼ δ' ὑπὸ τοὺς συνισάχοις ὡς ὑπὸ τούτων ὑβρίσθην¹.

¹ ἐν Ζ et Bekker st. cum Σ.

k Bekker. om Ζ cum Σ. ¹—ι εἴῃ—ὑβρίσθην om. x.

eis βαλανεῖον] a public bath, as is shown by § 10, ὡς μὴ μακρὰν φερομένῳ οὐκάδε ἐκ τοῦ βαλανείου. See Becker's Charicles p. 147—152.—For the context, cf. Lysias, fragm. 75 (of a boy who had been severely thrashed) où δυναμένου δὲ βαδίζειν ἐκόμισαν αὐτὸν εἰς τὸ δεῖγμα ἐν κλίνῃ, καὶ ἐπεδείξαν τολλοῖς Ἀθηναίοις.

§ 10. I was followed to the bath by Midias and by a relative of mine who was returning with him from dinner; and as I was too weak to be carried home again that evening, I was taken to the house of Midias for the night, as will be proved by evidence.

10. Χολλείδην] 'Of Χολλείδαι,' (Or. 35 § 20), a deme of the tribe Leontis, probably situated south of Hymettus and west of Mons Anhydrus, or Hymettus minor (Leake's Athens, p 57 and Wordsworth's Athens and Attica, chap. xxv).—τοῦτοι implies that Euxitheus was present in court; the other, Midias (probably the same as the subject of the well-known oration of Dem.), was absent.—τῆς οἰκίας, Ariston's home.

τὸ βαλανεῖον] with the article, in reference to βαλανεῖον already mentioned without the article. So in § 7, ἐν ἀγορᾷ...eis τὴν ἀγοράν.

Ἀγορά] The construction is καὶ παραγενέσθαι αὐτοῖς ἀγοραν ἰατροῦ.

ὡς τὸν Μειδίαν] 'to Midias' house.' For ὡς introducing an accusative of motion towards a
11. Tōte mēn τοῖνυν παραχρῆμα ὑπὸ τῶν πληγῶν ὅν \textsuperscript{m} ἐλαβον καὶ τῆς ὑβρεως ὑμῖν διετέθην, ὡς ἀκούετε καὶ μεμαρτύρηται παρὰ πάντων ὑμῖν τῶν εὐθὺς ἠδόντων. μετὰ δὲ ταῦτα τῶν μὲν οἰδημάτων τῶν ἐν τῷ προσώπῳ καὶ τῶν ἐλκών οὐδὲν ἔφη φοβεῖσθαι λίαν ὁ ἱατρὸς, πυρετοὶ δὲ παρηκολούθουν μοι συνεχεῖς καὶ ἀλήματα ὀλον μὲν τοῦ σώματος πάνυ σφόδρα καὶ δεινὰ, μάλιστα δὲ τῶν πλευρῶν καὶ τοῦ ἦτρου, καὶ τῶν σιτίων ἀπεκκελείμην\textsuperscript{n}. καὶ ὡς μὲν ὁ ἱατρὸς ἔφη, εἰ μὴ κάθαρσις ἀίματος αὐτομάτη μοι πάνυ πολλὴ συνέβη περιωδύνῳ ὡντι καὶ ἀπορομμένῳ ἡδη, κἂν ἐμπνεος γενόμενος

\textsuperscript{m} Bekker, ὁς Ζ εἰς ΣΦΑ\textsuperscript{1}εκακ.  
\textsuperscript{n} Bekker εἰς Δ. ἀπεκκελείσθην Ζ εἰς ΦΠτ. ἀπεκκελείσθην Σ.

\textsuperscript{person, cf. Thuc. iv 79, ἀφίκετο ὣς Περδίκκαν καὶ ἔς τὴν Χαλκηδίκην. 

§§ 11, 12. The surgeon and others have deposed to the immediate consequences of the assault; afterwards, though he expressed no great fears about my external bruises, unintermittent attacks of fever ensued, attended by extreme internal pain. I was quite unable to eat; and, but for a violent discharge of blood at a critical time, death would have resulted, as will be proved by medical evidence.

11. τῶν σιτίων ἀπεκκελείμην] ‘I was cut off from, debarmed from, my food, ‘too ill to eat anything.’ Hesychius explains ἀποκεκλήθας σιτίων ἀνορέκτως ἔχειν τροφῆς. — Strict Atticists prefer ἀπεκκελήμην (from old Attic κλήο) to ἀπεκκελείμην and ἀπεκκελείσθην (Veitch Gk. Verbs).—ήτρου, ‘the pit of the stomach.’

12. εἰ νὴ—διεφάρμη ἢ Construction. ‘If a copious discharge of blood had not spontaneously occurred, while I was in extreme agony and at the very crisis of the malady, I should have died of internal suppuration.' [An injury caused by the stamping upon him when down, was relieved at last by passing blood from some internal hemorrhage. P.] περιωδύνῳ is possibly a technical term; at any rate it is used by Hippocrates, ‘the Father of Medicine,’ and he also has περιωδεῖν, περιωδεία and περιωδεύσατα [μοῦρα μὴ περιωδύνους μηδὲ δεμνιστήρης occurs in Aesch. Ag. 1423. P.].—ἀπορομμένῳ is either passive, ‘despaired of,’ or more probably middle, ‘doubtful of my recovery’, οὐκ εἰδὼς εἰ πε-
diephθάρην νῦν δὲ τοῦτ᾽ ἔσωσε τὸ αἷμα ἀποχωρῆσαν. ὡς οὖν καὶ ταύτ᾽ ἀληθῆ λέγω, καὶ παρηκολούθησέ μοι 1261 τοιαῦτη νόσος· ἐξ ἂς εἰς τοὺςχατον ἠλθον, ἐξ ὧν ὑπὸ τούτων ἐλαβον πληγῶν, λέγε τὴν τοῦ ἰατροῦ μαρτυρίαν καὶ τὴν τῶν ἐπισκοπούτων.

ΜΑΡΤΤΡΙΑΙ.

"Ὅτι μὲν τοῖνυν οὐ μετρίας τινάς καὶ φαύλας λα- 13 βὼν πληγᾶς, ἀλλ᾽ εἰς πᾶν ἔλθων διὰ τὴν ύβριν καὶ τὴν ἁσέλγειαν τὴν τούτων πολύ τῆς προσκούσης ἐλάττω

mupevúoma§ 28.—On the quantity of ζέμνος, see Excursus (B), p. 236.

toút' ἔσωσε] The construction is τούτο τὸ αἷμα, ἀποχωρῆσαν, ἔσωσε με, 'the passing of this blood saved my life.'

παρηκολούθησε—πληγῶν] Constr. τοιαῦτη νόσος, εξ ἂς εἰς τοὺςχατον ἠλθον, παρηκολούθησε μοι ἐκ τῶν πληγῶν, ἂς ὑπὸ τούτων (sc. Conon, Ctesias and Theogenes) ἐλαβον.

tῶν ἐπισκοπούτων] 'those who came to see me,' visited me in illness.' Xen. Cyrop. viii 2 § 25, ὅποτε τις ἀσθενήσει τῶν ἑραπετέουσα ἐπικαρίων, ἐπεσκόπει καὶ παρείχε πάντα ὅτου ἔδει; also in middle, Xen. Mem. iii 11 § 10, ἄρρωστόποντος φίλων φροντιστικῶς ἐπισκέψασθαι. Or. 59 § 56, τὰ πρόσφορα τῇ νόσῳ φέρονται καὶ ἐπισκοπόῦμεν.

§§ 13—15. Let me now tell you beforehand of the course which Conon will take in his reply. He will divert your attention from the facts and try to throw ridicule on the whole affair. He will tell you it was only the playful pleasantry that is common among young men about town. He will misrepresent us as just like his sons in character, and only different in being hard on other people. But the jury will be inflicting what I may call a fresh outrage upon me, if they are going to believe the defendant's bare assertion about our respective characters and to allow no weight to the evidence of our life and conduct.

13. εἰς πᾶν ἔλθων] While πᾶν ποιεῖν and πάντα ποιεῖν are invariably used in the active sense of 'straining every nerve,' 'leaving no stone unturned,' εἰς πᾶν ἔλθειν and similar phrases have often (like εἰς τοὺςχατον ἐλθειν of the last section) the passive notion of being reduced to the utmost extremity, as in the present passage.

Thus (i) in active sense we have Xen. Cyr. v 4 § 26 πάντα ἐποίουν πείθοντες τὸν βασιλέα, Anab. iii 1 § 18 εἰπ̣ πᾶν ἔλθων, ώς ἦμα τὰ σχόλα αἰκαδόμους παῖς ἄνθρωπος φίλων παράσχοι, Soph. O. T. 265 κατὶ πάντ᾽ ἄφι- ξομαι ξητῶν τῶν αὐτόχειρα. (ii) in passive; Xen. Hell. vi 1 § 12 ὅσα δὲ, ὡς εἰς ἄνδρι- μεως...εἰς πᾶν ἀφίκετο βασιλεύς, and v 4 § 29. Plato Symp. 191a, μᾶλ γνα φοβοῦ καὶ ἐν παντὶ εἰς. τῆς προσκούσης ἐλάττω δι- κιν] 'I have entered on an action much below the merits.
of the case." Cf. latter half of § 1.

πινα ποτ' ἔστιν ἀ] The Zürich editors and Westermann prefer τὶ ποτ' ἔστιν ἀ, 'what is the import (sing.) of the points (plur.) that Conon will urge in his defence,' τὶ...ἀ is more idiomatic than πινα...ἀ, and is found in Or. 4 § 10; 19 § 288; 21 § 154; 36 § 28; 37 § 86.

ἀπὸ τῆς ὑβρεως—ἐρεῖν] In apposition to λέγειν παρεσκευάσθαι, and loosely dependent on πειράσμα. A simpler construction might have been brought about by closing the sentence with παρεσκευάσθαι and then beginning afresh with some such sentence as the following; ἀπὸ γὰρ τῆς ὑβρεως καὶ τῶν πεπραγμένων τὸ πάρμη ἀπαγγέλων, εἰς γέλωσα καὶ σκώμματ' ἐμβαλεῖν πειράσθαι, καὶ ἐρεῖ κ.τ.λ., and in English translation this would give a clearer sense than any slavishly literal rendering of the more complex construction in the text. 'He will divert your attention from the wanton outrage and the actual facts of the case; and will endeavour to turn the whole affair into mere jest and ridicule.' That εἰς γέλωσα καὶ σκώμματ' ἐμβαλεῖν is the construction (and not καὶ σκώμματ' ἐμβαλεῖν πειράσθαι, καὶ ἐρεῖν,) appears from (Dem.) Phil. 4 § 75, τὸ πράγμα εἰς γέλωσα καὶ λυῳδῶν εμβαλόντες, cf. Aeschin. 1 § 135 τὸ πρόγμα εἰς ὄνειδος καὶ κυδώνοις καθιστάς καὶ εἰς γέλωσα καὶ λῃστῶν ποιεῖται ἵνα, Lysias frag. 75, 1 εἰς σκόμματα τε αὐτοῖς καὶ ἀναιτιολογάν καὶ ἐχθρον καὶ λυῳδῶν κατέστησαν.—Hesychius, referring perhaps to the present passage, has σκόμματα· λυῳδῆματα γέλωσων χάρων.

14. ὡς εἰσὶν] followed in the latter half of the sentence by acc. c. inf.

καλῶν καγαθῶν] See note on Or. 4, 5 § 65. Trans. 'sons of respectable people, who in their youthful frolics have given themselves nicknames.' σφίσων αὐτοῖς is not necessarily limited to the reflexive sense, but is sometimes almost equivalent to the reciprocal pronoun ἄλληλοι (see Isocr. Paneg. § 34).

ἰδιοφάλλους ... αὐτοληκυθῶν] 'Priapi and Sileni.' Kennedy
(following the French translation of Auger). For an account of the word αὐτολύκυθος, see Excur-
sus (c), p. 227.

erώσιν κ.τ.λ.] The construction is τυνές ἐκ τούτων ἐρώσιν ἑταίρων. —καὶ δὴ καί, used in descending
to particulars after a general statement. Or. 55 § 10. The
construction here changes from ὑπὲρ εἰσίν to the acc. with infin.—
περὶ ἑταῖρας gen. sing., not acc. pl. [See Or. 21 § 36 p. 525 and
Ar. Vesp. 1345. P.]

ἐληφθέναι καὶ δεδωκέναι πλη-
γάς] These phrases are used to
supply the lack of a perf. passive and active of τόπτω, as
the Attic prose writers know
nothing of the forms τετυφθαι
and τετυφέναι. See Excur-
sus (A) on τόπτω, p. 221.

παροίνου...ὑβριστάς...ἀγνώμο-
νας...πικροῦ] ‘drunken’ and
‘insolent’; ‘ungodly’ and
‘ill-tempered.’ The four epi-
thetics, separated into pairs by μὲν and δὲ, refer, in the case of
the first couple, to the actual
‘assault and battery’; in the
case of the second, to the law-
suit that had since resulted.
Conon will in his artful way re-
present us as really wild sparks
like himself, who are yet incon-
sistent enough to be churlish
and ill-tempered, instead of
genial and good-humoured as
πάροινοι and υβρισταί ought
to be.

κατασκευάσει] in bad sense,
‘to misrepresent,’ ‘trump up
a story,’ ‘make out falsely.’
Cf. Or. 45 § 82. παρασκευάσεων,
the reading of the Paris ms
Σ, depends, like the previous in-
finitives, on the remote verb
πέπνυμαι.

15. χαλεπῶς — ἐννοχώς] ‘deeply
indignant as I am at the
wrongs I have suffered.’ Or. 21
§ 108 ἐγὼ γὰρ ἐννοχώς χαλεπῶς
ἐφ’ οίς περὶ τὴν λευτορίγιαν ὑβρί-
ςαθην, ἐπὶ τὸ μὲν χαλεπώτερον...
τούτοις τοῖς μετὰ ταύτα ἐννοχά
καὶ μᾶλλον ἡγανάκτησα, 58 § 55
πρῶτος ἐπὶ τοῖς γεγομένοις θρέεν.

τούτι ἄγανακτήσαμ’ ἂν] Or.
8 § 55, ἄγανακτῖον αὐτό τοῦτο, εἰ
tὰ μὲν χρήματα λυτεῖ τινας ύμῶν
ei διαρρησθήσεται, ἄγανακτέων
and similar verbs implying
mental emotion, though occa-
sionally followed by a dative
with or without ἐπὶ, may have
an accusative neuter pronoun
(Kühner, Gk. Gr. § 410 e ἐ).
τούτο is explained by εἰ ἀληθῇ
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ei’peiv, ei’ taut’ alhθh δɔξei Kównov oútoso lègev peri ἕμων, kai tosaunti tis árgnia par’ úmwn èstew ὤσθ’ ópotoos án tis èkastos ei’nav φυ’ ὡ πλησιόν αὐτὸν αἱ- 1262 tiásxetai, toioútos nomištisetai, tòu ðè kath’ hèmèran blòu kai tòw èpitsithumátwv μηδ’ ótióuν èstai tois 16 μετρίων ὀφέλου. ἴμείς γὰρ οὔτε παροινοῦντες οὖδ’ υβρίζοντες ὑπ’ οὐδενός ἀνθρώπων έωράμεθα, οὔτ’ ἄγνω-

Baiter (Dind. et Westermann): οὐ’ retinet Bekker st. qui in versu proximo oúde scribit.

dóxéo, oútoso lègew, ‘deeply indignant as I am at the wrongs I have suffered, I should (if you will pardon the expression) feel no less resentment at this, and should deem myself the victim of a fresh outrage at your hands, if Conon shall be held by you to be speaking the truth about us...’ ei ólou’ τ’ eipteiv must be understood as a parenthetical apology for using the strong word υβρισθήναι to express the outrage that will be done to the feelings of honest men like the plaintiff, if the defendant’s bare assertion is believed outright, and if no weight is given to the unimpeachable testimony presented on the other hand by the exemplary lives of himself and his brothers. Cf. esp. § 43 ei προσβιβασθεὶς ἄπειμι καὶ δίκης μη τυχῶν.

αὐτὸν αἰτιάσθηται] sc. εἶναι, ‘that, whatever sort of person each one shall assert that he is, or his neighbour shall accuse him of being, such he shall be considered to be, and respectable citizens shall have no advantage at all from their daily life or conduct.’ Aeschin. I § 153 and 2 § 5.

§§ 16—17. As to our own character, no one has ever seen us playing drunken pranks on other people, and we cannot see how our opponents can call us ‘hard’ on others, if we claim redress. Conon’s sons are welcome to belong to their disorderly clubs, but I shall be surprised if this or any similar plea will enable them to escape with impunity.

16. οὔτε παροινοῦντες οὖδ’ υβρίζοντες...οὔτ’ ἄγνωμον κ.τ.λ.] This refers to § 14, παροινου... καὶ υβριστάς...ἀγνώμονα δὲ καὶ πικρόν. The οὖδες have οὖδ’ υβρίζοντες, which Baiter alters into οὖδ’ υβρίζοντες. It would be better perhaps (with Bekker) to leave οὖδ’ υβρίζοντες, and to alter οὔτ’ into οὖδ’ before ἄγνωμον. The break between the second clause and the first is clearly greater than between the two parts of the first (viz. παροινούντες and υβρίζοντες).

έωράμεθα] This form of the perf. of ὅραν (for the older Attic όμαμα, the 2nd and 3rd sing. of which occur in Dem.) is also found in Isocr. antid. § 110, μηδ’ ύφ’ ενός έωράσαι, possibly the earliest extant instance (the antidosis belongs to B.C. 355; the present speech to B.C. 355 or 341).
μον οὐδὲν ἴγονεμεθα ποιεῖν, εἴ περὶ δὲν ἱδίκημεθ' ἀξιοῦμεν κατὰ τοὺς νόμους δίκην λαβεῖν. ἵθυφάλλοις δὲ καὶ αὐτοληκύθοις συγχωροῦμεν εἶναι τοὺς νίσσι τοὺς τοῦτον, καὶ ἔγωγ' εὐχόματο τοὺς θεοῖς εἰς Κόνωνα καὶ τοὺς νίσσι τοὺς τοῦτον καὶ ταῦτα καὶ τὰ τοιαῦτα ἅπαντα τρέπεσθαι. οὐτοὶ γὰρ εἰσιν οἱ τελουντες ἀλλήλους τῷ 17 ἵθυφάλλῳ, καὶ τοιαῦτα τοιούτους ἀ πολλήν αἰσχρήν ἐχει καὶ λέγειν, μη ὃτι γε δὴ ποιεῖν ἅθροιμους μετρίους. ἀλλὰ τι ταῦτ' ἐμοὶ; θαυμάζω γὰρ ἔγωγε, εἴ τις ἐστι πρόφασις παρ' ὑμῖν ἡ σκήνης εὐρημένη δι' ἥν, ἢν ὑβρίζων τις ἐξελέγχηται καὶ τύπτων, δίκην οὐ δώσει. οἱ μὲν γὰρ νόμοι πολύ τάναντι καὶ τὰς ἀναγκαῖας.

* Bekker. τὰ τοιαῦτα Σ ευμ Σ.

συγχωροῦμεν κ.τ.λ.] They are welcome, so far as we are concerned, to the attributes of Priapic and Selinei. For the dat. cf. § 41, πονηροτέρως ἤμων εἰναι συνέβαινεν.

εἰς Κόνωνα...τρέπεσθαι] Passive; 'recoil upon the head of Conon.' Ar. Ach. 833, πολυπραγμοσύνην νῦν εἰς κεφαλὴν τρέποντι ἐμοὶ. (Dem.) Epist. 4 § 10, οἱ θεοὶ...τὴν ἄδικον βλασφήμαν εἰς κεφαλὴν τῷ λέγοντι τρέποντι.

οἱ τελουντες κ.τ.λ.] 'who initiate one another with Priapic rites.'—πολλὴν αἰσχρήν ἐχει, 'involve deep disgrace even to speak of.'—μη ὃτι γε, οὐδὲν. Cf. Plato, Phaedr. 240 b, Crat. 427 ε, and see note on Or. 34 § 14.

§§ 17 cont.—20. Compare the spirit of our laws with the course which Conon proposes to take. The laws, I understand, affix a penalty even to minor offences, to preclude the perpetration of graver crimes, to prevent men (for instance) being gradually led from wrangling to blows, from blows to wounding, from wounding to murder. Conon, on the contrary, will make light of the whole affair and will raise a laugh to get himself acquitted. Why! none of you would have laughed had you seen me when I was being brutally maltreated, and when I was carried helpless to my home.

17. θαυμάζω γὰρ] The English idiom requires us to leave γὰρ untranslated, or else to render it by the exclamation 'why!'—'What has all this to do with me? Why! for my part, I am surprised if in your court they have discovered any plea or pretext, thanks to which a man, if convicted of outrage and assault, shall escape punishment.'

οἱ μὲν γὰρ νόμοι κ.τ.λ.] The influence of μὲν extends over the whole of the two following sections, it is then caught up and reiterated in the clause εἰρ' ἐν μὲν τοῖς νόμοις οὕτως. Thus the first μὲν has no ὡς corresponding
to it, until we reach the words ἄν δ᾽ εἴπῃ Κώνων, 'The laws say so and so...' 'Not so Conon.'

The laws, by ordaining a legal remedy at each stage, (1) defamation, (2) assault, (3) unlawful wounding, interpose to prevent defamation, which is a pretext for assault, growing into actual assault; similarly assault developing into unlawful wounding, and ultimately into homicide. 'The laws on their part have, on the very contrary, made provision, even in the case of pleas of necessity, against the development of those pleas into greater proportions.'

The meaning is, that the law, by providing an action for every kind of insult, has made it unnecessary for the aggrieved to resort to extremes in avenging himself. By ἀναγκαία πρόφασις he means, for instance, the plea, that a man was insulted and he was obliged to resent it. The law says, 'that obligation must not be pressed too far, so as to justify you in taking very violent revenge.' P.

The plaintiff, a quiet, common-place soldier, is here on the verge of displaying a familiarity with legal technicalities which would be not only out of keeping with his ordinary character, but would be resented by those of the jury who happened to be less versed in legal learning. The court would be apt to ascribe his acquaintance with the details of the law of defamation, assault, and homicide to that over-litigiousness of character which was as unpopular, as it was common, at Athens; or, at the very least, they would put him down as a pedant. Hence Demosthenes introduces a passing apology, explaining that the plaintiff, honest man, owes all his legal lore to the enquiries rendered imperative by the maltreatment he had received from the defendant. Hence, too, the skilful disclaimer of superior knowledge involved in the subsequent phrases; φασί... γλυφεςθαι and ἡκοῖνοι... εἰλαν. Cf. Lysias Or. 19 §§ 5, 53.

The change of díkaι] Isocr. κατὰ Δοξίτων (an αἰκίας díkaι like the present case), § 3 (οἱ θέντες ἡμῖν τοις νόμοις)οὐτω...ἡγίσαντο δεινόν εἰλαν τὸ τόπτειν ἀλλήλους, ὡστε καὶ περὶ κακηγορίας νόμον ἢθέαν, ὅτι κελεύει τοὺς λέγοντας τι τῶν ἀπορρήτων πεντακοσίας δραχμάς ὀβέλεων. Cf. Lysias, Or. 10 §§ 6—12, Dem. Or. 23 § 50, Or. 21 § 32.

18. λοιποῦ] ‘reviling one another.’ For the reciprocal sense, cf. Or. 54 § 10, ἐξθέων ἀλλήλοις ... λοιποῦνεος καὶ πλοῦντας αὐτοὺς τάπόρρητα, and
p. 1262] **LIV. KATA KONONOS AIIKIAS.** 195

μενοι τύπτειν ἀλλήλους προάγωνται. πάλιν αἰκίας εἰσὶν καὶ ταύτας ἄκοιν διὰ τοῦτ’ εἶναι τὰς δίκαιας, ἵνα μηδεῖς, ὅταν ἦπτων ἦ, λίθῳ μηδὲ τῶν τοιούτων ἀμύνη-

ται μηδενὶ, ἀλλὰ τὴν ἐκ τοῦ νόμου δίκην ἀναμένην.

τραύματος πάλιν εἰσὶ γραφαὶ τοῦ μὴ τιτρωσκομένων

tινῶν φόνους γίγνεσθαι. τὸ φαυλότατον, ὁμαί, τὸ 19

τῆς λοιδορίας, πρὸ τοῦ τελευταῖον καὶ δεινοτάτον προ-

Ar. Ranae 857, πραγμὸς ἐλεγχοὶ ἐλέγχου, λοιδορεῖται δ’ οὐ θέμας ἄνδρας ποιήσας ὤσπερ ἀρτοπω-

λιδας.

As λοιδορεῖται is used in the sense of κακῶς ἀγορεύειν ἀλλή-

λους, so also λοιδορία sometimes occurs as an equivalent for the precise technical term κακηγορία. Hence we have in Ar. Vesp. 1207 εἰλὸν διώκων λο-

ιδώρας (sc. κακηγορίας), and Athenaeus (xiv 525 ν) quotes from Antiphon ἐν τῷ κατ’ Ἀλκιβιάδου λοιδώρας, possibly meaning a speech in a δίκη κακηγορίας.

[ἀ]ἰκίας [sc. δίκαιον, of which the present case is an instance.

For the general sense of the following sentences, cf. Isocr. κατὰ Λοξίτου Or. 20 § 8 σολάκιοι ἥδη μικρὰι προφάσεις εἰς μεγάλων

κακῶν αἰτίας γεγόνασι, καὶ διὰ τοῦτον τούπτειν τολμᾶτας εἰς τούτον ἥδη πινὲς ὀργῆς προσήχθησαν ὡστ’ εἰς τραύματα καὶ ταμάτους καὶ φυγάς καὶ τὰς μεγάςσας συμφοράς ἐλθεῖν.

[ἐνα μηδεῖς—μηδενὶ] ‘to prevent anyone, when he is the weaker party, defending himself with a stone or any similar missile,’ e.g. an ὄστρακον, Lysias Or. 4 § 6. See Mahaffy’s *Social Greece* pp. 358—360.

τραύματος…γραφαὶ (Lysias) Or. 6 κατ’ Ἀνδρικίου § 15 ἀν τις ἀνδρὸς σῶμα τρώσῃ, κεφαλὴν ἢ πρόσωπον ἢ χείρας ἢ πόδας, αὐτὸς κατὰ τοὺς νόμους τοὺς ἐξ Ἄρειου

πάγου φεύγεται τὴν ἀδικηθέντος πόλιν, καὶ ἐὰν κατή, ἐνδειχεὶς πραγμάτων ἔχομαι θιστή σταθήσηται.

The fourth oration of Lysias is a very brief defence in a case of ‘malicious wounding,’ περὶ τραύματος ἐκ προνοιῶν. The de-

fendant endeavours to prove the absence of πρόφασισ (malice pre-

pense), and implores the βουλή (ἤ ἐξ Ἀρείου πάγου) to rescue him from banishment (§§ 6, 12, 20). In Aeschin. Ctesiph. § 51 a τραύματος γραφή instituted by Demosthenes is mentioned; and Demosthenes himself (Aristoc. § 24) quotes the law τῆς βουλῆς δικάς εἰς φόνον καὶ τραύματος ἐκ προνοιῶν κ.τ.λ.

τοῦ μῆ…φόνου γίγνεσθαι] The genitive of a clause containing an accusative of the subject and an infinitive is often used (especially with μῆ) to denote the object or motive; the dative, the means and instrument or cause (Madvig’s Greek Syntax, § 170, and the commentators on Thuc. ii 102; vi 33; viii 87 § 3.)

19. τὸ τῆς λοιδορίας κ.τ.λ.] ‘the least of these evils, namely, abusive language, has been provided for by the laws, for the avoidance of (πρό-) &c.—προεύ-

ραται, which may have either a middle or a passive sense, has here almost certainly the latter, especially as we have just had ἑωράμεθα as a passive in § 16.

13—2
εώραται, τοῦ μὴ φόνου γήγερθαι μνημειακὰ μικρὸν ύπάγεσθαι ἐκ μὲν λοιδορίας εἰς πληγάς, ἐκ δὲ πληγῶν 1263 εἰς τραύματα, ἐκ δὲ τραύματος εἰς θάνατον, ἀλλ’ ἐν τοῖς νόμοις εἶναι τούτων ἑκάστου τὴν δίκην, μὴ τῇ τοῦ προστυχόντος ὄργη μηδὲ βουλήσει ταῦτα κρίνεσθαι. 20 εἰτ’ ἐν μὲν τοῖς νόμοις οὕτως· ἀν δ’ εἴης Ἑκόνων “ἴθυ-“ φαλλοὶ τινὲς ἐσμέν ἡμεῖς συνελεγμένοι, καὶ ἐρώτητες “οὗς ἂν ἡμῖν δόξῃ παίομεν καὶ ἄγχομεν,” εἶτα γελά-ςαντες ἡμεῖς ἀφήσετε· οὐκ οἴμαιν γε. οὐ γὰρ ἂν γέλως ὑμῶν ἔλαβεν οὐδένα, εἰ παρὼν ἑτύγχανεν, ἡμῖνα εἰλκόμην καὶ ἐξεδυόμην καὶ ὑβριζόμην, καὶ ὑγίας ἐξ-ελθὼν φοράδην ἥλθον οἶκαδε, ἐξεπετηδήκει δὲ μετὰ ταῦθ’ ἢ μῆτηρ, καὶ κραυγῇ καὶ βοή τῶν γυναικῶν τοσαῦτη παρ’ ἡμῖν ἢν ὡσπερενεὶ τεθνεῶτός τινος.

προεώραμαι occurs as passive in Arist. Met. ii 1, and προεωράθηκα as middle in Diod. Sic. xx 102. Westermann here supplies ὁ νόμος, and thus takes it as a middle; but Dem. in the present passage and its context appears to prefer the plural or νόμοι, though ἐκ τοῦ νόμου occurs four lines back.

ἐκ λοιδορίας εἰς πληγάς] 40 § 32 εἰς ἀντιλογίας καὶ λοιδορίας πληγάς συναγαμένους. 20. ἐν μὲν τοῖς νόμοις reiterates οἱ μὲν γὰρ νόμοι in § 17. ἰδούφαλλο—ἀγχομεν] ‘we belong to the Priapus-club (§ 34, ἐπειδὰν συλλεγόμεθα) and in our love-affairs (§ 14) strike and throttle whom we choose.’ εἶτα] an indignant exclamation. — γελάσαντες ... ἀφήσετε. Cf. Or. 23 § 206, ἀν ἐν ἡ δό’ ἀστεία εἶποσ ... ἀφίσε. Horace, Sat. ii 1, 86, solutur risu tabulae; tu missus abibis. εἰλκόμην—οἶκαδε] The rhe-

torician Aristides (Spengel, Rhet. Graeci ii 495) quotes this sentence to exemplify σφοδρότης, or vehemence of style. ἐξεπετηδήκει he remarks, οὐκ ἐπεν εξεληλθείς, ἀλλὰ ἐμφαντικότερον τῇ ὄρομασίᾳ, ἐξεπεπηδήκει ἡ μήτηρ ἐν γὰρ τῷ ὄνοματι ἤ ἐμφασίς. φοράδην] Hesychius, ὁ φερόμενος βαστάγμων [by the hands of men (not in a wheeled car) Ρ.].

tεθνεῶτος] The compound tenses ἀποθνήσκω, ἀποθανοῦμαι, ἀπέθανον (which are frequent in Attic prose and comedy, but are not used in tragedy) have no corresponding perfect, but take instead the simple forms τεθνήκα, τεθνάω, τεθνεῶ. ἀποτεθνεῶς and the like are never found in Attic verse or prose (Cobet, nov. lect. 29 and Veitch, Greek verbs). Cf. Plato, Phaedo 64 λ, ἀποθνήσκειν τε καὶ τεθνάων, and 71 ε, ἐκ τῶν τεθνεῶτων, followed
in the very next line by ek τῶν ἀποθανόντων.

 §§ 21—23. It is only those who are misled by their youth into acts of outrage that deserve any indulgence, and even in their case, such indulgence ought not to get them off altogether, but should extend simply to mitigation of their penalty. But Conon is more than fifty years of age, and therefore inexcusable; and yet, instead of stopping younger men, and those his sons, from doing wrong, he was the ring-leader of them all.

Even the penalty of death would be too small for his crimes, for the conduct of his sons in their father's presence proves that he himself had no reverence for his own father.

21. δίκαιον μὲν] The rule of strict justice, stated broadly (ὁλως, 'speaking generally'), as contrasted with the concessions granted in special cases on the principles of equity (or ἐπικείμενα) implied in the next sentence.

τούτοις repeats the previous dative τοῖς...πράττουσι ('to these, Ἰσάγ'), and is itself emphatically reiterated in the subsequent κάκεινοι, referring pointedly to the plaintiff's opponents.

εἰς 'to the extent of.' For this sense, see my note on Eur. El. 1072. P.]

22. παρὼν δὲ——γεγένηται] Cf. § 6 ad fin.

τίν ἂν——δίκην;] i.e. 'Is there any punishment to which he could submit, that would be adequate to his crimes?'—On ἀποθανόντα, cf. note on § 20, τεθνεῶτος.—With ομια we understand ἄξιαν ἃν τῶν πεπραγμένων ὑπόσχειν δίκην.—ἀπερ νυν, sc. πεποιηκὼς φαίνεται.
autōs eîrgastō tōn peπrαγμένων, ἀλλ' εἰ παρεστη- 1264
kótos τούτων Κτησίας ὁ νῦν ὁ τούτου ταῦθ᾽ ἀπερχ

23 εἰ γὰρ οὖτω τοὺς ἑαυτοῦ προήκται παῖδας ὡςτ' ἐπάνυ
τιόν ἐξαμαρτάνοντας ἑαυτοῦ, καὶ ταῦτα ἐφ' ὃν ἐνίος
θάνατος ἡ ζῆμια κεῖται, μὴ τοῦτα θεὸν μὴ τ' αἰσχύνεσθαι, τι τούτων ὡκ ἄν εἰκότως παθεῖν οἴσθε; ἐγὼ
μὲν γὰρ ἥγουμαι ταῦτ' εἶναι σημεία τοῦ μηδὲ τούτον
tὸν ἑαυτοῦ πατέρα αἰσχύνεσθαι; εἰ γὰρ ἐκείνων αὐτῶς
ἐτίμα καὶ ἐδεδείτε, κἂν τούτων αὐτῶν ἦξιον.

Δαβὰ δὴ μοι καὶ τοὺς νόμους, τὸν τε τῆς ὑβρεως

x Bekker st. cum Σ. +οὖτος Α'.
y τὸν τε addidit Dind. τοῦτον ἔρως Σφ.

τούτων ἐμισείτ' ἂν δικαίωσ] 'even then you would have
abhorred the defendant, and
rightly too!' or (with Kennedy)
'even then he would have de-
served your execration.'
23. προήκται] Perfect passive
with middle sense 'has had
them brought up' (Liddell and
Scott), or simply 'has trained
them,' (yezogen hat). This ex-
planation is due to Reiske, and
is probably right. But the
general sense of προάγω, 'to
lead on by little and little'
(§ 18, προάγωνται), may perhaps
warrant our understanding it of
Conon's permitting his sons to be
constantly taking liberties, and
going step by step from bad
to worse. προήκται may in the
latter case be rendered 'has
spoilt' (verzogen hat, Wester-
mann and G. H. Schaefer), but
the two meanings are almost
identical, and the general sense
the same.
kaὶ ταῦτα ἐφ' ὃν—κεῖται] 'and
that too in the case of acts, for

some of which the penalty or-
dained is death' (referring to
laws against ὑβρας and peri τῶν
λαπτοῦτων, cf. § 1 ad fin.). ἐφ'
ἀν ἐνίος stands for ἐπὶ τούτων
ὡ ἐνίος [or, perhaps, καὶ ταῦτα
(ἐξαμαρτάνοντας) ἐφ' ὃν ἐνίος. P.]
tοῦτων] Conon; ἐκείνων, his
father (who was probably dead,
as we may take αἰσχύνεσθαι as
an imperfect imperative); τοῦ-
tων, his sons.—The construc-
tion of the last clause is ἦξιον
ἀν καὶ τούτων (τιμᾶν καὶ δεδεῖναι)
αὐτῶν.

§§ 24, 25. Take and read the
statutes on brutal outrage and
on highway robbery, to both of
which the defendant is amenable,
though I have declined to claim
redress under these statutes.
Further, had death ensued, he
would have been chargeable with
murder.
24. τὸν τε τῆς ὑβρεως] In Or.
21 (Mid.) § 46, a document is
given, purporting to be the law
in question.
The periphrasis is due to the fact that the crime has no name specially appropriated to it in Attic Greek of the best age (λωποδυτών is found only in a glossary, and λωποδυσία δίκη in the rhetorician Hermogenes, fl. A.D. 170). Cf. § 1, where λωποδυτών ἀπαγωγή is parallel to ῥήματος γραφαί.—See Mayor's note on Cicero, Phil. ii 8.—Xen. Mem. i 2 § 62 κατά τῶν νόμων, εάν τις φανερός γένηται κλέπτων ἢ λαθροῦτων ἢ βαλλαντιστομῶν ἢ τοιχωρικῶν ... τοῦτος θάνατος ἐστιν ἡ ἴματι.

ἀπράγμονες καὶ μέτρων | 'Quiet and inoffensive,' Or. 42 § 12 μετρίων καὶ ἀπράγμονος πολίτων μὴ εὐθὺς ἐπὶ κεφαλὴν εἰς τὸ δικαστήριον βαδίζειν. Cf. Or. 36 § 53.

25. εἰ παθεῖν τί μοι συνέβη] a common euphemism for death. Or. 23 (Aristocr.) § 59 ἀν ἄρα συμβῇ τι παθεῖν ἐκείνῳ. A frequent formula at the beginning of a Greek will was: ἔσται μὲν εὗ, εινὲ δὲ τὶ συμβαίνῃ, τάδε διαστηματέωσι (Diog. Laert. v 11 § 51). Cf. Cicero, Phil. i § 10, si quid mili humanitās accideret, and Sheridan's Rivals, v 3 (just before a duel), 'But tell me now, Mr Acres, in case of an accident, is there any little will or commission I could execute for you?'

γοῦν] 'for instance,' or, 'at any rate,' one person was condemned for such an offence. Tr. 'the father of the priestess at Brauron, though he confessed had not laid a finger on the deceased, and merely because he encouraged the assailant to hit him again, was outlawed by the court of the Areopagus.' E.] τῆς Βραυρωνοῦθεν ἱερείας] Priestess of Artemis, who was specially worshipped at Brauron, the ancient deme near the western coast of Attica, where Orestes and Iphigenia are said to have landed with the statue of the Taurian goddess. Wordsworth's Athens and Attica c. xxviii: 'The daughter of Agammemnon was brought here, as the legend related [Iph. T. 1461], from the gloomy regions of the Tauric Chersonesus, and placed as a priestess of Diana's temple in
this cheerful valley, where she was said to have lived and died; and where her supposed tomb was shown in after ages.' The principal ceremony in the Brauronia, held every five years, was the rite performed by the young girls of Attica, dressed in saffron-coloured attire, who played as bears in honour of the goddess. Ar. Lys. 614 κατ’ ἑχονσα τῶν κροκωτῶν ἄρκτος ἡ Βραυρωφίος. Leake's *Athens* ii 72, and Dict. Ant. s. v. *Brauronia*.

*See Excur- sus (A) p. 221.*

*See Excur- sus (A) p. 221.*

*not ‘expelled’ from its own body, but ‘banished’ from the country.* A. Schaefer, *Dem. u. s. Zeit* iii 2, 114 n.

The charge in this case would be what is technically called *bouleusis*, which is best defined as *id crimen, quo quis, quacunque sit ratione, ipse tamen a necando manus abstinentis hominem morti studeat dare* (Forchhammer, *De Areopago*, p. 30). Harpocratio s. v. says that the term is used when ἐξ ἐπιζουλῆς τίς των κατασκευάσατ θάνατον, ἐσώ τι ἄπολυσαν ὁ ἐπιζουλευθείς ἐσώ τε μη. He adds that, according to Isaeus and Aristotle, such charges came before the court ἐπὶ Παλλᾶδι; but, according to Deinarchus, before the Areopagus,—as in the present instance. The apparent discrepancy as to the tribunal for hearing such cases, may be reconciled by the fact that the court at the Palladium was reserved for charges of φόνος ἀκοῦσιος (Aristocr. § 72), whereas that of the Areopagus had cognisance of φόνος ἐκ προνοιας (Sappe, *Or. Att.* ii 235; see also Meier and Schömann, p. 312, note 532 Lipsius; and the discussion in Zink's *Dissertatio* pp. 3—10).

*'[A]ρείου πάγου'] The form *'Aρεί- οπάγος* is apparently only found in late inscriptions. (See note on Isocr. *Paneg.* § 78 καλοὶ κάγαθοι.*

*'[A]ρείου πάγου'] 'till they are tired,' sc. of ἀσελγαύοντες. Cf. § 27, ἐπείδη δ’ οὖν τοι’ ἀπειπο’ν. Reiske (index Graec.) is clearly wrong in his rendering deliquerint animis sub verberibus: had the clause referred to the victim, the singular would have been used, to correspond to τῷ περιπτωτι.*

*§§ 26—29. At the arbitration my opponents, by wasting time and introducing irrelevant matters, protracted the proceedings beyond midnight, to the disgust of all the bystanders, and at last even of themselves. They then, with an erasive object, put in a challenge, offer-
ing to surrender certain slaves to be examined by torture as to the assault, and they will make much of this challenge. But had it been a bona fide offer, it would have been made not at the last moment, but long before.

26. ἡ δίαιτα] Civil actions at Athens, before being brought into court, were almost invariably referred to arbitration. The Arbitrators (διαιτηταί) were either public and appointed by lot (ἑλπρωταί) or private and chosen (αἱρεταί) by the parties to the impending suit. In cases brought before a public arbitrator the parties might appeal to a higher Court; whereas the decision of a private arbitrator was final. See esp. Or. 21 (Mld.) §94 τῶν τῶν διαίτων νόμων.

The δίαιτα here described was of the former kind. (See further Dict. Antiq. s. v. δίαιτα and Excursus to Kennedy’s Demosth. Leptines ἀκρ. pp. 395—403, or Hermann’s Public Antiquities, §115, 10 &c. Cf. Wayte on Androt. §27.)

ἐποίησαν—ὡραν] ‘They prolonged the time beyond midnight.’ For the plural νυκτες in the sense nocturna tempora cf. Plato Phileb. 50 ν τῶν ὠνᾳ λέγεται τέσσαρα ἄριστα μή μέας ποιήσεις νυκτές, Protag. 310 c, and Symp. 217 ν πόρρω τῶν νυκτῶν. Ar. Nub. 1, τὸ χρόνια τῶν νυκτῶν ὦσον.

οὔτε—διδόναι] ‘by refusing to read aloud the depositions or to put in copies of the same.’ The depositions were indispensable, and the defendants’ refusal would obviously protract the proceedings, and lead to lengthy debates between the Arbitrator and the parties to the suit.—τῶν παρόντων ἑκ. μαρτύραν.—καθ’ ἐνα = ἐκαστὸν, ‘one by one,’ singillatim. Or. 9 §22, καθ’ ἐν ωυτοῖς περικόπτει καὶ λαυτουτείς τῶν Ἑλλήνων (index to Buttman’s Midias s. v. κατά).

οὔτωσι] ‘merely,’ sic temere, Homer’s αὐτὸς, or μᾶφ ωυτος, ‘just bringing our witnesses up to the altar and putting them on their oath and nothing more,’ without allowing them to proceed with their depositions.

λίθον] The ως have βομὸν, which is retained by the Zürich editors but altered into λίθον by others on the authority of Harpocratio: λίθος’ Δημοσθένης ἐν τῷ κατὰ Κόνωνος τῷ τι παρόντων καθ’ ἐνα ὕμων ωυτοὶ καὶ πρὸς τῶν λίθων ἀγωνεῖς καὶ ἐξορκοῦντες (sic).’ ἐκακεὶς δ’ Αθηναίων πρὸς τῶν λίθων τοὺς ὀρκους ποιεῖσθαι ὡς Ἀριστοτέλης ἐν τῇ Αθηναίων πολιτείᾳ καὶ Φίλοχορος ἐν τῷ γ’ ὑποσημαίνοντι. So Hesychius, Λίθος’ βάλλος, βομὸς καὶ βάσις, τὸ ἐν τῇ Αθηναίων ἐκκλησίᾳ βημα. Fluttarch, Solon 25, ὄμηνεν
orkeizontes, kai grafoontes marturias oudeven proso to
prâgamma, all' ex eitaipas einai paiidion autw touto kai
pepouthenai ta kai ta, ò ma touz theous, ò anndres dikasa-
staí, oudeis óstis ouk epitima ton paron ton kai émi-
seni, telentwntes de kai autoi ou'toi eautous. épeidh
óoun pot' apetípon kai enephtisqhasan tauta poinvnt-
tes, prokałouiuntai épti diakrousei kai tò mi' sýman-

ôkon ékastos tòn theswntan en
ápofa proso tò lioi. Similarly
what Theophrastus (ap. Zenob.
proverb, iv 36) calls the ýbres
kai anavdeias bòmoun on the
Areopagus, Pausanias describes
as lioves (1 28 § 5).
The word bòmou was perhaps
originally an interlinear or
marginal explanation of LIbOv,
and subsequently thrust the
right word from the text.
The diaistatai might hold
their arbitration in any temples,
halls or courts available, e.g.
in the temple of Hephaestus as
in Isoc. Trapez. § 15, ýlómenoi
de básoanostas apnytisavmen eis to
'Heavaiteon (Dem. 33 § 18). So
in Or. 36 § 16 we have seen the
temple of Athenë on the Aero-
polis mentioned as the scene
of an arbitration. In any case
an altar for the administration
of oaths would be readily at
hand, and it is unnecessary to
suppose that in the present pas-
sage any special public altar is
intended. Indeed, bòmou, with
its synonym LIbOv, does not al-
ways mean an altar, as it may
also be used of a small platform
or step of stone. Cf. Favorinus
(quoted by Hager in Journ. of
Philol. vi 21) bòmou: oû mònos
éf' wv elðon allà kai krisma ti
apÌkos kai anastigma, éf' oû esti
bènai ti kai teðhina. bòmou's
betaimous.

eoxorkízontes] Also used in

Aeschin. fals. leg. § 85, éxorki-
Xov touz svymachous, in the same
sense as the more common éxof-
kou' (for which see Or. 45 § 58).
oudeven proso to prâgamma] sc.
oïsas, 'utterly irrelevant.'—
tou'to, sc. Ctesias. They brought
all sorts of irrelevant depo-
sitions, one of which was that
Conon’s son was illegitimate
[and therefore Conon was not
legally responsible for his ac-
tions; further that he, Ctesias,
has undergone certain ill treat-
ment which justified the out-
rage he committed on Ariston.
P.]
'a] The antecedent is not
tà kai tà, but the general sense
of the whole of the preceding
clauses; ‘a course of conduct
which, &c.’
telenwntes—eautous] sc. epet-
ìmous kai émísouv, ‘at last they
were indignant at and dis-
gusted with themselves.’ The
speaker feeling that, by im-
plying that his opponents had
had the sense to desist, he has
made too much of a concession
to them, harries over his
admission, and in the next
sentence cuts the matter short
by the opening words épeidh ò'
oîv, i.e. ‘whether this was the
real reason or no, at any rate
when at last they did desist,
&c.’

27. prokaLOUItai—grapavan-
tes] ‘with a view to gaining
time, and preventing the cases for the documents from being sealed up, they put in a challenge, tendering certain slaves, whose names they wrote down, to be examined as to the assault.'

The πρόκλησις, or challenge, demanding or offering an inquiry into a special 'issue' before an Arbitrator very frequently related to the testimony of slaves presumably cognisant of the matter in dispute. In many cases the challenge would take the form of demanding that the opponent's slaves should be given up to torture, (to elicit facts which that opponent was alleged to have concealed or misrepresented (Dict. Antiq. p. 398 a). Harpocr. quoted on Or. 45 § 15. (See Or. 45 § 59—62, and Or. 59 § 121—5.)

In the present instance Conon offers to allow certain slaves to be examined. The plaintiff evidently refuses, and this refusal, he says, is sure to be made a strong point against him. He therefore insists that the πρόκλησις in question was a mere ruse to protract the proceedings before the Arbitrator, and that had it been a bona fide offer it would have been made at an earlier date, and with all the proper formalities (§ 27—29).

[τοὺς ἐχίνους] All the legal documents (μαρτυρίαι, προκλή- σεις &c.) produced during an arbitration or, indeed, any preliminary examination, e.g. an άνάκρισις, were enclosed in one or more caskets, or ἐχίνοι (possibly of a cylindrical shape), which were sealed up and carefully preserved, to be ready in the event of an appeal. See Or. 45 §§ 17 and 57, Or. 39 § 17, Or. 47 § 16, and cf. Or. 48 (Olymp). § 48, τάσυσυνθήκαι πάλιν σημιμασθαί, τά δ' αὐτίγραφα ἐμ- βαλέσθαι εἰς τὸν ἐχίνον.

τῷ ὄικῳ τούτῳ [this plea.]

'ὅτι διαίτης ἀποφαίνεται, όταν οἱ ἀρχαῖοι ἀνέθεσαν τοὺς διαίτας, (1) in middle of the διαίτης Or. 33 (Apat.) § 19, εἰς ὑμῖν (sc. ἀνευ τῶν συνδιαίτων ἀποφαίνεσθαι ἐφι τὴν διαίτην, § 20 ἐρήμην κατ' αὐτοῦ ἀπε- φήνη τὴν διαίτην (cf. § 21 τῆς ἀποφαίνοντο; (2) in passim (as here) of the award itself. Reiske's Index (to which these references are due) is wrong in rendering it as a past sense, sententiam iam pronunciata.
29. τὸν πρῶτον πατάξαντα ὁ δὲ ἰδών τὸν δικαίον· ἐποίησεν τὸν πρῶτον πατάξαντα καὶ τὰ πλείσθ' ὑπὲρ τὴν κυβερνὴν, τὸτ' ἄν εὐθέως ἦκεν ἐξων μάρτυρας πολλοὺς ἐπὶ τὴν οἰκίαν, τὸτ' ἄν τοὺς οἰκέτας παρεδίδοι καὶ τῶν ἐξ' Αρείου πάγου τινὰς παρεκάλει· εἰ γὰρ ἀπέθανον, παρ' ἐκείνοις ἄν ἦν ἢ ἦν ἡ 1266

28. τὸν πρῶτον πατάξαντα ἦν ὁκατεκαίμην καὶ, οὕκ εἰδὼς εἰ περιφεύγομαι, πρὸς ἀπαντας τοὺς εἰσόνθες τοῦτον ἀπέφαινον τὸν πρῶτον πατάξαντα καὶ τὰ πλείσθ' ὑπὲρ τὴν κυβερνὴν, τὸτ' ἄν εὐθέως ἦκεν ἐξων μάρτυρας πολλοὺς ἐπὶ τὴν οἰκίαν, τὸτ' ἄν τοὺς οἰκέτας παρεδίδοι καὶ τῶν ἐξ' Αρείου πάγου τινὰς παρεκάλει· εἰ γὰρ ἀπέθανον, παρ' ἐκείνοις ἄν ἦν ἢ ἦν ἡ δίκη.

ο ε προεκαλεσάμην Ἀικία.

29. εἰ...οὗ[ Cf. § 33 ad fin. προεκαλεσάμην] ἐκ τοῦ τοῦτο τὸ δίκαιον sc. τὴν πρόκλησιν.
would have shown himself willing to give up the slaves.'

§§ 30—33. He thereupon put in false evidence, alleging that certain witnesses, boon companions of his own, deposed that they found the defendant's son and myself fighting in the market-place and that the defendant did not strike me. On my own part, I produce the evidence of strangers who came up by accident, attesting that they saw me struck by the defendant. What motive could these strangers have had for giving 'false evidence' on my side?

30. ὅν ἔνεκ' ἐκκρούων ταύτ' ἐποίει. As delay and evasion were the object (ὅν ἔνεκα) of the defendant's conduct (§ 27 ἐπὶ διακρόσεις and § 29 διακρόσεως ἐνεκα), we may at first sight suspect (with Westermann) that ἐκκρούων is an interpolation; it may, however, be defended on the ground that it enables the speaker to reiterate emphatically the real motive of his opponent,—'his purpose, his evasive purpose, in so doing.' In this view, we may, if we please, punctuate the passage thus: ὅν ἔνεκα, ἐκκρούων, ταύτ' ἐποίει. Cf. Fals. leg. § 144,

ékkrwousas eis tōn ústeraiav, and see Or. 36 § 2; 45 § 4; 40 §§ 44, 45.

ἀξιωσάς] sc. τὸ δίκαιον γενέσθαι, 'to have claimed to have this plea allowed him,' i.e. the plea founded on his appeal to the evidence of his slaves.

ἡλέγχετο] The construction is, οὕτως ἡλέγχετο ταύτα πάντα τῷ διαίσθη ἀπερ (accusative) νῦν παρ' ὕμιν ἡλέγχεται. Thus the nominative to ἡλέγχετο is the same as that of ἐνδικνυτο in the next clause, and no change of construction is requisite.

πάντα] not masc., but to be taken with τοῖς ἐγκεκλημένοις.

31. ἐμβάλλεται] Or. 40 § 21 μαρτυριάν ὀνδείμαι ἐμβαθμημένοιν, ib. §§ 28, 58; cf. 27 §§ 51, 54; 29 § 1; sc. eis tōn ἔχινων (§ 27), Or. 49 § 65, ἐμβαλομένον ἐμοὶ ὄρκον eis tōn ἔχινων, and 45 § 6. Trans. 'puts in a false deposition endorsed with names which, I take it, you will recognise, when you hear them.'

ἐπιγράφεται] Or. 53 § 14, κληὺρα ἐπιγράφεται. The phrase hardly means 'to give in one's list of witnesses' (L and S), but rather 'to have their names inscribed as witnesses.'
γράφεται, it will be noticed, is previous in order of time to ἐμβάλλεται. This ύστερον πρότερον enables the speaker to lead up more easily to the mention of the names of the witnesses.

The following μαρτυρία is indisputably authentic, and therefore serving as a standard by which others purporting to be original depictions may be tested. See notes on Or. 35 (Lacer.) § 10 and Or. 45 § 8.

"Ικαρίες ... Αλαίες ... Πιτθεύς"
The names of the corresponding demes are (1) Ικαρία, belonging to the tribe Αγείς, and placed by Leake p. 103 'in the southern part of Diaeria, not far from the Marathonian district.' (Bursian, however, identifies the Ικάρον ὤρος with the southern spur of Cithaeron towards Megara, Geogr. i 251.)

(2) Αλαί, a name common to two sea-coast demes, the first Αλαί Αλεξώιδες of the tribe Κεκροπις S.W. of Athens and N.W. of Cape Zoster; the second Αλαί Αραφηνίδες of the tribe Αγείς on the coast of Attica near Brauron.

(3) Πιθός, of the tribe Κεκροπις, placed by Bursian N.E. of Athens, near the southern spurs of Pentelicus (Geogr. i 345). The spelling Πιθεύς is found in the Paris μ Σ, instead of Πιτθεύς of other mss. The latter is recognised by Harpocr. s. v. Πιτθεύς ὁμος τῆς Κεκροπίδος ἡ Πιτθός (sic).—For Αρχεβιάδης see note on § 34.

"μή πατάξαι Κόνωνα Αρίστωνα"
The sense shows that Conon is the subject, Ariston the object. The order of the words is, in itself, inconclusive.

"ὁ—λογομυμένον" The accusative absolute of the participle is here used with ὁ, as often with ὡσπερ (quasi vero): 'imagining that you will at once give credence, instead of drawing the true inference.'

32. ὁυ] is constructed with ἢθλησαν, five lines distant.

Νικήρατος] possibly the Niceratos to whom Demosthenes pathetically refers in Or. 21 (Mid) § 165 Νικήρατος ὁ τοῦ Νικίου ἀγαπητὸς παῖς, ὁ παντα-
memarturhkasin orain upo Konwos tuptomewen eme kai theimatiou ekdunomeun kai talka osa epaschon ubriqomeun, arwtes ointes kai ap to taumatomata para-1267 gignomeu to proamati ta yeudh marturein 'theta geny- sanai, ei mi taubh eforon peptonothata, 'epeit autous ego oudepot an, mi pathow upo toutou taun, afis tovs kai par auton touton monologumeneus tupteine eme, pro tov ouvd afyameun proton eisienei proeileymen. ti gar an; all' yf' ovd ge prooton eplhgyen kai malisv 33 ybrethn, touto kai dika'zoma kai miwto kai epe'zex- xoma. kai ta mewn par' emou paniw ouwos estin alithi kai faivetai, touto de mi parasschomeno toutous mar-

-eisienei] eis to dikaosthirmov. Reiske's index shows that this verb is used in Dem. of either litigant or both, or again of the cause itself, or even with dikyn or graffin as accusative after it. See note on Or. 45 § 7.

33. ti gar an] 'Why should I?' The MSS have the interpolation, ti dia ti; probably a mere explanation of ti; as equivalent to dia ti;

-dikazoumai ... miasw ... epe'erxomaiv] 'Sue ... abhor ... prosecute (visit with vengeance),,' 'he it is whom I sue and prosecute as my enemy.' The collocation of miasw, expressive of inward feeling, between dikazoumai and epe'erxoumai, indicating outward acts, is curious. The latter word is probably immediately suggested by miasw, 'not only do I hate him in my heart, but I carry out that hatred to its practical issue by prosecuting him.'

faivetai] se, alithi ointa, not 'appears,' but 'is proved to be,' 'is clearly true':—mi parasschomenos = ei mi parasxeto.
eikōtōs] to be taken with τὰ
ψευδή μεμαρτύρηκασιν, not with
κοινωνοί.
ei δ' εσται κ.τ.λ.] ‘If it
comes to such a pass, if once
certain persons are lost to all
sense of shame and openly dare
to give false evidence, and (con-
sequently) truth has no advan-
tage, it will be an atrocious
state of things.’ The simple
construction would have been
as follows: εἰ δὲ ἀπαξ ἀπανα-
σχυντήσωσι τινες καὶ τὰ ψευδή
φανερῶς τολμήσωσι μαρτυρεῖν,
οuidēn εσται τῆς ἀληθείας ὄφελος·
ei δὲ εσται τὸ πράγμα τοιοῦτον,
pándeioν εσται.

As it is, Demosthenes,
by writing τοιοῦτον in the early
part of the sentence, leads us
to expect ωστε, which however
never comes; we have, instead,
the clause εἰαν, κ.τ.λ., exegetical
of τοιοῦτον. Again οὐδὲν τῆς
ἀληθείας ὄφελος is in sense
the apodosis of εἰαν...τὰ ψευδή
tολμήσωσι μαρτυρεῖν, but in con-
struction is made part of the
protasis, πάντως εσται πράγμα
being left to do duty as an ap-
odosis, and πράγμα necessarily
repeated owing to the long
interval that separates the
apodosis from τὸ πράγμα in the
protasis.

For εἰ—οὐδὲν, see note on
Or. 34 § 48.

ἀπανασχυντήσωσι] used of
unblushing effrontery. Cf. ἀπ-
ανατηθίσευσι. Or. 29 § 20, τὸ
μὲν πρώτον ἀπρακτάζεται, τοῦ δὲ
διαμερίστως κελεύστως μαρτυρεῖν ἢ
ἐξωμικές, ἐμαρτυρήσει πάνω μᾶλα.

34. Άλλα νὴ Δία] used, as
often, like at enim, to introduce
emphatically an anticipated re-
joinder on the part of the op-
ponents. ‘Oh but, good hea-
vens! they are not such char-
acters as I make them out.’
The phrase may be seen in its
fullest form in Or. 20 § 3 Άλλα νὴ
Δ' ἐκείνο ἂν ἴσως εἴποι πρὸς ταῦτα.

§§ 34—37. Many of you
know the characters of the wit-
nesses for the defence,—men who,
in the daytime, affect an aus-
terity which is very inconsistent
with their conduct when they
meet together. They will un-
scrupulously contradict the evi-
dence on our side; but you will
remember that I rely on medical
witnesses, whereas my oppo-
nents have no independent tes-
timony, and, but for themselves,
could get no evidence at all a-
gainst me. People who break
into houses, and assault persons
in the streets, would surely have
no scruple about putting down
false evidence on a paltry piece
of paper.
31. 'Αρχεβιάδην'] This worthy, who has already been mentioned among the witnesses in §§ 7 and 31, and must not be confounded with the still less known 'Αρχεβιάδης ο Λαμπτρέως (Or. 52 § 3), was evidently quite a 'character,' judging from Plutarch's description of him as 'a man of sour countenance who always wore a coarse cloak and had grown a prodigious beard.' Phocian x inil. ην δε τις 'Αρχεβιάδης ἐπίκαλομένος Λακωνιστὴς, πόσινα τα καθεμένων ύπερφή μεγέθει καὶ τρίβωνα φορῶν αἵ καὶ σκύρωπα ἄξων τοῦτον ἐν βούλῃ ψυχεσθαι δεικάκειτο τὸ λόγῳ μάρτιν ἀμα καὶ βοῆθων, ἦς δὲ αναστὰς ἐκεῖνος ἀ πρὸς χαρών ἦν τοῖς 'Αθηναίοισ σωφροφελείς, ἀφάνειον αὐτῶν τοὺς γενελῶν "ὁ 'Αρχεβιάδην" εἴπε "τι οὖν ὦκ ἀπεκελώσαι!" It will be observed that Plutarch's anecdote contains several points of coincidence with the passage before us.

τὸν ἐπιπτόλιον] 'the grey-headed man yonder' (present in court). Aristot. de gen. anim. ν 5 § 3 ἐπιπτολοῦνται αἱ τρίχες 'the hair grows grizzled.' [ἐπιπτόλιος is perhaps much the same as the Homeric μεσαπτόλιος, II. xiii 361, whether the sense is 'grey on the top,' or 'half grey,' 'grizzled.' P.]

meθ' ἡμέραν κ.τ.λ.] Or. 45 § 80.

ἐκσυνθρωπάκασι] i. e. 'assume a sour expression and a frown-
ing brow.' Cf. Or. 45 § 68.

λακωνιζέως φασί] i. e. 'pretend to imitate the Laconians.' Plato Protag. 312 b, οἱ μὲν (sc. ἐν ταῖς πόλεσι λακωνιζόμενοι) ὑστὰ τὲ κατάγγυνται (i.e. get their ears battered in boxing) μωβομενοι αὐτοῖς, καὶ ἱμάντας περευλίττοται καὶ φιλογλυμαστοῦσι καὶ βραχελᾶς ἀναβολάς φοροῦσιν, ὡς δὴ τούτοις κρατοῦντας τῶν Ἑλλήνων τοὺς Ἀκεδαμιουργοὺς. A. Ætes 1281 ἐλακωνιομόν ἀπαντεις ἄθρωφοι τότε ἐκόμων, ἐπεινῶν, ἐρήμων, ἐσκυλατῶν, ἐσκυνταλοφόρον (v. Beekan's Chariot. p. 63 with n. 8).

τρίβωνας] Sometimes mentioned as characteristic of Laconians. Plutarch Nicias 19: τοὺς Σικελιώτας...σκυτοῦσθι αἰς τὸ τρίβωνα καὶ τὴν κόμην (of Glyippus the Spartan general)...ἐν τῇ βακτρία καὶ τῷ τρίβωνι τὸ σύμβολον καὶ τὸ ἀξίωμα τῆς Στάρτης καθώρυστε...Athenaeus xi 50, p. 535 (quoting the historian Douris) Παισιαῖος ὁ τῶν Σπαρτιατῶν βασιλεύς, καταθέμενος τὸν πάτριον τρίβωνα, τὴν Περσικῆν ἐρείδουτο στολήν. [At the same time, the regular dress of the old Athenian dicast or ecclesiast was the τρίβων and the βακτρία, both often mentioned in Aristoph. e.g. Vesp. 33, P.] ἀπλὰς ὑποδέχεται] 'wear single-soled shoes,' sc. ἐμβαδῶς. Harpocratio ἀπλὰς: Δῆμο. κατὰ Κόρωνος. Καλλιστράτος φησι τὰ μονότευμα τῶν ὑποδήματος οὕτω καλεῖσθαι. Στράττις Λημνομῆδε, 'ὑποδήματα θαυτῷ προσφαί τῶν
35 γένονται, κακῶν καὶ αἰσχρῶν οὐδὲν ἐλλειποῦσιν· καὶ
tαῦτα τὰ λαμπρὰ καὶ νεανίκα ἐστὶν αὐτῶν· "οὐ γὰρ
"ἡμεῖς μαρτυρήσωμεν ἀλλήλους· οὐ γὰρ ταῦθ᾽ ἑταῖρων
"ἐστὶ καὶ φίλων; τὰ δὲ καὶ δεινῶν ἐστὶν ὧν παρέξεται
"κατὰ σοῦ; τυπτόμεινον φασὶ τινὲς ὅραν; ἡμεῖς δὲ
"μηδὲ ἤθησα τὸ παράπαν μαρτυρήσωμεν. ἐκδεδύσθαι 1268
"θοιμάτων· τοῦτ᾽ ἐκεῖνος πρὸτερον πεποιηκέναι ἡμεῖς
"μαρτυρήσωμεν· τὸ χείλος ἔρραφθαι; τὴν κεφάλιν δὲ
36 "γ᾽ ἡμεῖς δὴ ἐστὶν τι κατασχέναι φήσομεν." ἀλλὰ καὶ
μάρτυρας ἰατρὸς παρέχομαι· τοῦτ᾽ οὐκ ἐστὶν, ὦ ἄν-
δρες δικασταί, παρὰ τούτους· ὅσα γὰρ μὴ δι᾽ αὐτῶν,
οὐδὲνς μάρτυρος καθ᾽ ἡμῶν εὐπορήσωσιν. ἡ δ᾽ ἄπτ
αὐτῶν ἐτοιμότης οὐδ᾽ ἂν εἶπεν μὰ τοὺς θεοὺς ὅν

really worth fearing?'

ἡθαῖ] passive, referring to
Ariston, like τυπτόμεινον just be-
fore. ἢμμαί is pf. mid. in Soph.
Tr. 1009 (ἡπταὶ) and Pl. Phaedr.
260 (ἡθαῖ)' (we may add Dem.
Or. 51 § 5, ἦθαι τὴς τρήρους
tοῦτος); 'pf. passive in Eur.
Hel. 107, Ar. Pl. 301 and Thuc.
iv 100.' Veitch, Greek Verbs,
ἐρράφθαι] § 41, τὸ χείλος δια-
κοπές οὕτως ὡστε ῥαφὴν.
This was doubtless part of the
surgeon's evidence in § 10.
κατασχέναι] second perfect in
passive sense. For other con-
structions, cf. Plato Gorg. 469 ὅ,
tῆς κεφαλῆς κατασχέναι καὶ Lys.
Or. 3 § 40 καταγείς τὴν κεφαλὴν
ὐπ᾽ αὐτοῦ.
36. ὡς μὴ 'except what is (de-
posed) by means of themselves';

ωμη ἃisi quod sed ἰπί testa-
buntur nullum adversus nos test-
tem habebunt. Plutarch Timol.
3, πρὸς διαφερόντως ὡς μὴ μι-
σοτύραννος εἶναι καὶ μισοτύραννος.'
G. H. Schaefer.

—ἐτοιμότης] On this circum-
Toichous toinun dioruptontes kai painontes tois 37 apantontas, apo an umin okynsai dokousin en grammatideidio tis pevdhe muptrein allhlois 1) oi kekoivnon-

1) Bekk. om. Σ prima manu.

When Goethe visited Venice, in Oct. 1786, and went to see a trial in the Ducal Palace, he found a custom in force singularly similar to that implied in the text. Whenever the advocate spoke, the time that elapsed was measured with an hourglass, which was laid on its side while the depositions were read: ‘so lange niamlich der Schreiber liest, so lange lauft die Zeit nicht’ etc. (Italische Reise p. 68 Duntzer).

37. Toichous dioruptontes] The documents just read have been exposed to the defendant’s witnesses being guilty inter alia of housebreaking (tophrophxia). Hermann, Rechtsalt. ed. Thalheim p. 40 f.

14—2
kōtes tosaúthēs kai toiaúthēs phílapechthēmosúnēs kai
pounhrías kai ánaideías kai ñíbrēwos; pánta γὰρ ταῦτ' ἐμοὺ' ἐν τοῖς ὑπὸ τοῦτων πραττομένοις ἐνεῖναι δοκεῖ.
καίτως kai τοῦτων ἑτερ' ἐστὶ πεπραγμένα τοῦτοις δει-
νότερα, ἀλλ' ἡμεῖς οὐχ οὐδὲ τε γενοῖμεθ' ἀν πάντας ἐξευρεῖν τοὺς ἡδικημένους.

38 "Ὁ τοίνυν πάντως ἀναιδέστατον μέλλειν αὑτῶν
ἀκοῦω ποιεῖν, βέλτων νομίζω προειπεῖν ὑμῖν εἶναι.
φασὶ γὰρ παραστησάμενον τοὺς παίδας αὐτὸν κατὰ
τοῦτων ὁμείσθαι, καὶ ἀράς χαίνας καὶ χαλεπᾶς
paper; 'a paltry document.'
Or. 56 § 1 ἐν γραμματείδιῳ δύνα
χαλκῶν ἔστυμαν καὶ βιβλίων μικρῶ πάνω. Isocr. Traperz. § 34.
The diminutive is thrown into effective contrast by the subse-
quent τοσαύθης καὶ τοιαύθης.
φιλαπεπεχθημοσύνης 'maliciously,'
'quarrelsome ness,' used also by
Isocr. antid. § 315, ὕμοιτα καὶ
μισανθρωπίαν καὶ φιλαπεπεχθημο-
σύνην. Dem. Or. 24 § 6 πονηρό
cαι φιλαπεπεχθήνα καὶ θεός ἕξ-
θρψ.
καίτως—τούτως] a fortuitous
hexameter.

§§ 38—41. I must warn you
that Conon will try to impose upon
you by swearing by the lives of his own sons and by
other strange imprecations. His
recklessness about oaths is proved
by what I have heard of the
profaneness of his youthful days;
and surely Conon, who would
think nothing of perjury, is not
to be credited in comparison with
myself, who, so far from swearing
by the lives of my children, would
not swear at all, except under
compulsion, and even then, only
in a lawful manner. Such an
oath I was willing to take for
the truth's sake; and, in self-
defence against the perjury of
my opponent, I challenged him
to accept my offer to take the
oath, and I now solemnly swear
that Conon whom I now prose-
cute really assaulted and brut-
tally maltreated me.

38. παραστησάμενον τοὺς παι-
δὰς] The practice of exciting
the compassion of the jury by
bringing the children into court
is often referred to, e.g. Or. 21
§ 99, παιδία γὰρ παραστήσεται
καὶ κλάσσει καὶ τοῦτοι αὐτὸν ἐξ-
αιτήσεται, and Hyperides, Eux-
ipp. ad fin., ἐγὼ μὲν οὐν σοὶ
Εὐξένιππε ἐβεβοῦθη δῶσε ἐχὼν.
λοιπὸν δ' ἐστὶ δεῖσαι τῶν δικα-
στῶν καὶ τῶν φίλων παρακα-
λεῖν καὶ τὰ παιδία ἀναβιβάζεσθαι,
(see especially Aristophanes' 
ridicule of the custom in Βεσπα
568—74 and 976—8). But in
the present case a still more
sensational effect is to be pro-
duced by Conon's laying his
hands upon his children's heads
and praying that the direst
curses may come down upon
them, if his statements are
false.

κατὰ τοῦτων ὁμείσθαι] 'to
swear by them,—by their lives,'
katá implies the basis on which
the oath rests [or, perhaps, hos-
tile action directed against the
object sworn by. So in Ar. Equit. 660, κατὰ χιλιον παρεήνεσα εὑρήν ποιήσασθαι χυμάρων, the vow is, as it were, aimed at the lives of the creatures to be sacrificed. P.]. Thuc. v 47, ὅμωτοι τῶν ὄρκων κατὰ ιερῶν τελείων, Isaues Or. 7 § 16, ὁμώνιαι κατ' ιερῶν, Lys. Or. 32 § 13, ἐπιορκήσασα κατὰ τῶν παίδων τῶν ἐμαυτῆς, Dem. 29 § 26 ἡ μόητη κατ' ἐμοῦ καὶ τῆς ἀδελφῆς πίστιν ἰθέλθεν ἐπιθεόν, 19 § 292; 21 § 119. (Kühner's Greek Grammar, § 433 fin.)

We find a curious parallel in a charge made as follows against Demosthenes himself by Deinarchus, Or. 1 § 71, ποῦ τοῦτ' ἐστὶ δικαιο...τοὺς μὲν νόμος προλέγειν...παιδοποιεῖσθαι κατὰ τοὺς νόμους...ἐδὲ δὲ τοὺς οὐ γεγενημένους νεῖσε σαίτως προσποιεῖσθαι παρὰ τοὺς νόμους τῶν ἐν ταῖς κρίσεις ἔνεκα γεγονόμενων ὄρκων.

ἀκρυκὼς—αὐτῆγελεν] i.e. 'our informant listened to them in amazement.'

ἀνισόποστα] not exactly 'intolerable' but 'irresistible,' impossible to withstand.' The most upright of men and those who are least likely to tell a falsehood themselves (the jury for instance) are most likely to be deceived by such asseverations (υπὸ τῶν τοιούτων σε. τολμήματων).


οὐ μὴν ἀλλα] = 'not but that.' The phrase is always elliptical: here we may supply οὐ μὴν (ὑπὸ τῶν τοιούτων δει ἐξαπατάσθαι) ἀλλά...

πρὸς τὸν βλένον—πιστεῦε] 'You must turn your eyes (away from η). . . . his solemn assurances in court) to his life and character, and then believe him (if you can).

39. πρὸς τὰ τοιαύτα] se. ὀρκοὺς.

πέπυμαι—ἀνάγκης] i.e. the defendant has forced the enquiry upon me (cf. § 17 fin. ἀνάγκη.)

παρ᾽ ὑμῖν ἀπέθανε] 'was condemned to death in your court, —by your verdict.'

'Ἀριστοκράτηρ] Probably identical with the person mentioned in Or. 38 § 27 τῶν αἰσχρῶν ἐστὶ
LIV. KATA KONONOS AKIAS. §§ 39, 40

'Aristokrathe tòn tòus ὀφθαλμοὺς διεφθαρμένου καὶ τοιούτους ἐτέρους καὶ Κόνωνα τοιοῦτο ἑταίρους εἶναι μειράκια ὑπάτα καὶ Τριβαλλοῦς ἐπονυμίαν ἐχειν' τού-
tους τά τε Ἐκαταία κατεσθίειν, καὶ τοὺς ὄρχεις τοὺς


...τά μὲν ὑπάτα καταθλίτας καὶ παροικοῦντας μετὰ Ἀριστοκράτους καὶ Δυογρήτου καὶ τοιούτων ἐτέρων αἰσχρῶς καὶ κακῶς ἀνηλωκέναι.

τῶν τῶν ὦθον. διεφθαρμένων] 'the man with the bad eyes', (perhaps blind from ophthalmia, huseus). For pass, of διαφθείρω used of impaired sight or hearing, and similar physical defects, cf. Aeschin. i § 102 πρεσβύτης διεφθαρμένος τῶν ὦθων, Hilt. i 34 ἤσαν τῷ Κροῦσῳ δίο παιδε, τῶν οὔτερος μὲν διεφθαρμένος ἡ γάρ δὴ κωφός, and ib. 38 διεφθαρμένος τὴν ἀκοήν. Dem. Or. i 13 § 13 δει τὰ ὦτα πρῶτον ὑμῶν ἱσασθαι, διεφθαρταί γάρ.

Τριβαλλοῦς] See Excursus (D) p. 228.

τὰ Ἐκαταία] Once every month, at the time of the new moon, dishes of food were set out for Hecate in the evening at the places where three roads met; and the food thus offered was not unfrequently eaten by poor people. Cf. Arist. Plutus, 591—7, παρὰ τῆς Ἐκάτης ἔξεστιν τῷτο πυθέθαι εἰτε τὸ πλωτεῖν εἰτε τὸ πεινῆν βελτίων. ἄρα γὰρ αὐτή | τοὺς μὲν ἔχοντας καὶ πλωτοῦντας δεῖπνον κατὰ μὴν ἀποπέμπειν, τοὺς δὲ πεῖνας τῶν ἄνθρωποι ἀράζειν πρὶν κατα-θείναι (with the Scholion). [Ju-

venal v 85, 'exigua feralis eum patella,' Psalm cvi 28, 'they ate the offerings of the dead.' This act, and the eating of the καθάρματα, which had a mysti-
cal import, are cited as instances of impious bravado in things sacred, which augmented ill for Conon's paying any regard to the obligations of a solemn oath. P.] In Lucian's dialogues of the dead (i § 1 = p. 331 R) Diogenes asks Pollux to invite from the upper world Menippus the Cynic, who is sure to bring his wallet well stocked with broken victuals, Λέγε αὐτῷ... ἐμπληγάμενον τὴν πήραν ἥκειν θέρμων τε πολλῶν καὶ εἰ πων εὑρικ ἐν τῇ τριόδῳ Ἐκάτης δεῖπνον κείμενον ἢ φῶν ἐκ καθαρσίου ἢ τοιούτου.

Hemsterhuis in an exhaustive note on the above passage (Vol. u p. 397—100 ed. Bipont.) also quotes Plutarck n p. 290 D, (the dog) χονία δείπνον Ἐκάτη πειμότωμεο εἰς τρίδους ἀποτραπαίων καὶ καθαρσίων ἐπέ- χει μόραν, Quaest. Rom. p. 280 b, Synp. vii p. 708 g. We may add Charicleides cited by Athenaeus vii 325, δέστων Ἐκάτη, τρυοδίτι, τρύμορφη, τρυ- πρόσωπε, τρύγλαις (mullet) κη- λεξένεα.

After the word Ἐκαταία some of the MSS (including Σ) have κατακαίειν, 'to burn up,' which is not likely to be the right reading; others have κατεσθίειν, which makes good sense and is commonly accepted. Of Reiske's conjectures (κατ' ἄγναυας κατα- πινείν) neither can be considered probable. Baiter leaves out the verb, thus making συλλέγονταs
govern Εκαταία as well as ὄρειες. Westermann suggests 
κλέπτειν but follows Baiter. κατακαίειν may perhaps be accounted for by supposing that Εκαταία or καταία was erroneously written twice by an early copyist; a subsequent copyist might alter this into the nearest verb he could think of, κατακαίειν; this would be seen to be wrong by a still later writer, who would substitute the intelligible word καταφθιέω.

τοὺς ὄρειες τοὺς ἐκ τῶν χοίρων. The MSS have τὰς ὄρειες (or ὄρνες) τὰς ἐκ τῶν χωρῶν (or χορῶν) ais. But birds are out of place in an expiatory sacrifice prior to a public assembly, and the use of young pigs for this purpose is distinctly attested by ancient authorities (e.g. Schol. on Ar. Ach. 44). We must therefore accept the certain emendations given in the text, and originally proposed by Hemsterhuis (in his note on Lucian above referred to).

Harpocr. (and Photius) καθάρσιον. Άσχυνη κατὰ Τιμάρχου (§ 23, speaking of the ἑκκλησία, ἐπειδάν τὸ καθάρσιον περιενεχθῇ), ἐδός ἦν Ἴθησιν καθαίρειν τὴν ἑκκλησίαν καὶ τὰ θεάτρα καὶ ὀλος τὰς τοῦ δήμου συνόδους μικροῖς πάνεν χοριδίαις ἀπέρ ὑνομαζόν καθάρσια: τούτο δὲ ἐποίου ὁ λεγόμενοι περιστάρχοι, οὗπερ ὑνομαζόντας ὅτις ἦτοι ἀπὸ τοῦ περισταίχεος ἐπὶ τῆς ἐστίας. (At. Eccl. 128, ὁ περιστάρχος περιφέρειν χρή τὴν...γαλήν. Aeh. 41 ὥσ ἄν ἐντὸς ἦτε τοῦ καθάρματος.)

καθαίροντι] A plural indefinite, with the subject omitted; cf. the frequent use of φασὶν, λέγουσιν, ὄνομάζουσι. εἰσίναι] see. εἰς τὴν ἑκκλησίαν, etc. Hence εἰστιν (Fals. leg. § 210 with Shilleto’s note).

ἡ ὄτιον] ‘They think less of swearing and perjuring themselves than anything else whatsoever,’ than anything else in the world.’ Or. 56 § 10 ὁδεύν γε μάλλον ἡ ὄτιον.

40. οὗ δὴ...οὐδὲ πολλῷ δεί] Here, as usual in this phrase, οὐδὲ reiterates the preceding negation (οὐ δὴ), but does not negative πολλῷ δεί although closely pronounced with it. (Cf. Fals. leg. § 33 ὃ γὰρ...τὰ πράγματ' ἐστὶ φαύλα...οὐδὲ πολλῷ δεί, with Shilleto’s note.) We have an apparent exception to this rule in Or. 18 § 20 φανήσεται γὰρ οὐδὲ πολλῷ δεί τῆς γεννησουμένης ἄξιον ἀσχύνης, where there is no preceding negative expressed. The exception may however be explained on the supposition that φανήσεται is ironical and therefore implies a negative: οὗ γὰρ φανήσεται τῆς γεννησουμένης ἄξιον ἀσχύνης, οὐδὲ πολλῷ δεί.

οὗ δὴ κ.τ.λ. A very elegant and idiomatic passage: ‘Conon then, as a character such as I have described, is not to be trusted on oath; far from it, indeed. No! the man who would not take even an oath that he intends to observe by any object you do not recognise (i.e. such as Conon swears by),
These objections are removed by the transposition adopted in the text.

If an easier alteration is preferred, we may retain the order as it stands in the mss, simply inserting μηδὲν after ὃν μὴ νομίζετε, and accounting for its loss by its similarity to the subsequent μηδὲν ἃν. The mss vary between μηδὲν ἃν and μηδὲν, and this proposal combines the two alternative readings. The sentence would then run thus: ὃ μηδὲν εὐφορκὸς μηδὲν ἃν ἐμόσασ ἢ κατὰ δὲ δὴ παῖδων ὁ μηδὲν ἃν μελλήσας ἀλλὰ κἂν τὸν παῖδον ἢ κατὰ μηδὲν ἃν ἐμόσασ μηδὲν τ. 

The mother of Demosthenes. Or. 29 §§ 26, 33, 54, 56 ἡ μήτηρ καὶ ἔμων καὶ τῆς ἀδελφῆς...πίστιν γῆθεν...ἐπιθεῖνα...ἀν μηδεὶς ἤμων νομίζετω καθ’ ἢμῶν πωτ’ ἃν ὀμνύναι ταῦτα ἢ ἐθέλειν, εἰ μὴ σαφῶς ὤδε τὰ εὐφορκὰ ὀμουμένη. Or. 19 § 292.
to the country's use, or by the lives of his children.

The whole sentence is intended to be descriptive of the character of a man who has a solemn regard for the obligations of an oath; hence the use of μή. A person of such a character, says the plaintiff, is more trustworthy than one who is ready to take any oath you please. The characters contrasted are of course those of the plaintiff and defendant respectively, but this is only implied until we reach the next sentence, ἐγὼ...ο ἀδίκαιότερον σοι πιστευεις ἄν, when the contrast is brought home to the case at issue.

καὶ διὰ τοῦ πυρὸς] It is doubtful whether we can explain this of any ordeal by fire like that referred to in Soph. Antig. 264 (ἡμέν 5 ἐτοιμοὶ καὶ μόδοις αἴρειν χειρόν, καὶ πῦρ διέπειν καὶ θεόν ὄρκωμεν), and possibly implied in Ar. Lysistr. 133, ἀλλ' ἀλ' ὃ τι βούλει, κἂν μὲ χρῆ διὰ τοῦ πυρὸς ἐθέλω βαδίζεων, which however may be only a strong metaphor expressive of readiness to endure any amount of torture. Sometimes διὰ πυρὸς is used of 'braving the extremest perils,' 'going through fire and water' as in Xen. Symp. τυ 16, ἐγὼ γ' οὖν μετὰ Κλεισίων κἀ διὰ πυρὸς ἱοτῆρ, and Oec. xxxi 7, ἀκολουθητέρον...καὶ διὰ πυρὸς καὶ διὰ παντὸς κυδώνου (L and S s. v. πῦρ).

In the present passage διὰ τοῦ πυρὸς possibly contains an allusion to some strange form of self-devotion, one of the ἀραί δειναί καὶ χαλέπαι obscurely hinted at in § 38. G. H. Schaefer simply says: 'vertam, vel dum ara ardët,' i.e. 'one who swears by his children even while the flame is burning on the altar,' and C. R. Kennedy renders the words: 'and before the burning altar.' (Cf. Or. 43 § 14 λαβόντες τῷ ψήφον καυμένων τῶν ιερείων.)

This is hardly satisfactory, and it is not improbable that the text is corrupt and that we should read καὶ διὰ τοῦ πυρὸς ἔόντος, where the participle would easily have been lost by homoeotelesont with ὄμωντος.

πιστευεῖς ἄν] See on § 1 αδ ἕν. For the passive, formed just as if the active were directly transitive, and took the accusative, cf. § 5 παρουσιοῦμεναι and § 2 παρενεμοῦσαι.

ἡθέλησα ὁμοσάι ταύτι] The general drift of this oath must have been given by the πρόκλησις which was read to the jury; it is also indicated in the as-}
Ταῦτ’ ἐγὼ καὶ τὸτ’ ἡθέλησα ὁμόσαι, καὶ νῦν ὁμνύω τους θεοὺς καὶ τὰς θεὰς ἀπαντας καὶ ἀπάσας' ὑμῶν ἔνεκα, ὡς ἀνδρεῖς δικασταί, καὶ τῶν περιεστηκότων, ἢ μὴν παθῶν ὑπὸ Κόνωνος ταῦτα ὁν δικάζομαι, καὶ λα- 1270 βῶν πληγᾶς, καὶ τὸ χείλος διακοπεῖς οὕτως ὠστε καὶ ραφῆναι, καὶ ὑβρισθεῖς τὴν δίκην διώκειν. καὶ εἰ μὲν εὐρόκῳ, πολλά μοι ἀγαθὰ γένοιτο καὶ μηδέποτ’ αὖθις τοιοῦτο μηδὲν πάθοιμε, εἰ δ’ ἐπιορκῦ, ἐξώλης ἀπολοίμην

κατεπιορκηθησόμενοι] An emendation for κατεπιορκηθῶςομενοι, the future middle, which if retained, must be taken as passive in sense, 'inasmuch as I am determined not to lose the case by your perjury.' [Or, 'as one who had no idea of having the case decided against him by perjury.' P.] For the use of κατα- cf. καταρρεθυμεῖν ('to lose by negligence') in Or. 4 §7, τὰ κατερρεθυμεῖα πάλιν ἀναλήψειε, and κατεπάρειν, 'to subdue by charming' (Pl. Gorg. 483 ε).


What applies above to private orations of great public importance, applies mutatis mutandis to the present speech, which was probably listened to by a considerable body of citizens, besides the forty δικασταί before whom this case was apparently tried (see Introduction p. lxi).

καὶ εἰ μὲν εὐρόκῳ—ἐσεσου] Quoted by Aristides (ii 487 Ῥhet. Graeci, Spengel), together with the famous adjurations of the speech de Corona (§§ 1 and 141), to exemplify ἐξιστατία brought about by ὅρκου καὶ ὀρά. εξώλης] Or. 49 §66; Fals. leg. §172, εξώλης ἀπολοίμην καὶ πρώλης εἰ..., and in §70 (after quoting the solemn form of imprecation used before the meetings of the βουλῆς and ἐκκλησίας) the orator adds: εὐχεσθ’ εξώλη ποιεῖν αὐτῶν καὶ γένος καὶ οἰκίαν.

Ariston is here taking an oath almost as strong as that which he finds fault with in Conon; but he would probably plead that he was only swearing 'in the customary manner,' ως νόμμων (§ 40).
The page contains a passage from ancient Greek text, which is not fully transcribed due to the nature of the handwriting and possible erosion of the paper. The text appears to be discussing a case where the author, Conon, is making a plea to the jury. The passage mentions various legal terms and concepts, such as "pity," "interest," and "appeal," indicating a court setting. The text also contains references to Greek legal and rhetorical terms, which suggest a historical or legal context.
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σει"... σκοπεῖτε δὴ πότερος ἐστὶν ἑλεενύτερος, ὁ πεπονθώς οἶα ἔγω πέπονθα ὑπὸ τοῦτον, εἰ προσυβρισθεὶς ἄπειμι καὶ δίκης μὴ τυχών, ἡ Κόνων, εἰ δώσει δίκην; πότερον ὃ ὑμῶν ἐκώστῳ συμφέρει ἐξείναι τύπτειν καὶ ὑβρίζειν ἡ μή; ἐγὼ μὲν οἴμαι μή. οὐκοῦν, ἂν μὲν ἄφιητε, ἔσονται πολλοὶ, εὰν δὲ κολάζητε, ἐλάττουσ.

44 Πόλλα ἂν εἰπεῖν ἔχοιμι, ὃ ἄνδρες δικασταῖ, καὶ ὡς ἡμεῖς χρήσιμοι, καὶ αὐτοῖ καὶ ὁ πατήρ, ἐως ἔξη, καὶ τριφραρχοῦντες καὶ στρατευόμενοι καὶ τὸ προστατόμενο ποιοῦντες, καὶ ὡς οὐδὲν οὐθ' οὔτος οὔτε τῶν τοῦτον οὐδεῖς. ἀλλ' οὔτε τὸ ὕδωρ ἵκανον οὔτε 1271 νῦν περὶ τοῦτον ὁ λόγος ἐστίν. εἰ γὰρ δὴ ὁμολογοῦμένοι ἔτι τοῦτον καὶ ἀχρηστοτέρους καὶ πονηροτέρους ἡμῖν εἶναι συνεβαινεῖν, οὐ τυπτητέοι οὐδὲ ύβριστέοι δήποτε ἐσμέν.

μὴ τυχῶν. See note on § 15, ύβρισθήναι.

η μή] sc. ἐξείναι, not συμφέρει. The latter would require οὐ.

ἀν μὲν ἄφιητε κ. τ. λ.] Isocr. κατὰ Λόχιτον (αἰκίας) § 18, τοὺς ἄλλους πολίτας κοσμωτέρους ποιήσετε καὶ τὸν βλου τὸν ὑμετέρον αὐτῶν ἀσφαλεστέρον καταστήσετε.

§ 44. I might say much of the public services of my family, and show that my opponents have done you no such service. But time would not suffice, nor is this the point at issue. Ever since supposing we were ever so inferior to our opponents, that is no reason why we should be beaten and insulted.

44. χρήσιμοι] χρήσιμος is almost invariably used with εἰς τι, πρὸς τι, ἐπί τι or the simple dat., but is here placed absolutely.

τριφραρχοῦντες] See Or. 36 § 41.

ὡς οὐδὲν] = ὡς κατ' οὐδὲν γέγονε χρήσιμος (understood from χρήσιμοι above).—On τὸ ὕδωρ, see § 36.

τοῦτων...ἀχρηστοτέροις] More unserviceable, more useless, to the state than our opponents. For the dat. συνεβαινεῖν ἡμῖν εἶναι ἀχρηστοτέροις cf. § 16 αὐτοληψιθοῖς συγχωροῦμεν εἶναι τοῖς ὑέουι.

ἀχρῆστος is here contrasted with χρῆσιμος and, as often in the Orators, is used in the same sense as ἀχρεῖος in earlier Greek writers.

τυπτητέω] formed like τυπτήσω as if from *τυπτέω, cf. τετυπήσαθι in Argument 1. 2. See Excursus (A), infra.
On the defective verb τύπτω (§§ 4, 25, 32, 35, &c.).

The verb τύπτω forms a familiar paradigm in almost all the elementary Greek Grammars in ordinary use, where, as every schoolboy knows, it is conjugated at full length with its three perfect tenses, its five futures, and its six aorists; and it must be admitted that, for the purposes of a paradigm, the verb in question is in several respects admirably adapted. Had the selection fallen on a verb ending in -ω with a vowel for the last letter of its stem, e.g. λυ-ω, or τυμά-ω, our model verb would have had one aorist only in each voice, ἔλυσα, ἔλυσάμην, ἔλυθην; ἔτυμησα, ἔτυμησάμην, ἔτυμηθην. Had a verbum purum ending in -μι been taken, e.g. φη-μι, διώμι, ἵςτη-μι, the beginner would have had to face a very complex conjugation at the very outset of his task. τύπτω is unencumbered with the special irregularities of verbs ending in -μι, and has the advantage of two theoretically possible aorists in each voice; indeed, as Veitch has pointed out, it is ‘one of the very few verbs that have the second aorist active and passive in actual use’ (though the
EXCURSUS (A).

former is very rare, while in Attic prose neither is ever found). Again, as compared with some other verba impura, with a consonant for their characteristic letter, it has this advantage; that the stem-vowel remains unchanged throughout, and is thus identical in (for instance) the aorist and present participle alike (τυπ-εἰς and τύπ-τ-ων), whereas in λείπω, φαίνω, τήκω as compared with ε-λιπ-ν, ε-φάν-γν, ε-τάκ-γν, the stem-vowels which appear in the aorist have suffered modification in the present; also the consonantal relations between the different tenses are simpler than in the case of some other verbs; thus, while β in ε-βλάβ-γν becomes π in βλάπ-τ-ω, no such alteration is necessary in passing from the -τυπ- of the second aorist to the strengthened form τυπτ- of the present.

The verb is not without an interest of its own in the history of grammar; and though it may be rash to conjecture whether it owed its first selection to the grim humour of some plagosus Orbilius of old times, intent on bringing each tense's meaning home to his pupils' memories by the help of his ferule, it may be interesting to note that this particular paradigm is found in the early Greek Grammars which appeared in Italy at the revival of learning, as for instance in the Erotemata of Chrysoloras, a distinguished scholar, who (in the dedication of a copy in my possession, printed at Venice at the Aldine press in 1517) is described as Manuel Chrysoloras, qui primus iuniorum reportavit in Italiâ litteras graecas*. The paradigm may also be traced still further

* On Chrysoloras, see Hody, de viris illustribus cap. ii, and Voigt's Humanismus i 225, 294; and cf. Hallam's Literature of Europe i 99 ed. 1854, where the Erotemata is described as 'the first, and long the only, channel to a knowledge of Greek, save oral instruction,' and Mullinger's History of the University of Cambridge, i pp. 391—396, where it is called 'the Greek Grammar
EXCURSUS (Δ).

back to the Canons of Theodosius, an Alexandrine grammarian of the age of Constantine the Great, who expounds all the parts, regardless of usage, and at considerable length (viz. on pp. 1008—1044 of Θεοδοσίων γραμματικοῦ εἰσαγωγικοὶ κανόνες περὶ κλάσεως ῥημάτων in Bekker’s Anecdota Graece, vol. iii). The Grammar of Theodosius is in its turn founded on that of a more celebrated Greek scholar, Dionysius the Thracian, who taught at Rome in B.C. 80. The τέχνη γραμματική of the latter is a short work, occupying only pp. 629—643 in Bekker’s Anecdota Graeca, vol. ii; it was a standard text-book for many centuries and is the original basis of all subsequent grammars. I quote a few words from chap. xv, which bear on our present subject: διαβέσεις δὲ εἰς τρεῖς, ἐνέργεια, πάθος, μεσότης: ἐνέργεια μὲν οἴνον τύπτω, πάθος δὲ οἴνον τύπτομαι, μεσότης δὲ ἡ ποτὲ μὲν ἐνέργειαν, ποτὲ δὲ πάθος παριστώσα, οἴνον τέποιθα, διέμθορα, ἐποιησάμην, ἐγραφάμην*. Shortly after, he proceeds: ἀριθμοὶ δὲ τρεῖς, ἐνίκος, δυῖκος καὶ πληθυντικός: ἐνίκος μὲν οἴνον τύπτω, δυῖκος δὲ οἴνον τύπτετον, πληθυντικός δὲ οἴνον τύπτομεν: πρόσωπα δὲ τρία, πρῶτον, δεύτερον, τρίτον: πρῶτον μὲν οἴνον τύπτω, δεύτερον οἴνον τύπτεις, τρίτον οἴνον τύπτει.

of the first century of the Renaissance.’ ‘It served Reuchlin for a model at Orleans, was used by Linacre at Oxford and Erasmus at Cambridge, and long continued to hold its ground against formidable rivals,’ p. 395. The date of his arrival in Italy was about 1396.—The Aldine edition above referred to is of course a reprint. It was first printed in 1484. Hallam p. 180 ascribes to about the year 1480 a small quarto tract of great rarity, entitled conjugationes verborum Graecae, Daventria noviter extremo labore collectae et impressae, containing nothing but τύπτω in all its voices and tenses, with Latin explanations.

* It is quoted ἐνυψάμην in Graefenhan, Geschichte der Classischen Philologie, ii p. 481, q.v.; but Dionysius appears in the rest of the chapter to confine himself to tenses in actual use and is therefore likely to have avoided ἐνυψάμην.
But, however well this verb may be adapted as a typical form for the beginner, and however interesting it may be as a tradition of the earlier grammarians, it cannot be too clearly understood that very few of the tenses are really used by the best Greek authors. The tenses given in the paradigm are all formed regularly on the principles of *analogia* alone, regardless of the opposite principles of *anomaly* which prevail in the usage of the Greek writers themselves. In *Attic Prose* none of the tenses given in the grammars are found except the present and imperfect, active and passive, τώπτω and ἕτυπτον, τύπτομαι and ἕτυπτόμην. The future active is not τύψω but τυπτήσω, and the aorists in use are borrowed from other verbs, and are really ἐπάταξα and ἐπλήγησα. ἐτυψα is never found in *Attic Prose*, and the reference to Lysias, *fragment* 10, 2, given in Veitch's *Greek Verbs*, and repeated, apparently without verification, in Liddell and Scott's *Lexicon*, supplies us with no real exception. The passage, when examined, proves to be part of an exposition of a possibly genuine speech of Lysias, written by the anonymous author of the προλεγόμενα τῶν στάσεων (*Rhetores Graeci* vii p. 15 Walz, cf. Spengel's *Artium Scriptores* p. 137). The words used by this late writer are: ἐγκυμονα τίς ἐτυψε κατὰ γαστρός καὶ κρίνεται φόνου, where Lysias himself would undoubtedly have written ἐπάταξεν, as is proved by a passage in Or. 13 § 71, ὁ Θρασύβουλος τύπτε τὸν Φρύνιχον καὶ καταβάλλει πατάξας. The following passages will further illustrate the prose usage of this defective verb, Lysias, Or. 4 § 15, πότερον ἐπλήγησα ἢ ἐπάταξα; id. Or. 1 §§ 25—27, where πατάξας κατάβαλλω is followed by the corresponding passive forms πλήγεις κατέπεσε, Dem. Or. 4 § 40, ὁ πλήγεις καὶν ἐτέρωσε πατάξας, Thuc. vii 92, ὁ Φρύνιχος πλήγεις followed by ὁ πατάξας διέφυγεν. Again in Plato's *Laws*, p. 879 d—2,
we have τυπτοντα and τυπτειν followed by πατάξαι, and soon after, τυπτετη τῇ μάστυγι followed by ὅσα ἄν αὐτός πατάξῃ: so in p. 880 B, εάν τις τύπτη τὸν πρεσβύτερον...τῇ τοῦ πληγέντος ἡλικίᾳ, and in p. 882 the last two forms occur twice over. Cf. Aristot. Eth. ν 5 § 4, ὅταν ὁ μὲν πληγή ὁ δὲ πατάξῃ, Ῥητ. 1 15 § 29, ὁμοία καὶ εἰ ἱσχυρός ἀσθενὴς πατάξαι ἤ πληγήναι προκαλέσαιτο, Eth. ν 5 § 4, εἰ ἀρχὴν ἔχον ἐπάταξεν, οὐ δὲι ἀντί-πληγήναι, καὶ εἰ ἄρχονται ἐπάταξεν, οὐ πληγήναι μόνον δὲι ἄλλα καὶ κολασθήναι. Ῥητ. 1 15 § 29, πατάξαι ἤ πληγήναι, δὲ ἀνίμα B, 8, p. 419 b 15, τὸ τύπτον καὶ τὸ τυπτόμενον...ἀν πληγῇ, π. 420 a 24, οὐ δὴ πάν ψοφεὶ τυπτόμενον καὶ τύπτον, οἶνον εὰν πατάξῃ βελόνη βελόνην, p. 423 b 16, πληγεῖσα ἐπάταξεν, Soph. Elench. p. 168 a 6, ἀν τις τύπτῃ τούτον καὶ τούτον, ἀνθρωπὸν ἀλλ᾽ οὐκ ἀνθρώπους τυπτήσει, and Meteorologica, p. 368 a 18, τύπτον...τύπτων...τύπτεται, p. 371 b 10, ἢ μέλλει πατάξειν κωνῖται πρὸν πληγήναι, while three lines below we find ὅ εάν πατάξῃ.—Among other parts similarly borrowed we have πέπληγα, πέπληγμα, πεπλήξομαι and πληγήσομαι.—

So in Latin, ferio, percussi, etc.

But one of the best studies on this point of usage is the Speech of Demosthenes κατὰ Κόρωνος, where we find the following forms; in § 81 τύπτειν, in § 17 τύπτων, in § 4 ἐτυπτόν, in §§ 32 and 35 τυπτόμενον, with the verbal τυπτήσεις in § 44. Again in § 31 we have πατάξαι (νοτ τύψαι or πλήξαι), and in § 33 ἐπλήγην (not ἐπατάχθην, or ἐτύπην, much less ἐτύφθην). Further in § 25 πατάξαντι stands side by side with τυπτεῖν; and lastly we have the phrases πληγᾶς ἐνετεινάν (§ 5) and εἰληφέναι καὶ δεδωκέναι πληγᾶς (§ 14), which assist in making up for the defective tenses. It is reserved for the late writer who composed the Argument to use the unclassical form τετυπτήσθαι.

For the usage of this verb in Attic Verse, see Veitch's excellent book on Greek Verbs, where it will be noticed
that almost the only part used besides those found in Prose is τυπείς; the student should also read the interesting criticisms of Cobet in pp. 330—343 of his Variae lectiones, and the corresponding passage in Rutherford's New Phrynichus, p. 257 ff.

[The above Excursus, in the form in which it appeared in 1875, has been translated into German by Dr L. Schmidt in the Paedagogisches Archiv, xxv(i) 1883, p. 62—5.]

· EXCURSUS (B).

On the quantity of ζυπνος (Or. 54 § 12).

In Soph. Phil. 1378, the phrase ζυπνος βάσις is used with reference to the festering foot of Philoctetes, but the position of the words, at the end of an iambic line, leaves the quantity undetermined. This may however be ascertained (1) by the accent of the word from which it is derived, viz. πύων, which according to the express statement of the grammarian Arcadius should never be written πίων; (ii) by the fact that Empedocles makes the first syllable of πύων short. We may further notice that the adjective and its derivatives occur (as might be expected) not unfrequently in Hippocrates and the medical writers; and that one of these, Galen (lib. xiii p. 876), quotes in full an Elegiac poem in which Andromachus the elder, in describing the virtues of his potent antidote, or θηριακή δι' ξυδών, has the following couplet, which determines the quantity of the word:

καὶ μογερῶν στέρνων ἀπολύσται ζυπνον ἱλών
πινομένη πολλοὺς μέχρις ἐπ᾽ ἱελίων.

Hence we conclude that the lexicons of Liddell and Scott (ed. 6*) and of Pape are unwarranted in marking

* In ed. 7 (1883) the quantity is not marked.
ON THE MEANING OF αὐτολήκυθος. 227

the penultimate as long;—an oversight which does not occur in the fourth edition of the former lexicon, and is doubtless due to a confusion between the quantities of τὸ πῦον, the Latin pus, and ὀ πῦός, the Lat. colostra (or beestings).

EXCURSUS (C).

On the meaning of αὐτολήκυθος (Or. 54 § 14).

The exact meaning of this word is difficult to determine, and the Grammarians content themselves with giving us a wide choice of conflicting explanations. Harpocration, for instance, has the following article.

Αὐτολήκυθοι: Δημοσθένης κατὰ Κόνωνος, (1) ἢτοι ἀντὶ τοῦ εὐζώνους τινὰς καὶ ἑτούμων πᾶν ὀτιοῦν πουίν καὶ ὑπομενεῖν, (2) ἢ ἀντὶ τοῦ πένητας καὶ μηδὲν ἄλλο κεκτημένους ἢ ληκύθους, (3) ἢ αὐτουργοὺς, (4) ἢ ἁντὶ τοῦ εἰς πλαγίας ἑτούμων καὶ οἴνον τύπτοντας καὶ μαστιγοῦντας καὶ ὑβρίζοντας, (5) ἢ λέγοι ἄν τοὺς ἐκ προχείρου διδόντας ἀργυρίον....

He further states that Menander used the word in two of his comedies, and attempts to support the last of the above interpretations by showing from Diphilus, that money was occasionally carried about in the λήκυθος: and the last but one by appealing to Menander for the fact that the thong or strap (ἰμάς), by which the λήκυθος was suspended about the person, might be detached from the flask and used as a whip. None of these five explanations is convincing and the last two are almost certainly wrong. An indication of the true meaning may however be gathered from the second. Any respectable Athenian in going to the public baths would be naturally attended by his slave carrying the master’s λήκυθος or oil-flask, &c. Compare, for the Roman custom, Varro R. R. 1 55 § 4 (olea) domínium in balnea sequitur. The fraternity of young men alluded
to in the text, may have gone on the principle of discarding the attendance of their slaves and carrying their own λήκυθοι, either to be free from the slight restraint which the company of their servants might put upon their practical jokes and wild escapades, or by way of assuming a lower grade of respectability than their birth would warrant, and availing themselves of that disguise either as a mere freak of youthful pleasantry or as a cloak for acts of outrage and disorder. If this view is tenable, the general sense of the title may be kept up by some such rendering as 'gentleman beggars,' 'amateur tramps.'

This explanation is in part confirmed by one of the guesses recorded in Bekker's *Anecdota Graeca* 465, 17 where αὐτολήκυθος is explained ὁ πένης ἀπὸ τοῦ ἐαυτῶ τᾶς ληκύθος εἰς τὰ βαλανεία εἰσφέρειν. Again, Hesychius has αὐτολήκυθος: οἱ πένητες, οἱ μόνην λήκυθον ἔχοντες· ὢ δὲ ἐαυτῶν βαστάζοντες τὴν λήκυθον, οὐ δὲ οἴκετον. Pollux x 62, refers to the passage in Demosthenes, and quotes a parallel from the comic poet Antiphanes, Meineke *Com. Graec.* fragm. III 7, καὶ αὐτοληκύθος δὲ τινας Δημοσθένης ἐν τῷ κατὰ Κόνωνος ἀνομάζει ὡς σαφέστερον ἂν τις ἐν τῷ Ἀντιφάνους Ἀθάμαντι κεκληθάι λέγοι· ἥλαι μὲν καὶ λόγχην ἔχουν ἀξινακόλονθος ξηρὸς αὐτολήκυθος.

As another nickname attaching to one of these Clubs we have Ῥυβαλλοὶ in § 39; and in Athenaeus a coterie of Athenian wits is mentioned in the time of Philip of Macedon and therefore nearly coincident in date with the Clubs in the text; these wits or γελωτοποιοί went by the name of 'the sixty' (Athen. xiv 614). Cf. also Lysias, *fragm.* 53, κατὰ Κινησίων: οὐ μετὰ τοῦτον ποτὲ Ἀπολλοφάνης καὶ Μυσταλόης καὶ Λυσίθεος συνειστίων, μίαν ἡμέραν ταξάμενοι τῶν ἀποφράδων, ἀντὶ νομηνιαστῶν κακο-δαιμονιστᾶς σφίσιν αὐτοῖς τούνομα θέμενοι;
ON THE Τριβαλλοὶ OF O.R. 54 § 39.

EXCURSUS (D).

On the Τριβαλλοὶ of Or. 54 § 39.

The Triballi were a wild Thracian people occupying the region north of the range of Haemus and south of the Danube, now known as Servia. Their character is often described in unfavourable terms: thus Isocrates (de pace § 50) speaks of their δυσγένεια as opposed to the εὔγένεια of Athens, and (Panath. § 227) denounces them as leagued against all their neighbours: ἀπαντές φασὶν ὀμονοεῖν μὲν (τοὺς Τριβαλλοὺς) ὡς οὐδένας ἄλλους ἀνθρώπους, ἀπολύναι δ' οὐ μόνον τοὺς ὀμόρους καὶ τοὺς πλησίον οἰκοῦντας ἄλλα καὶ τοὺς ἄλλους ὑσσων ἄν ἐφικέσθαι δυνηθῶσιν. Lastly the comic poet Alexis (who flourished in B.C. 356, a date but slightly anterior to the present speech), attacking, apparently, some rude and uncivilised custom, describes it as too barbarous even for the Triballi, οὐδ' ἐν Τριβαλλοῖς ταῦτα γ' ἐστὶν ἐνομα | οὐ φασὶ τῶν θύντα τοῖς κεκλημένοις | δεύσαι' ἰδεῖν τὸ δεύπνον, εἰς τὴν αὐριον | πωλεῖν ἅδείπνους ἀπερ ἔθηκ' αὐτοῖς ἰδεῖν (ap. Athen. xv p. 671). Cf. Ar. Aves 1530.

According to the speaker, Conon and his two companions were, as mere striplings (μειράκια), known by a name borrowed from these lawless Triballi. Now if the speech was (as is very probable) delivered in B.C. 341 (see p. lxiii) when Conon was rather more than 50 years of age (§ 22), he would be a μειράκιον, or about 15 years of age, 35 years previous, viz. B.C. 376. By a coincidence which has apparently remained unnoticed, this brings us to the very year in which the wild Triballi crossed the Haemus with a strong force, ravaged the southern coast of Thrace near Abdera and were forced to retreat by the Athenian commander Chabrias (Diodor. xv 36). The name of the barbarous tribe would therefore be
on the lips of all Athens during the youth of Conon and his friends, and would readily find currency as a slang term of the day.

We may compare with the Τριβάλλοι, the disorderly Clubs to which Conon's son belonged, the ιθόφαλλοι and αυτολήκαθοι of § 14; and we may suggest in passing that the special form of the appellation, apart from its general applicability, probably turned on a play of words (e.g. τριβεν τοις ἄλλοις or others more or less obvious). Cf. Photius s.v. (quoting this passage) οἱ ἐν τοῖς βαλανείοις ἀναγόμενοι διατριβόμενοι... οἱ δὲ τοὺς εἰκαίους καὶ τοὺς βίους κατατρίβοντας. Hesychius (inter alia) οἱ ἐπὶ τὰ δεῖπνα ἓαυτοὺς καλούντες. The Scholia on Aeschines i § 52 (τοῦσδε τοὺς ἀγρίους ἄνδρας) couple together Τριβάλλοι (cf. Plin. N. H. vii 2) and Κένταυροι as infamous appellatives, and lastly the comic poet Eubulus (fl. b.c. 375) has the line Τριβάλλοι παπανόθρεπτα μειρακύλλια.

As an exact parallel to the Triballi in the text and the other clubs already mentioned, we have in English literature the 'nocturnal fraternity of the Mohock-club,—a name borrowed from a sort of cannibals in India' (i.e. North America). The practical jokes of that 'worthy society of brutes,' and 'well-disposed savages,' will be familiar to the readers of the Spectator (Nos. 324, 332 and 347; anno 1712). Cf. also Gay's Trivia iii 325—328:

Who has not heard the Scourer's midnight fame?
Who has not trembled at the Mohock's name?
Was there a watchman took his hourly rounds,
Safe from their blows, or new-invented wounds?

As German parallels we have the names Polacken, Tartaren, Husaren, and Kroaten (quoted by Reiske); similarly in French, Cosaques and Pandours (mentioned by M. Dareste).
ΠΡΟΣ ΚΑΛΛΙΚΛΕΑ ΠΕΡΙ ΧΩΡΙΟΥ.

ΤΠΟΘΕΣΙΣ.

Καλλικλής, πρὸς ὅν ὁ λόγος, καὶ ὁ τὴν δίκην ὑπ’ ἐκεῖνον φεύγων a γείτονες ἦσαν ἐν χωρίῳ ὄροι μέσῃ διειργόμενοι. δυσομβρίας b δὲ συμβάσεις, εἰς τὸ Καλλικλέους χωρίου ὑδωρ ἐμπεσοῦ ἐκ τῆς ὁδοῦ κατελυμή-


a Bekker st. eum H. Wölfl. διωκών libri. διωκόμενος Ζ, conquit Sauppe.

b δημβίας Φ. δὴ βίας Β. δῶ γίας Σ. margo editionis Parisis-

deriensis (1570) habet et δυσομβρίας quod inquam alias legitur, et ἐπομβρίας (Ζ et Bekker st.) quod occurrerit infra § 11 γενομένης ἐπομβρίας.

c ἀποκοδομήσαντα Sauppe, coll. § 12. ἀποκοδομήσας ΒΦΣ. ἀποκοδομηθεῖσαι Reiske (Bekker st.).

d οὐδὲ χαράδρα τις ἀλλὰ χωρίον ἐστὶ ed. Parisiensis in margine (cf. § 12 ἀποδείξεις χωρίον ὁν τοῦτ’ ἀλλ’ οὐ χαράδραν).

12. συνίστησιν] The word is used in late Greek in the sense 'to give proof of,' e.g. Polyb. 111 108 § 4 ἐπειράτο συνιστάνεις ὅτι... We may therefore per-

haps render it 'he attempts to prove.' [Perhaps εἶνιστησιν, 'he objects.' P.]

13. διασύρει] makes light of the damage done. See §§ 23—
LV. ΠΡΟΣ ΚΑΛΛΙΚΛΕΑ

συμβάσαν τῷ Καλλικλεῖ βλάβην ὡς μικρὰν καὶ
15 οὐκ ἄξιαν τηλικαύτης δίκης, καὶ τὸ ὅλον ἡδικήσθαι
μὲν οὐδὲν φησι τὸν Καλλικλέα, ἐπιθυμεῖν δὲ τῶν
χωρίων τῶν ἑαυτοῦ καὶ διὰ τοῦτο συκοφαντίας μηχα-
νάσθαι πάσας.

1 Οὐκ ἦν ἄρ', ὃ ἀνδρὲς Ἀθηναίοι, χαλεπώτερον οὐ-
δὲν ἦ γεῖτονος πονηροῦ καὶ πλεονέκτου τυχεῖν, ὅπερ
ἐμοὶ νυνὶ συμβέβηκεν. ἐπιθυμήσας γὰρ τῶν χωρίων
μου Καλλικλῆς οὐτῷ διατέθεικε μὲ συκοφαντών ὡστε
πρῶτον μὲν τὸν ἀνεψιόν τὸν ἑαυτοῦ κατεσκεύασεν
2 ἀμφισβητεῖν μοι τῶν χωρίων, ἐξελεγχθεῖς δὲ φανερῶς
καὶ περιγενεμένον μοι τῆς τούτων σκευορίας, πάλιν
δύο δίκας ἐρήμους μου κατεδητήσατο, τὴν μὲν αὐτὸς

26. Dem. Or. 13 § 12 δεσυρε ('depreciated') τὰ παρόντα καὶ
τοὺς προγόνους ἐπήρεσε.

§§ 1, 2. There is really no
greater nuisance, gentlemen,
than a greedy neighbour, as I
have found to my cost in the
case of the plaintiff Callicles.
He has set his heart upon my
property, and has therefore by
every legal means, direct or in-
direct, made me the victim of a
vexatious persecution.

Though I am no speaker my-
self, yet, if the court will give
me their attention, the facts
themselves will prove the base-
lessness of the present action.

1. οὐκ ἦν ἄρ'—τυχεῖν] For
οὐκ ἦν ἄρα, 'there is not really
after all,' cf. Soph. O. C. 1697
πόθος καὶ κακῶν ἄρ' ἦν τῆς,
and for this use of ἦν, especially
with ἄρα, to express a fact which is
and always has been the same,
see the examples given in Lid-
dell and Scott, s.v. εἰμ, F.

For the general sense, cf.
Hesiod's Works and Days 345
πῆμα κακῶς γείτων, and esp.
Aristot. Rhet. II 21 § 15 ἐν τοῖς
gείτων τύχοις κεχρημένοι...φαύ-
λοις, ἀποδεξάτ' ἀν τοῖς εἰπώτοις
ὅτι οὐδὲν γείτονιας χαλεπώ-
tερον.

συκοφαντῶν] 'by his vexa-
tious litigation, his petty perse-
cution.' The word is always
difficult to render, and we have
generally to be guided by the
context for the exact equivalent
in English.

κατεσκεύασεν] 'suborned his
cousin to claim it from me.'
The verb, here followed by the
infinitive, most commonly takes
an accusative, e.g. § 34 τὸν
ἀνεψιόν κατεσκεύασέ, Or. 54 § 14.

2. σκευορίας ] 'intrigue, job-
bbery.' Or. 36 § 33 πλάσμα καὶ
σκεύωργμα.

δίκας ἐρήμους—κατεδητήσατο]
'got two awards (in arbitration)
decided against me by default
(for non-appearance).' Or. 21
(Mid.) §§ 84, 85 (Στράτων ὁ
Peri Choriot. 233

χιλίων δραχμών, τήν δὲ τών ἀδελφῶν παντοὺς πεῖσας Καλλικράτην. δέομαι δι' πάντων ύμῶν ἀκούσαι μου καὶ προσέχειν τῶν νοῦν, οὐχ ὃς αὐτὸς δυνησόμενος εἰ-πεῖν, ἀλλ' ἵνα ύμεῖς ἐξ αὐτῶν τῶν πραγμάτων καταμάθητε ὅτι φανερὸς συκῳφαντοῦμαι.

"Εν μὲν οὖν, ὁ ἀνδρείς Ἀθηναῖοι, πρὸς ἁπάντας 3 τοὺς πατέρας λόγους παρέχομαι δίκαιον. τὸ γὰρ χωρίον πατέρα περικοδόμησεν ὁ πατὴρ μικρὸν δείν πρὶν ἐμὲ γενέσθαι, ζῶντος μὲν ἔτι Καλλιππίδου τοῦ πατέρων...

* Καλλικράτην Ζ et Bekker st. καλλικρατήν ΣΒ et γρ. ΦΦ.
* Bekk. eum 1. του του του Σ. του τουτων Ζ.

διαιτήτης) ὡς οὖθ' ἐγὼ συνεχώρων οὖθ' οὔτος (Μίδιας) ἀπίστη, τῆς δ' ὥρας ἐγίνετο ὦτε, κατεδιήτ-σειν. ἡδ' δ' ἐσπεράς οὔτης καὶ σκότους ἔρχεται Μεδίας... καὶ καταλαμβάνει τὸν Στράτωνα ἀπίστων ἡδ', τὴν ἐρήμον δεδωκότα. τὸ μὲν οὖν πρῶτον οὖς τ' ἦν πείθεων αὐτὸν, ἤν καταδεδείκηκε, ταύτης ἀποδεδηγημένην ἀπο-φέρει.

ἐρήμος in Attic has usually two terminations only: hence ἐρήμους δίκας, which was perhaps preferred to ἐρήμως δίκας on grounds of euphony. In § 6 however we find ἐρήμην κατε-δείκτησα, possibly to avoid the ambiguity arising from the ellipse of δίκην, and in § 31 we have ἐρήμην τούτου καταδείκτηται τοιαύτην ἐτέραν δίκην.

τὴν μὲν χιλιαίων] The same suit is described in § 31 (quoted in last note) as similar to the suit in which this speech is spoken. The damages in the latter are also fixed at 1000 drachmae, § 25.

πεῖσας] sc. καταδιευθήσαται.

Καλλικράτην] On the part taken in these lawsuits by Callicrates, see A. Schaefer, Dem. und seine Zeit 112, p. 251 note.

§§ 3—7. (My opponents bring an action for damages on the ground that the building of a wall enclosing my property has stopped a water-course, and thus diverted the drainage of the surrounding hills on to the property of the plaintiff on the opposite side of the road.)

In answer to all their arguments, I have simply to plead that my father built that wall fifteen years before his death, without any objection, formal or informal, on the part of the plaintiff’s family, who are now attempting to take advantage of my youth and inexperience.

I also challenge them to prove the existence of the alleged water-course (§ 6).

3. δίκαιον ‘a fair and legal plea.’ Or. 51 §§ 27, 29, 42.

γὰρ] See note on Or. 53 § 4.

—ο πατὴρ, sc. Tisias § 5.—μικρὸν δείν πρὶν, ‘almost before’ (i.e. ‘a very short time after’) I was born; not ‘within a little before,’ ‘just before.’

Καλλιπιδου τοῦ τουτων πατρὸς]
LV. PROS KALLIKEA [§§ 3—5

πατρὸς καὶ γειτνιώτως, ὃς ἀκριβέστερον ἤδει δίπου τούτων, ὄντος δὲ Καλλικλέους ἀνδρὸς ἡδὸ καὶ ἐπιδήμωτος ὦ γνῆνησιν ἐν δὲ τούτοις τοῖς ἔτεσιν ἄπασιν οὔτ' ἐγκαλαί οὔδείς πώσοτ' ἤθεν οὔτε μεμφόμενος (καίτοι δήλον ὦτι καὶ τόθ' οὕθεα πολλάκις ἠγένετο), οὔτ' ἐκώλυσεν εἷς ἀρχῆς, εἰπήρ ήδίκει τινὰ περιοικοδομηθεον 1273 μῶν ὁ πατήρ τὸ ἠμέτερον χωρίον, ἀλλ' οὔτ' ἀπηγόρευσεν οὔδείς δειμαρτύρατο, πλέον μὲν ὥς πεινεκαίδεκ' ἐτή

"Z et Bekk. st. cum ΣΒΦ. ἐγένετο Bekk. 1824 cum Α"ρ.

The two sons Καλλικλῆς and Καλλικράτης bear names similar to their father's, Καλλικίδης, all three being compounds of κάλλος. Thus we have Ναυσίφαλος Ναυσίκου, and Καλλικότατος Καλλικράτους. So also brothers' names sometimes varied but slightly, as Diodotus and Diogeiton (Becker's Charicles p. 220 Eng. ed.). Cf. part i p. 136.

ἀνδρὸς ἡδὸ] Having attained to man's estate and being resident at Athens, Callicles might have brought an action long ago, if he felt himself aggrieved. P.

14. καίτοι — οὕθεα πολλάκις ἠγένετο] and yet of course it often rained then, just as it does now,—a touch of quiet humour characteristic of this speech. (ὑδώρ γενέσθαι literally refers to rain, though floods are implied as a necessary consequence. Ar. Vesp. 265 δεῖται οὕδωρ γενέσθαι καταγεννήσαι βόρεως αὐτῶς.)

εἰπήρ ήδίκει] (As he would have done) if my father was wronging anyone... (But he did not prevent him; and not only so,) but &c. P.

ἀπηγόρευσε] 'forbade.' In Classical Greek, ἀγορέω and its compounds are seldom found except in the present and imperfect tenses; the remaining tenses and the verbal derivatives being generally borrowed from ἄρω, εἶπω, εἰρήμα, ἐφφησθήν, ἐφθάσαμαι, with ὅριον, ὅρας, ὅρητος, ὅρεα. Thus ἀναγορέω (to proclaim) has for its imperfect ἀνηγόρευσιν, while the correct forms for the other parts are, ἀνερω, ἀνετηρη, ἀνέτοιον, ἀνερήθηναι and ἀνάρρητοι &c. instead of ἀναγορέουσα. . . ἀναγορευονται &c. The strict rule, however, as to this verb and its compounds, has its exceptions, in the case of προσαγορευον (e.g. προσαγορευσθῇ § 40 § 1), and partially also in ἀπαγορευον. Thus instead of the more usual ἀπείτε, we here find ἀπηγόρευσε, which also occurs in Dem. Or. 40 § 44 ἀπηγόρευσεν αὐτῷ μή διακαταν and Arist. Oecon. p. 24; Plat. Theaet. p. 200 ἀπαγορεῦσης. In Ar. Pax 107 we have καταγορεῦσῃ. (See Cobet's variæ lectiones p. 35—39 and nove lectiones p. 778; Memorjne n.s. p p. 127; also Veitse, Greek Verbs p. 10, ed. 1871; Shilleto on Fals. Leg. p. 397, and Rutherford's New Phrynichus. p. 326.)

δειμαρτύρατο] 'formally protested.' Or. 33 § 20 διαμαρτυραμένων τοῦ ἀνδρώπου ἐναντίον
to the patroς ἐπιβιοῦντος, οὐκ ἐλάττω δὲ τοῦ τούτων
patroς Καλλιπτίδου. καίτοι, ὁ Καλλίκλεις, ἐξήν δὴ-ς
πον τόθ' ὑμῖν, ὀρῶσιν ἀποικοδομομένην τὴν χαρά-
δραν, ἐλθοῦσιν εὐθὺς ἀγανακτεῖν καὶ λέγειν πρὸς τὸν
μαρτύρων, de Cor. § 28 μὴ σηγή-
σαι...ἀλλὰ βοῶν καὶ διαμαρτύρει-
θαι (ib. 143); Or. 42 § 28. It
must not be confounded with
diamaρτύρσες, 'put in a διαμαρ-
τυρία' (see Meier and Schömann,
p. 639).

ἐπιβιοῦντος] Sense and usage
alike show that this, though at
first sight an ambiguous form,
is certainly aorist, and not pre-
sent. Cf. § 32 ἐπεβίω, which
also occurs in Thuc. ii 65 (of
Pericles) ἐπεβίω δύο ἐτῶν καὶ
μάρθην εξ καὶ ἐπειδὴ ἀπέθανεν
κ.τ.λ. So also Or. 41 §§ 19 and
18 ἐπιβιοῦντος μετὰ παύτα πλείον
ἡ πένθος ἡμέρας. The first
person ἐπεβίων is naturally rare, as
the aorist of this verb is mainly ap-
picable to those who are no
longer living; but Thuc. v 26
has, ἐπεβίων διὰ παντὸς (τοῦ πο-
λέμου). In Attic Greek ἔπιον,
like βεβήθω, βεβήθωκα and βε-
βωμένες, is used to supplement
the defects of ἔπν, which is itself
hardly used except in the pre-
sent and imperfect active. ἔπος
is very rare. (See Cobet, variae
lect. p. 610.)

5. ἐξήν] As usual, without
ἀν. See note on ἐξῆν Or. 45
§ 17, followed, as here, by ὅμω
with the indicative.

ὑμῶν] 'You and yours,' i.e.
your father, your brother and
(when at home, and not at
Athens § 3) yourself. ὑμεῖς
never stands for σοί, and it has
been shown elsewhere that the
passages quoted from Isocrates
to prove the contrary will not
bear examination (Isocr. ad
Dem. § 2). So also, in Eur.
Bacch. 252 ἀναινομαί πάτερ ἔν
γύρασ ὑμῖν εἰςφόροιν νοῦν ὑμᾶν
ἐχων, the plural ὑμῶν refers to Cad-
mus and Teiresias, not to the
former only. Again in Homer,
Odys. xii 81, we have ἦπερ ὁ
ὑμεῖς νηὰ παρὰ γαλαφφην ἠθνετε,
φαίδρι Ὀδυσσε, where ὑμεῖς
refers to Odysseus and his com-
rades.

In Latin however the rule is
perhaps less strictly kept, and
vester appears to be used for
tuis in Catullus 71, 3 Aemulus
iste tuus qui vestrum exercet
amorem, probably the only in-
stance of this exceptional use
of plural for singular. The rule
is only apparently broken in
Virg. Aen. ix 525 Vos, o Calli-
opre, precor, aspirate canenti.
Here vos refers to all the Muses,
though Calliope alone is men-
tioned. (Cf. Aen. i 140 ves-
trus, Eure, domos.) So too
Cicero pro Deiot. § 29 vos vestra
secundu fortuna, Castor, non
potestis sine propinquorum ca-
lamitate esse contenti? (The
plural vos is at once explained
by felix ista domus in the pre-
vious sentence.)

τὴν χαράδραν] The word is
not only used of the torrent
itself, but also of the channel
cut by the torrent's course (der.
χαράςσων). Hesychius χαράδρα:
χειμαρρος ποταμός. κατάγει δὲ
ὕότος παντοίον εν τῷ ρεμάτι καὶ
katalívrei. χαράδρα: αἱ χα-
ράδες τοῦ ἑδάφους, καὶ οἱ κόλοι
totou ἀπὸ τῶν καταφερομένων
ὄμβρων ὦδατων. The rendering
LV. ΠΡΟΣ ΚΑΛΛΙΚΛΕΑ [§§ 5—7

πατέρα, "Τισία, τι ταύτα ποιεῖς; ἀποικοδομεῖς τὴν χαράς; εἰτ’ ἐμπεσεῖται τὸ ὤδωρ εἰς τὸ χωρὶόν τὸ ‘ήμετερον’. ἦν’ εἰ μὲν ἐβούλετο παύσασθαι, μηδὲν ὕμιν ὑπὲρ δυσχερές πρὸς ἄλληλον, εἰ δ’ ὁλιγόρυσε καὶ συνέβη τι τοιοῦτον, μάρτυσιν εἰχές τοῖς τότε 6 παραγεγομένους χρήσθαι. καὶ νὴ Δι’ ἐπιδείξαί σε ἐδει πᾶσιν ἀνθρώποις χαράδραν οὐσαν, ίνα μὴ λόγῳ

h ὑμῖν ὑπὲρ δυσχερές πρὸς ἄλληλον Bekk. st. ὑμῖν δυσχερές πρὸς ἄλληλον ὑπὲρ Bekk. 1824. ὑμῖν Σ α μὲ collatus; ὑμῖν μαυρι πρίμα in ὑμῖν mutatum τ. ὑμῖν ὑπὲρ (ἡ Σ, ὑ Φ) δυσχερές πρὸς ἄλληλον Σ; δυσχερές πρὸς ἄλληλον Σ τὸ γ (τὸ Δ)

1 'ἐπιδείξαί σε γε, Reiskius c miss, sed vel lege γέ σε, vel potius dele σε.' Dobree.
μόνον, ὥσπερ νῦν, ἀλλ' ἔργῳ τὸν πατέρα ἄδικοιντ' ἀπέφανε. τούτων τοίνυν οὐδὲν πώποτ' οὐδεὶς ποιεῖν ἥξιωσεν. οὐ γὰρ ἂν οὔτ' ἔρημην, ὥσπερ ἐμοῦ νῦν, κατεδιηγήσασθε, οὕτε πλέον ἂν ἦν ύμῖν συκοφαντοῦσιν οὐδὲν, ἀλλ' εἰ ἦνεγκατε τότε μάρτυρα καὶ ἑπεμαρτύ-7 ραςθε, νῦν• ἀπέφανεν ἄν ἐκείνους εἰδός ἄκριβῶς ὑπώς εἰχεν ἐκαστα τούτων, καὶ τοὺς ῥαδίως τούτους ἀγαπητοὺς εἰς ἐξήλεγχεν. ἀνθρώπου δ', οἴμαι, τηλικοῦτον καὶ ἀπείρον τῶν πραγμάτων ἀπαντες καταπεφρονή-


k) Bekk. 1824 cum Α' Α'. τούτους Z et Bekk. st. cum ΕΣΦΒ.

...tvovs, tois, and ζ. τοῦτους] The reading τού-
touς is open to the objection that between κατεδιηγήσασθε in the previous and καταπεφρονή-
κατε in the subsequent context, we expect, not the third person τούτους, but the second person ὑμῖν, just as above we have οὐδὲν πλέον ἂν ἦν ύμῖν.

If we retain the doubtful words at the beginning of § 7, the argument in favour of τοῦ-
tους is yet stronger, and τοῦτος is then still less defensible. ('melior vulgata lectio, τοῦτος, μάρτυρας silicet,' Seager, Class-
cical Journal, 1825, no. 61 p. 63.)

Katē μον. ἀλλ’ ἐγὼ πρὸς ἀπαντας τούτους, ὦ ἄνδρες Ἀθηναίοι, τῶν αὐτῶν1 πράξεις ἰσχυροτάτας μαρτυρίας παρέχομαι. διὰ τί γὰρ οὔδείς οὓς ἑπεμαρτύρατο οὔτ’ ἐνεκάλεσεν, ἀλλ’ οὖθ’ ἐμέμψατο πῶς ποτε, ἀλλ’ ἐξήρκει ταύτ’ αὐτῶς ἣδικημένους περιορὰν;

8 'Εγὼ τοιούτων ἴκανα μὲν ἴγούμαι καὶ ταύτ’ εἶναι 1274 πρὸς τὴν τούτων κατηγορίαν. ἵνα δ’ εἰδὴτε, ὦ ἄνδρες Ἀθηναίοι, καὶ περὶ τῶν ἄλλων, οἷς οὐθ’ ὁ πατὴρ οὖθεν ἤδικεν περιοκοδομῶν τὸ χωρίον, οὕτω καὶ κατεψευσμένοι πάντ’ εἰςών ἴμων, ἄτι σαφέστερον ἴμως πειράσομαι διδάσκειν. τὸ μὲν γὰρ χωρίον ὁμολογεῖται καὶ 9 παρ’ αὐτῶν τούτων ἡμέτερον ἴδιον εἶναι τούτων δ’

1 Bekk. αὐτῶν Ζ (αὐτῶν Σ).

ἐξήρκει—περιορὰν] 'they were content to submit to these wrongs.' The dative ἡδικημένου, subordinate to περιορὰν, follows the case of αὐτῶς, which again depends on ἐξήρκει. Cf. Or. 54 §§ 16 and 44. Or. 3 § 23 εὐδαίμων ύμῶν ἐξεταί γλυκεσθαι. Madvig Gk. Synt. § 158 2 3]— ταύτ’, acc. after ἡδικημένου.— περιορὰν, a verb characteristic of Greek prose and comedy (Porson on Eur. Med. 284 and Cobet var. lect. p. 338).

§§ 8, 9. I contend that my father had a perfect right to build the enclosure, as even the plaintiff himself admits that the land is our own property. This being admitted, a personal inspection would in itself have sufficed to show the jury how groundless the present action is. And this was why I wanted (and my opponents refused) to submit the matter to the arbitration of impartial persons who knew the neighbourhood. Failing this, I must ask the jury for their closest attention while I describe the position of the properties in question.

8. οὖθ’...τε] Or. 54 § 26, Madv. Gk. Synt. § 208.

ἡμέτερον ἴδιον] 'our own private property,' stronger than ἴδιον. So in § 13. — The grammarian Priscian, who curiously regards ἴδιος as an exact equivalent to the Latin suus, has the following remark: quod mirum est, hoc ipsum [id est τὸ ἴδιον] etiam primae et secundae adiungitur personae apud illos ut Ἰσαίων εν τῷ πρὸς Ἐυκλείδην: οὐκ ἄν τὰ ἴδια τὰ ἐμαυτοῦ (fragm. 60). Demosthenes εν τῷ πρὸς Πολυκλέα: οὐ περὶ τῶν ἐμών ἴδιων μάλιστα τιμωρήσετε Πολυκλέα ἡ υἱὰς ὑπὲρ ἴμων αὐτῶν καὶ εν τῷ αὐτῷ οὖ περὶ πλείονος ἐπιστήμην τὰ ἐμαυτὸν ἴδια ἡ τὰ νυμέτερα (Dem. Or. 50 §§ 66, 63). ἐν δὲ τῷ πρὸς Καλλικλέα περὶ χωρίου ἑλάσθη; τὸ μὲν ἐν γὰρ χωρίῳ—ἡμέτερον ἴδιον εἶναι. Phro-eucius ζοαστρίας: ὁσπερ ἐμὸν αὐτῆς ἴδιον, ὑπὸ ὑμοὶ δικίως 'meum proprium,' et 'tuum proprium,' dicitur tamen etiam
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produced.

P.]

§§ 10, 11. The estate of my

opponents is separated from

my

own by a public road, and both

are surrounded by a tract of

mountainous country. Thus,

the

drainage

from

the

hills

flows

partly

into

our

properties, partly

on to the road, and in the latter

case, it is either carried down

the road itself, or, if anything

stops its course, it inundates

the

properties. On

one

occasion,

the

water

made

an inroad into what

was

subsequently

my father's

property, and, owing

to

neglect,

made

further

inroad.

Accordingly

my

father, on coming into

possession, built this wall to

protect his lands from the

encroachments

of

his

neighbours as well as from

the

inroad

of

the

water.

10. τοῦ γὰρ—δόδος ἐστι'] lit.

'for

the

space

between

their
property and mine is a road,' i.e. 'there is a road between their property and my own.' the mésou, however, seems a less satisfactory reading than méson.

đòous περιέχουτος κύκλω] Xen. Hellen. τν ἐν § 8 διὰ τὰ κύκλῳ περιέχουτα ὅρη. Plat. Critias λ τὸ περὶ τὴν πόλιν τὴν πεδίον ἔκεισθη μὲν περίεχον αὐτῷ δὲ κύκλῳ περιεχόμενον ὄρει. τοῖς χωρίοις This can hardly be taken with περιέχοντος κύκλω, which would require an accusative, nor again with καταρρέων, as we should then expect τὸ τοῖς χωρίοις καταρρέων ὕδωρ, which indeed is actually printed in Reiske's Index Graecitatis (with the explanation 'id est εἰς τὰ χωρία'). Reiske's erroneous quotation may account for this passage being cited in Liddell and Scott as an instance of καταρρέων 'ἐν. dat. to rush down to a place' (corrected in ed. 7, 1883).

A better explanation is either to construct it with συμβαίνει (which however is objectionable on account of the repetition of τὰ χωρία in the same sentence), or, better still, to understand it as a kind of dativus incommoti. In the latter case we might render as follows: ‘between their property and mine there is a road; a hilly district encircles both; and unfortunately for the properties the water that flows down runs (it so happens) partly into the road, partly into the properties.' [I should regard χωρίον as the dative in relation to position; ‘as these farms have mountains enclosing them on every side.' P.]

καὶ δὴ καὶ] 'and in particular.' After making a general reference to τὸ καταρρέων ὕδωρ, the speaker narrows his description to the water which runs down the road. In the next section, again, καὶ δὴ limits the subject still further to the water which on a special occasion made its way into his own property.

ἡ ἄν εὑρομ] 'wherever it has a free course.' Arist. gen. anim. 1 18 ρῆ ὡς ἃν εὑρομενα τοῦ σώματος, and (as a passive in intransitive sense) ib. π 4 εὑρομεναι μᾶλλον. Cf. Βιβην. § 11 7 τὸ ὕδωρ...μᾶλλον ὄσμονειν.

ἡ ἄν ἐνστῇ τι] 'wherever anything stands in the way', 'any obstacle intervenes.' Plat. Phaedo, 77 ε ἐν εὐπτηκεν (instead, obstat) τοῖς πολλάκις (of an objection in argument, ἐνστασις). τιμηκαίτα κ.τ.λ.] 'why! thereupon it must of course over-flow the properties.' τιμηκαίτα,
peiv anagkaion hē. kai de kata toû to χαρίων, 11 ó andreis dikastai, genoménēs epombrías synébê to ὑδωρ ἐμβαλεῖν ἀμεληθὲν δὲ, οὕτω τὸν πατρὸς ἔχοντος αὐτῶ, ἀλλ' ἀνθρώπων δυσχεραίνοντος ἕλως τοῖς τόποις καὶ μᾶλλον ἀστικοῦ, δια καὶ τρὶς ἐμβαλὸν τὸ ὑδωρ τά τε χωρία ἐλυμήνατο καὶ μᾶλλον ὁδοποίει. διό δὴ ταῦτ' ὁ πατήρ ὅρων, ὃς ἐγὼ τῶν εἰδότων ἄκουω, καὶ τῶν γειτῶν πρωμένων ἁμα καὶ βαδιζόντων

though almost always used of time, occasionally (as here after ἤ, which indicates place) bears a more general meaning, 'in that case,' 'under these circumstances.'

11. ἀμεληθὲν] It seems best to regard this as an accusative neuter absolute ('neglect having ensued'), and not to take it with τὸ ὕδωρ, much less with αὐτῶ, i.e. τὸ χαρίων. So in Plat. Phaedr. 265 ν ὥρασθὲν 'it having been defined.' Or. 50 (Polycl.) § 12 προσταχθὲν. (Kühner § 487, 3, and Goodwin’s Moods and Tenses § 110, 2.)

In translating, we can best bring out the sense by reserving ἀμεληθὲν to a later point in the English sentence, and rendering the clause οὖτω... ἔχοντος as though it contained the principal verb. Thus: 'now my father was not yet in possession of the property, but a man who disliked the neighbourhood and preferred town life; accordingly neglect ensued, and the water overflowed several times, damaged the land, and was making further inroad.'—For ὀδοποίει, cf. supra § 10, εὐδογ.

[By μᾶλλον ὁδοποίει, the speaker wishes to show how the rain had made a way for itself al-most amounting to a χαράδρα, though he denies the existence of any recognised χαράδρα by the road-side in § 16. P.]

ὁρω...ἐπινεμόντων] For the nominative participle combined with the genitive absolute, cf. Thuc. viii 45 'Ἀλκιβιάδης τοῖς Πελοποννησίους ὄποιτος ὢν καὶ ἀπ' αὐτῶν ἀφικομένης ἐπιστολῆς...ὑποχωρεῖ (Goodwin’s Moods and Tenses § 111).

τὰν γειτῶν—χωρίων 'as the neighbours also (αὖμα) encroached and trespassed on the property.' ἐπινέμεν and ἐπινομία are specially used of turning cattle on to a neighbour’s land for pasture. Hence the metaphorical use of the word in Aesch. Ag. 485 πιθανός ἄγαν ὁ ὑδην ὀρός ἐπινέμεται ταχύπορος. Among other words compounded with ἐπι and used of encroachments on the debateable border-land of two countries, or on the boundaries of adjacent properties, we have ἐπεργάζεσθαι and ἐπεργασία.

In Plato’s Laws (pp. 843—4) there is a long and interesting passage, in which the annoy-ances caused by neighbours are dwelt upon, and suggestions made for legal remedies. We transcribe those portions only which illustrate the clause before us, and indeed the speech
in general. p. 843 Β βλάζαι πολλαί και σμικραί γειτόνων γεγονόμεναι, διὰ τὸ βαμμένων ἐχθράς ὅγκων μέγαν ἐπικτούσαι, χαλεπῶς καὶ σφόδρα πικραὶ γειτονίαν ἀπεργάζονται. διὸ χρῆ πάντως εὐλαβεῖται γειτὸν γειτονὶ μηδὲν ποιεῖν διὰφορον, τῶν τε ἄλλων πέρι καὶ δῆ καὶ ἐπιρραγιαὶς ἐμπάσις σφόδρα διευλαβομένους... διὰ γὰρ ἐπεργάζεται τὰ τῶν γειτόνων ὑπερβάλλοι τοὺς ὄρους, τὸ μὲν βλάζος ἀποτρέπει, τῆς δὲ αναίδειας ἀμα καὶ ἀνελευθερίας ἕνεκα λατρεύσεσθαι διπλάσιον τῷ βλάζοις ἀλλὰ ἔκτισάτο τῷ βλαφθέντί... καὶ εἶν τίς βουκήματα ἐπιμένῃ, τὰς βλάζας (ἀγρό-νομα) ὀρῶντες κρυφτῶν καὶ τιμῶντων.

See esp. Donaldson's New Cratylus § 174, where this class of words is discussed. He apparently understands ἐπιμένει in this passage to refer to a 'common trespass'; but this is sufficiently expressed by βαδι-ζότων διὰ τοῦ χωρίου, and it is therefore better to give ἐπιμέ-νοτον that special application to the 'encroachment of cattle' which it constantly bears.

ἀιμασάν] Never used in the sense of a 'hedge', but always of a 'wall of dry stones.' In Odys. xiii 256 and xiv 221—230 ἀιμασάς ἄγεσω is explained in a scholium, οἰκο-δομῶν ἐκ συλλεκτῶν λίθων, and Hesychius paraphrases the word τὸ ἐκ πολλῶν λίθων λογάδων ἀ-θροισμα. Thus in Theoc. 1 45, a boy watching a vineyard is de-scribed as sitting ἐφ' ἀιμασάσας, and in ν 93 we have roses growing in beds beside the garden-wall, μῆδα τῶν ἄνθρωπων τὰρ' ἀιμασάσαις πεφθεῖς. Cf. Plat. legg. 881 απερρίπτον ἀιμασάσως τοὺς, τειχῶν ἐρίματα.

In Bekker's Anecdota Graeca p. 356, we have the definition, τὸ ἐκ χαλίκων ἔγκοσμωμένων τειχῶν, where the next few words, κυρίως δὲ τοῖς ἰδιακωμένοις λέγεται φράγματι, show that such walls were sometimes topped with thorns (Odys. xiv 10 αἰλήν...δέματο...μυστών Λόγε-ων καὶ ἐφρήγκωσεν ἀχέρσω, cf. xxiv 230), just as in England rough-stone-walls are frequently finished off with furze and other prickly shrubs. The Greek peasants still give the name ἀιμασάς to the walls built to support the artificial terraces of earth on the hillsides of the Morea (Ross, Archæologische Aufsätze Π 500).

§§ 12—15. The plaintiff contends I have damaged his estate by obstructing the water-course.' In reply, I shall prove that what he calls a water-course is no such thing, but really part of our own ground, for it has fruit-trees growing in it, which were replanted before my father built the enclosure, and it contains a burial-place, made before we acquired the property.

All this is in evidence, gentle- men, as also the fact that the wall was built while the plain-tiff's father was still alive, and without any protest on the part of my opponents or the rest of my neighbours.
12. τὴν χαράδραν ἀποικοδομήσαντα βλάπτειν ἐμὲ αὐτὸν· ἐγὼ δ' ἀποδείξω χωρίον ὧν τούτ' ἀλλ' οὗ χαράδραν, εἰ μὲν οὖν μὴ συνεχορείτο ἡμέτερον ἵδιον 13 εἶναι, τάχ' ἄν τούτο ἡδικοῦμεν, εἰ τι τῶν δημοσίων ὄκοδομούμεν· νυνὶ δ' οὔτε τούτο ἀμφισβητούσιν, ἐστὶ τ' ἐν τῷ χωρίῳ δὲνδρα πεφυτευμένα, ἄμπελοι καὶ συκαί. καίτοι τίς ἐν χαράδρας ταῦτ' ἄν φυτεύειν ἀξίωσειν; οἶδεῖς γε. τίς δὲ πάλιν τοὺς αὐτοῦ προγόνους θάπτειν; οὔδὲ τοῦτ' οἴμαι. ταῦτα τοῖνυν 14 ἀμφότερ', ὦ ἄνδρες δικασταί, συμβέβηκεν καὶ γὰρ ὁ αὐτὸν Ζ.

The idiom may be illustrated by the effect upon the brain of the double images of external objects entering the eyes separately and subsequently uniting. Numerous varieties of construction, of which the present is a single instance, are grouped under the general heading of 'Binary Structure' in Riddell's Digest of Platonic idioms, § 204. See note on § 8, ad fin. The idiom, planted and not growing wild, like the ἐρυνεῖς or κυκά ἀγρία.

14. καὶ γὰρ...καί] The telling question, 'who would think of burying his ancestors in a water-course?' (a question seriously put, unless perhaps we ought to take it as one of the touches of humour characteristic of this speech), is of course not meant to apply to all the tombs subsequently mentioned (§ 14). Some of them were there even before the land came into the speaker's possession.
tā δένδρα πεφύτευται πρότερον ἢ τῶν πατέρα περιο-
κοδομήσαι τήν αἴμασιν, καὶ τὰ μυήματα παλαιά καὶ
πρὶν ἡμᾶς κτήσασθαι τὸ χωρίων γεγενημένα ἐστίν.
καίτου τούτων ὑπαρχόντων τίς ἀν ἐτί λόγος ἵσχυρότε-
ρος, ὡς ἄνδρες Ἀθηναῖοι, γένοιτο; τὰ γὰρ ἔργα φανερῶς
ἐξελέγχει. καὶ μοι λαβῇ πάσας νυνί τὰς μαρτυρίας,
καὶ λέγε.

ΜΑΡΤΥΡΙΑΙ.

15 Ὅκουσε, ὡς ἄνδρες Ἀθηναῖοι, τῶν μαρτυριῶν.ἀρ’ ὑμῖν δοκοῦσι διαρρήδην μαρτυρεῖν καὶ τὸ χωρίον
ἐναι δένδρων μεστὸν καὶ μυήματ’ ἐχειν τινὰ καὶ τάλλ’
ἀπερ καὶ τοῖς ἄλλοις χωρίοις συμβέβηκεν; καὶ πάλιν
οτι περιφοικοδομήθη τὸ χωρίων ξόντος μὲν ἐτὶ τοῦ τοῦ-
των4 πατρὸς, οὐκ ἁμφίσβητοντων δ’ οὔτε τοῦτων οὔτ’
ἄλλου τῶν γενίτων οὐδενός;

1. om. Z et Bekker st. cum FΣΦΒ.
2. Bekk. τῶν τοῦτον Z cum FΦΒ. τῶν τοῦτον Σ.

4 τούτων ὑπαρχόντων] Cf. § 9 init.

15. ἄρ’] We should expect ἄρ’ οὖχ, which, like nonne, dis-

tinctly implies an affirmative answer. But ἄρα is not unfre-

quently used alone, to denote a simple interrogation, the con-

text showing whether a negative or, as here, an affirmative

reply is expected. Xen. Cyr. iv 6 § 4 ἄρα βέβηλκα δις ἐφεξῆς;

(L and S).

μυήματα...τινὰ] Not μυήματα παλαιὰ as before. The de-

scription is made as general as possible to show that the piece

of ground in question had all the essential characteristics of

private property.—τάλλ’ ἀπερ] The speaker does not specify

what is included in this et

cetera, but the depositions prob-

ably went into further detail.

§§ 16—18. The plaintiff speaks of the stoppage of a water-

course. Now, firstly, I don’t suppose that in the whole of

Attica there is such a thing as a water-course by the side of a

public road. The water would naturally flow down the road and

a water-course would be quite unnecessary. Next, no one

surely would think of allowing water passing down the highway
to flow into his own land; on the contrary, he would of course
dam it off, if it ever made in-

road.

Now the plaintiff wants me to let the water flow into my own

land, and to turn it off into the road again after it has passed

his property. Why then, the owner next below my neighbour

opposite will complain. In short, if I take the water from off the
road, I cannot let it out again either into the road or into my neighbours' properties. And no other course is open to me; for I presume the plaintiff won't compel me to drink it up.

16. σκέψασθε] The other reading σκέψασθαι (closely connected by καὶ with ἀκούσαί) is perhaps less preferable.

αἰμα — ἐποίησε τις;] The speaker, after asking whether any of his audience has ever seen or even heard of a water-course running by the side of a public way, takes upon himself to declare that he does not believe there is anything of the kind in the whole of Attica. The startling character of this assertion, which could hardly have been untrue, is only equalled by the delightful frankness with which he assigns the reason. 'What could induce any one,' he asks, 'to make a channel through his private grounds for water, which, if let alone, would be sure to flow down along the public road?' The passage is singularly suggestive on the state of the mountain roads of Attica. The public road, so called, would in numbers of cases be little better than the path of a mountain-torrent, which might be used in dry weather for purposes of transit, but in very wet seasons would revert to the possession of the waters. In the days of Demosthenes many of the mountain roads were, we presume, not much better than those of modern Attica, as described with perfect accuracy in Edmond About's lively book on Greek brigandage, Le Roi des Montagnes:

"I crossed at a leap the Eleusinian Cephisus ... One hundred paces further on, the road was lost in a wide and deep ravine, hollowed by the rains of two or three thousand winters. I supposed with some show of justice that the ravine must be the road, for I had noticed in my previous excursions that the Greeks dispense with making a road wherever the water has been kind enough to take that duty on itself. In this country, where man but slightly thwarts the laws of nature, the torrents are royal roads, the rivers turnpike-roads; the rivulets cross-country roads. Storms do the office of highway engineers and the rain is an inspector who keeps up without any control the means of communication, great and small" (p. 45 = p. 42 Eng. transl. 1862).

[We must remember that road-making, as we have it, is a modern art, and that the want of roads is still the cause of backward civilisation and commerce in many countries. The hollow or sunken lanes, common
LV. ПРОΣ ΚΑΛΛΙΚΛΕΑ [§§ 16—18]

ἐμελλε βαδεισθαι φερόμενον, τούτῳ διὰ τῶν ἵδιον 17 χωρίων χαράδραν ἐποίησε τις; ἔτειτα τίς ἀν ὑμῶν εἴτ᾽ ἐν ἀγρῷ νη Δῆ εἴτ᾽ ἐν ἀστεί το διὰ τῆς ὀδοῦ βέον ὕδωρ εἰς τὸ χωρίον ἢ τὴν οἰκίαν δεξιαίτ’ ἀν αὐτοῦ; ἀλλ’ οὐκ αὐτὸ τοῦνατιον, κἂν βιάσηται ποτε, ἀποφράττειν ἀπαντες καὶ παροικοδομεῖν εἰσδεχόμεν; οὖτος τοίνυν ἄξιοι με ἐκ τῆς ὀδοῦ τὸ ὕδωρ εἰσδεξάμενον εἰς τὸ ἐμαυτοῦ χωρίον, ὅταν το τούτου παραλλάξῃ χωρίον, πάλιν εἰς τὴν ὀδόν ἐξαγγεῖν. οὐκοῦν πάλιν ὁ μετὰ τοῦτον μοι γεσφρῆν τῶν γειτόνων ἐγκαλεῖ:

1 ὁ, vocabuli antecedentis in syllaba ultima absorptum, restitutum esse indicavit H. W. Moss.

in many parts of England, are caused by the excavating power of water running along tracks. The Romans raised their roads (viam minuere) apparently to avoid this. As an illustrative passage, we may quote Iliad xxiii 420 ῥωχιὸς ἐγν γάς, ἢ χειμέροιν ἀλὲν ὕδωρ εξερρήξεν ὀδόν, βάθως ὁ χῶρος ἀπάντα. P.]

βαδεισθαί. The Classic future of βαδίσω (retained even by Plutarch and Lucian); the other forms, βαδίσω and βαδίω, are characteristic of the worst Greek, extrema barbaries (Cobel, var. lect. 329).

17. αὐτὸ τοῦνατιον] 'on the very contrary,' so also in Or. 22 (Androt.) § 6.—ἀὐτοῦνατιον was the common text until corrected by Reiske, on the authority of two MSS and the margin of 2; but the correction is so certain that authority is hardly wanted. ἀποφράττειν καὶ παροικοδομεῖν] 'dam and wall it off.' The former implies an abrupt cutting off of the water by a transverse dam athwart the stream; the latter probably expresses a wall built parallel to the stream to narrow its course.

οὕτος τοίνυν — ἐγκαλεῖ] 'This man, Callicles, expects me to take the water from the road (where it has no χαράδρα) into my farm, and, when it has passed his, again to carry it out of my farm into the road. But, in that case, the farmer who occupies next to him would complain'; i.e. he would say that I ought to carry it beyond his farm also, lest it should come in from the road. It is clear that the defendant's farm, on one side of the road (§ 10), extended considerably beyond that of the plaintiff Callicles on the other. For he says that, if bound to carry it beyond one farm, he was bound to carry it beyond a second or a third, before he allowed it to re-enter the public road. P.]

ἐξαγαγεῖν] 'draw off,' 'let out,' derivare, Xen. Oec. 20 § 12 τὸ ὕδωρ ἐξαγαγεῖ τάφρος.

ἐγκαλεῖ] Not present, but future. The context is decisive and the margin of the Paris MS has ἐγκαλέσει, pointing to the same conclusion, though the
note seems due to a copyist who did not recognise in ἐγκαλεῖ the regular Attic future. In Or. 23 (Aristoer). § 123, we have ἐγκαλέσοντι; so also in Or. 19 § 133. The simple verb καλῶ hardly ever (Cobet says, never) has any other future than καλῶ (var. lect. 28, 29).

18. ἦ ποι 'Surely, I should scarcely be rash enough to turn it on to my neighbour's land'; — 'I should be a very rash man indeed to do so.' For this slightly ironical use of ἦ ποι, 'to be sure,' cf. Lycurgus § 71 ἦ ποι τάχεως ἀν ἰφέσχετο τις ἐκεῖνοι τῶν ἀνδρῶν τοιοῦτον ἔργον. Soph. Aj. 1008 ἦ ποι με Τελαμών...δεξαί' ἀν εὐπρόσωπος Ἰλέως τ' ἰσως χαροῦντ' ἀνεν σοι. ὅπου] 'whereas,' 'in a case where' (without any direct notion of place). Isero. ad Dem. § 49.

δίκας ἀτίμητος φεύγω] 'am sued for a fixed penalty,' 'am put on my trial in law-suits where the damages are already assessed by law.' The plural refers to the fact that the speaker has been sued by Callocrates as well as by Callicles (§ 2).

δική τιμήτος means 'a suit to be assessed,' i.e. 'a suit in which the penalty or damages have not been determined by law.' δική ἀτίμητος means the opposite; 'a suit not to be assessed,' i.e. a suit in which the penalty has already been fixed by law.

So Harpoeration: ἀτίμητος ἀγών καὶ τιμήτος. ὁ μὲν τιμήτος ἐφ' ὁ τίμημα ὁφείλον ἐκ τῶν νόμων οὐ κεῖται, ἀλλὰ τοὺς δικαστὰς ἔδει τιμᾶσθαι ὁ τι χρὴ παθεῖν ἢ ἀποστίασαι ὁ δὲ ἀτίμητος τοῦ ναυνατίον ὁ πρόσετεν ἐκ τῶν νόμων ὁφείλον τίμημα, ὡς μηδὲν δεῖν τοὺς δικαστὰς διατίμησαι. Ἀισχύνη κατὰ Κτησιφώντος (§ 210), Ἀμφισθηνής κατὰ Μειδίου (§ 90). Cf. Or. 37 § 40.

Again Pollux (vii 63) has: ἀτίμητος δὲ δίκη, ὡς οὐκ ἐπιτίμησαν αὐτὰ τοιούτου τε-τίμηται ὅσου ἐπιμερχεται. The above explanation is wrongly reversed by Suidas (quoted in Telfy's Corpus insit. Attici 717 note), by the Lexica Segueriana (on p. 202 and 469 of Bekker's Anecdota Graeca), and even in a scholion on § 25 τὴν, χιλιῶν δραχμῶν δίκην ἀτίμητος φεύγω, a passage which is decisive in favour of Harpoeration's distinction.

ὁποῦ δὲ μῆτε] There would seem to have been a law prohibiting the draining of farms on to a public way. Hence he says ἐί ἐις τὴν ὀδῷν ὅκνησαν τὸ ύδωρ ἐξήγειν. It was equally illegal, of course,
to drain on to another’s land. Hence he asks what he was to do with the water, if once he admitted it on his farm? And the inference is, that he was right in not admitting it, but in damming it back as far as he could, and letting it run as it might along the road, P."

"οὐ γὰρ ἐκτίευ—ἀυτὸ προσαναγκάσει! This passage is quoted by Aristides (Π. 470 in Spengel’s Ἱθ. Graeci), ἄτιαν εἰς ἄτοπον ἀπάγης τὸν λόγον, βαρυτῆτα εἰργάσας, ὦς εἶν τῷ πρὸς Καλλικλέα, οὐ γὰρ δὴ ἐκτίευ με αὐτὸ Καλλικλῆς ἀναγκάσει. The rhetorician recognises the force and effectiveness of the sentence, but fails to draw attention to its humour.

§ 19. Now had there been a water-course below my property, to take off the drainage, I might have been doing wrong in refusing to let the water into my land; but, as it is, the water-course alleged is neither passed down to me by any neighbour immediately above me, nor is it passed down by myself to any one else below.

19. μὴ ὅτι—ἀλλὰ μὴ...ἀγαπή-σαμι ἂν! ‘I must be content, I do not say, with obtaining a verdict, but with escaping conviction.’ The sense is: ‘victimised as I have been, instead of gaining legal satisfaction from my opponents, I must think myself fortunate if I am not convicted to pay them an additional penalty.’

"εἰ μὲν γὰρ—παραλαμβάνοις ὁσαίτωσι] In Plato’s Laws provisions are suggested to prevent damage being incurred in times of heavy rain, either owing to neglect on the part of neighbours in providing an outlet for streams that pass down to them from the higher ground immediately adjacent, or again owing to careless transmission of the streams on the part of the neighbours higher up the hill:—

ἐὰν δὲ ἐκ Δίδος ἔδαι γεγομένα, τὸν ἐπάνω γεωργοῦσα ἢ καὶ ὀμόταχος ὀικοῦντα τῶν ὕπακτῶν βλάπτη τις μὴ δὴδώσε ἐκροήν, ἢ τοίχωντον ὡς ἐπάνω μεθεῖσ εἰκῇ τὰ ἔρειμα βλάπτῃ τὸν κάτω, καὶ περὶ τάτα μὴ ἐθέλωσι διὰ τάτα κουρωνεὶ ἀλληλοῦς, ἐν ἄστει μὲν ἀστινομον, ἐν ἄγρῳ δὲ ἀγρονομον ἐπάγαν ὁ βουλόμενος ταξάσωτ τι χρὴ ποιεῖν ἐκάτερον ὁ δὲ μὴ ἐμεμένων ἐν τῇ ταξεὶ φθονὸν ὀ λόφω καὶ δικαίων ψυχῆς ὑπεχέτω δίκην, καὶ ὄφλων ὀπλασάνω τὸ βλασφήμον ἀποστίωτω τῷ βλαφθέωτε, μὴ ἐνελήμενος τοῖς ἀρχοντι πείσθαι. ῥεγ. vii 844 c. ἡδίκων...μὴ δεχόμενοι] Thus in the fens near Cambridge, an
obligation lies on each tenant to clear the ditch or dyke bounding his land on one side, and so to give free passage to the water to his neighbour's land. P.] Cf. the *ius aquae duecendae* which was one of the *servitutes* (or limiting obligations), under which property was held in Roman law.

'water-drains,' 'gutters,' like ὑδροφόρα Ar. Aeh. 922. The word has lost all trace of its primary meaning 'a winter torrent.'

§ 20. The fact is, that simply owing to the plaintiff's own carelessness, he has suffered from a flood, as others have before him; and the strangest inconsistency of all is, that the plaintiff, while he himself brings to the spot large stones to dam off the water when it makes inroad, has actually brought against me a suit for damages, just because my father built a wall round his property with the very same object.

20. Μὴ φυλαξαμένους, 'for not being on their guard,' 'owing to their neglect.' μὴ here implies the reason, as distinguished from ὦ which would only denote the fact.

ὁ καὶ...δεινότατον, εἰ] Isocr. Archidamus § 56 ὥ δὲ πάντων σχετικότατον, εἰ φιλοτομότατον δοκούντες εἶναι...ραθυμότερον βουλευόμεθα. Paneg. § 128 δὲ δὲ πάντων δεινότατον, ὅταν...(Dem.) Aristog. (25) § 31 ὥ καὶ δαμασκότων ἐστὶν, εἰ κ.τ.λ. In such sentences ὥ δὲ implies a less close connexion with the previous context than ὥ καὶ, and ἐστὶ is frequently omitted (Kühner § 406, 9. Madvig Gr. Syntax. § 197).

άμαξιάιοις λίθων] Χεν. Anab. iv 2 § 3 ἐκπλήθουσιν ὀλιστρόξους ἀμαξιάιοις (huge boulders) and Hell. ii 4 § 27, Eur. Phoen. 1157 λάναν ἐμπαλών κάρα ἀμαξοπλήθη.
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προσκομίσας αυτοκοδομεῖ, τοῦ δὲ πατρὸς, ὅτι τοῦτο παθόντος τοῦ χωρίου περιφοροδόμησεν, ὥς αὐτοκοτυντος, ἐμοὶ βλάβης εἷληχε δίκην. καίτοι εἰ ὅσοι κακῶς πεπόθασιν ὑπὸ τῶν ὑδάτων τῶν ταύτῃ ῥέοντων ἐμοὶ λήξονται δίκαις, οὐδὲ πολλαπλάσια γενόμενα τὰ οὕτα

21 ἐξαρκέσειν ἃν μου. τοσοῦτον τοίνυν διαφέρουσιν οὕτω τῶν ἄλλων ὡστε πεπουθότες μὲν οὐδὲν, ὡς αὐτικά ύμῶν ἐγὼ σαφῶς ἐπιδείξω, πολλάκις δὲ πολλά καὶ μεγάλα βεβλαμμένων μόνοι δικάζεσθαι τετολμήκασιν οὕτοι μου. καίτοι πάσι μᾶλλον ἐνεχόρευε τοῦτο πράττειν. οὕτω μὲν γὰρ, εἰ καὶ τι πεπόθασιν, αὐτοὶ δὲ αὐτούς βεβλαμμένους συκοφαντοῦσιν ἐκείνοι δὲ, εἰ καὶ μηδὲν ἄλλο, τοιαύτην γ᾽ οὐδὲμιαν αἰτίαν ἔχουσιν. ἄλλ᾽


§ 21. If all my neighbours were to treat me as the plaintiff has done, I should soon be a rainied man. But while the rest, who have had great losses, are content to bear their misfortune, my present opponents alone, who have lost nothing to speak of, are bringing against me a groundless action for damage entirely due to their own neglect.

21. πεπουθότες...βεβλαμμένων] cf. § 11 ὅρῳ...ἐπωνεμοντον η. τετολμήκασιν] τολμάν and its tenses are regularly used in Greek prose, while ἁληχαῖ is almost entirely confined to Greek verse (note on Isocer. Paneg. § 96 ἐτησαν).—τοῦτο πράττειν = δικάζεσθαι,—πάσιν τὸ ἄλλον.

εἰ καὶ] Notwithstanding — even if—they have had some trilling losses. εἰ καὶ, without disputing the condition (here εἰ πεπόθασι), represents it as of little consequence. καὶ εἰ or κεὶ ‘even supposing’ introduces a condition which is utterly improbable. Kühner § 378.

αὐτοὶ — βεβλαμμένωι] ‘they have incurred damage owing to their own fault alone (by not damming off the water as I did), though they vexatiously throw the blame upon me.’ The participle here is quite as emphatic as a principal verb.

ἐκείνοι αἰτίαν ἔχουσιν] ‘whereas the rest of my neighbours, not to mention any other point, at any rate are open to no such imputation as this.’ With μηδὲν ἄλλο I understand διαφέρωνα, and I refer αἰτίαν ἔχουσι to αὐτοὶ δὲ αὐτοῖς βεβλαμμένοι συκοφαντοῦσι. The imputation is συκοφαντία, bringing a vexatious charge when they are themselves to blame for want of precaution. Cf. next § τούτου μὲν μηδὲν ἔγκαλείν...τούτοι δὲ συκοφαντεῖν.
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words down to συμβέβηκεν inclusive form an object-sentence to the principal verb εἰσέσθη. Lysias, Or. 20 § 31 ovis οὗτος εἰσίν αὐτοί εἰσίν κακοί...τεθησάνται (Madvig, Gr. Syntax, § 191). Kühner § 600 p. 1683).

στενοτέραν] The old Greek grammarians (e.g. Choeroboscus) state that στενός (Ionic στενός) and κεφαί have o, not ω, in the comparative and superlative (cf. Ionic στενότερος). But the forms in ω have better authority than those grammarians supposed (Kühner i § 154 note 2).

ἐξαγαγὼν...] 'by advancing—carrying-out—his wall beyond the boundary.' Thuc. i 93 μείζον ο περίβαλος πανταχώ εἰς-χθα η τῆς πόλεως. § 27 ἡ γαία αἰμασία προαγαγότες κ.τ.λ.

ὡ'—εἰσώ] Not 'to get his trees within the road' (Kennedy), but 'to take in, enclose, the trees of the road.' A thrust at the πλεονεξία of the plaintiff.

χλῆδον 'rubbish'; the word is only found in § 27 and in a fragment of Aeschylus quoted below. Harpocratio s. v. χλῆδος Ἀμοσσένης εν τῷ πρῶτον Καλλικλέα περὶ χωρίν βλάβης ἐπείτα δὲ τῶν χλῆδον ἐκβιλῶν ἕως ὑψηλοτέραν καὶ στενοτέραν τὴν αὐτῆς ὀδὸν πεποιηθείς συμβέβηκεν. πάνθλῆδος χλῆδος λέγεται καὶ ἐστὶν ων σωφρὸς τις, μάλιστα δὲ τῶν ἀποκαλαμάτων τε καὶ ἀπφυματῶν, καὶ τῶν ποταμῶν πρόσχωσι, καὶ πολὺ μᾶλλον τῶν κειμάρρων δ καὶ χέραδος καλεῖται (Iliad xx 319). νῦν δ' ἐσικεῖν ὁ ῥήτορ Λέγειν ὅτι χῶν καὶ φρυγανόδρομο των ὑπὸ τοῦ χωρίου σωφρὸν ὁ Καλλικῆς εἰς τὴν ὀδὸν εμβεβηκέν, ὡς καὶ αὐτὸς ἑξῆς ὑποσημαίνει, κέχρηται δὲ τῷ ὁνόματὶ πολλοί. Λάσχυλος Ἀρχείως "καὶ παλτὰ γάκυλητά καὶ χλῆδον βαλὼν" (fr. 11). Bekker's Anecd. Gr. 315 ὁ κλήρος τῶν ἀποκαλαμάτων, ὁ ἐσικεῖσιν ὁμοῖο των καὶ βοστανώδη καὶ φρυγανώδη. Hesychius χλῆδος ὁ σωφρός τῶν Κλίνων. [The article shows that χλῆδον does not here mean rubbish generally, but the soil or gravel thrown up from altering the fences. P.]

ἐξ ὄν] The pl. refers to ἔξαγαγὼν...αἰμασίαις, and χλῆδον ἐκβιλῶν. The first adjective υψηλοτέραν is explained by the latter, the second στενοτέραν by the former:—one of the many forms of χασμός or 'introverted parallelism.' This enables the speaker to put his main point in the most emphatic positions (first and last) and the subordinate point between them (note
συμβέβηκεν, ἵπ τῶν μαρτυρίων αὐτίκα εἴσεσθε σα-
φέστερον, ὅτι δ' οὐδὲν ἀπολογείκως οὐδὲ καταβε-23
βλαμμένος ἄξιον λόγον τηλικαύτην μοι δίκην εἶληχε,
τοῦθ' ύμᾶς ἦδη πειράσομαι διδάσκειν. τῆς γὰρ μη-
τρὸς τῆς ἐμῆς χρωμένης τῇ τούτων μητρὶ πρὶν τοὺ-
τος ἐπιχειρήσαί με συκοφαντεῖν, καὶ πρὸς ἀλλήλας
ἀφικνουμένων, οὗν εἰκὸς ἄμα μὲν ἄμφοτέρων οἴκου-
σῶν ἐν ἀγρῷ καὶ γειτνιώσων, ἁμα δὲ τῶν αἰνδρῶν
χρωμένων ἀλλήλοις ἔως ἔξων, ἔλθοντις δὲ τῆς ἐμῆς
μητρός ὅσ τὴν τούτων καὶ ἀποδυραμένης ἐκείνης τὰ
συμβάντα καὶ δεικνυόντας, οὕτως ἐπιθώμεθα πάντα ἡ-
μεῖς, ὁ μὲν υἱός μου, ἀνδρεὺς δικαστάς· καὶ λέγω μὲν ἀπερ ἣκουσα
τῆς μητρὸς, οὕτω μου β ἀπολλὰ ἀγαθὰ γένοιτο, εἰ δὲ
ψεύδομαι, τάναντια τούτων ἡ μην ὤραν καὶ τῆς τού-
των μητρὸς ἀκοῦειν ἐφ' θρειῶν μὲν βρεχθῆναι, καὶ
ξηραινομένους ἰδεῖν αὐτὴν, μηδὲ τρεῖς μεδίμνους,
ἀλεύρων δ' ὡς ἡμιμέδιμνον ἐλαίου δ' ἀποκλιθῆναι
μὲν κεράμιον φάσκειν, οὐ μὲντοι παθεῖν γε 

b) Bekk. οὕτως ἐμοὶ Ζ εἰμι Γ ΨΦΒ.

e) Bekk. αὐτὴν Ζ εἰμι G. H. Schaefer.

d) Bekk. μέντοι γε Ζ εἰμι Σ.

on Isocrit. ad Dem. § 7, Paneg. § 54).—αὐτίκα, sc. at the end of
§ 27.—τηλικαύτην δίκην. Cf. § 25 χιλιῶν δραχμῶν δίκην.

§§ 23—25. The actual loss sustained was very trifling, as
I know on good authority; and as
for the old wall which he makes out he was compelled to repair,
that must not be put to my ac-
count, as the wall neither fell
down nor incurred any damage.
23. χρωμένης ... μητρὶ 'intimate with,' Dem. Or. 29 § 15
Ἀφόβω χρώμενον, Or. 33 (Apau-
tur.) § 7, Or. 35 (Lacrit.) § 6
ἐπιτήδεου μοι εἰς καὶ χρώμει' ἀλλήλοις.—τῶν ἀνδρῶν, 'their

husbands.'

24. ἐκείνης] sc. τῆς τούτων
μητρός.

οὕτω—γένοιτο] Or. 54 § 41.

Ter. Eun. iv 1, 1 ita medit bene
ament. Prop. i 7, 3 ita sim
felic. Cic. ad Att. v 15 ita
civiam.

τάναντια] a kind of euphem-
ism for πολλὰ κακὰ. So also
Soph. Phil. 503 παθεῖν μὲν εἰ
παθεῖν δὲ δίατερα.

κρύπτων—παθεῖν γε οὐδέν] Quot-
ed by Aristides (Π 541 Spengel
Ithet. Gr.) ενίοτε δὲ ἢ μὲν ἐννοοῦ
ἀφελῆς ἔστω, ἢ δὲ ἀπαγγελα
πολιτικῆ, ὡς καὶ ἐν τῷ πρὸς
Καλλικλέα ὁ Δημοσθένης, κριθὼν


LV. ΠΡΟΣ ΚΑΛΛΙΚΛΕΑ [§§ 25—28

25 tosaúta, ὃ ἀνδρεῖς δικασταλ, τὰ συμβάντ' ἐν τοῖσιν, ἀνθ' ὄν ἐγὼ χιλίων δραχμῶν δίκην ἀτίμητον φεύγω. οὐ γὰρ δὴ, τείχιον γ' εἰπαλαίδο ἐπικοδόμησεν, ἐμοὶ καὶ τοῦτο λογιστέου ἐστίν, ὃ μὴτ' ἔπεσε μὴτ' ἀλλο δεινὸν μηδὲν ἐπαθεν. ὡστ' εἰ συνεχώρων αὐτός ἀπάν—1279 τῶν αἰτίων εἶναι τῶν συμβεβηκότων, τὰ γε βρεγθέντα 26 ταυτ' ἐν. ὡποτε δὲ μὴτε εξ ἀρχῆς ὁ πατὴρ ἠδίκει τὸ χωρίον περιοικοδομῶν, μὴθ' οὕτω πῶςποτε ἐνεκάλεσαν τοσοῦτον χρόνου διελθόντος, οἳ τ' ἀλλοι πολλά καὶ δεινὰ πεπονθότες μηδὲν μᾶλλον ἐγκαλοῦσιν ἐμοὶ, πάντες τε ὑμεῖς τὸ ἐκ τῶν οἰκίων καὶ τὸ ἐκ τῶν χωρίων ὑδωρ εἰς τὴν ὁδὸν ἐξάγειν εἰώθατε, ἀλλ' οὐ μᾶλτι Δι' εἴσω τὸ ἐκ τῆς ὁδοῦ δέχεσθαι, τί δεῖ πλεῖον λέγειν; οὐδὲ γὰρ ἐκ τούτων ἄδηλον ὑπὶ φανερῶς συνοφαντοῦμαι, 27 οὔτ' ὑδικῶν οὐδὲν οὔτε βεβλαμμένων ἀ φασιν. ια

§ 25. χιλίων δραχμῶν δίκην ἀτίμητον] See note on § 18. επικοδόμησεν] (cf. ἐπισκευάζειν) refers to repairing the old wall. ὁ μὴτ' ἔπεσε] 'if the wall neither fell nor incurred any damage whatsoever.' ὁ μὴτ... would in Latin be represented by quod nec cecidisset nec.... §§ 26, 27. Summary of previous arguments, and calling of witnesses.

26. οἷ τ' ἀλλοι—ἐμοῖ Cf. § 21 πολλῶν πολλά... βεβλαμμένων—πάντες—εἰώθατε. See § 17 init. οὔτε βεβλαμμένων ὁ φασι βεβλαμμένων, not neuter, but masc. 'they have not incurred the damage they allege.' § 21 πολλῶν πολλά καὶ μεγάλα βεβλαμμένων.
δ’ εἰδήτε ὦτι καὶ τὸν χληδὼν εἰς τὴν ὤδὸν ἐκβεβλήκασι καὶ τὴν αἰμασιὰν προσχαγόντες στενότεραν τὴν ὤδὸν πεπούηκασιν, ἔτι δ’ ὁς ὄρκον ἐδίδον ἐγὼ τῇ τούτων μητρὶ καὶ τὴν ἐμαυτοῦ τὸν αὐτὸν ὁμόσαι προῦκαλοῦμην, λαβέ μοι τὰς τε μαρτυρίας καὶ τὴν πρόκλησιν.

ΜΑΡΤΥΡΙΑ. ΠΡΟΚΛΗΣΙΣ.

Εἴτε τούτων ἀναισχυντότεροι γένοιτ’ ἄν ἄνθρω-ποὶ ἢ περιφανέστερον συκοφαντούντες, οὕτως αὐτοὶ τὴν αἰμασιὰν προσχαγόντες καὶ τὴν ὤδὸν ἀνακεχωκότες ἕτεροις βλάβης δικάζονται, καὶ ταῦτα χιλίων δραχμῶν ἀτίμητον, οἱ γ’ οὐδὲ πεντήκοντα δραχμῶν τὸ παράπαν ἁπαντὰ ἀπολωλέκασι; καίτοι σκοπεῖτ’, ὁ ἄνδρες δικασταί, πόσους ὑπὸ τῶν ὑδάτων ἐν τοῖς ἄγροις βεβλάφθαι συμβεβήκη, τὰ μὲν Ἐλευσῖν, τὰ δ’

27. χληδὼν] See note on § 22. ὄρκον ἐδίδοσα] ‘offered an oath’ in the sense of ‘proposed to administer an oath.’ On ὄρκον διδόμαι καὶ λαμβάνων, see esp. Arist. Rhet. i 15 §§ 27—33. §§ 28—30. My opponents, after having themselves advanced their wall and raised the road’s level, are most shamelessly suing the very victims of their own wrong, for a penalty of a thousand drachmae, while their own loss is less than fifty.

If the plaintiff may enclose his land, we may enclose ours. If my father wronged you, by enclosing, you are just as much wronging me, for if you dam off the water, it will be swept back on my own property and will throw down my wall. But I am not going to complain; I shall simply do my best to protect my land. The plaintiff shows his prudence in protecting his own property; but in prosecuting me, he only shows his villany and his infatuation.

28. ἀνακεχωκότες] Cf. § 22 ψυχλατέραν τὴν ὤδὸν...πεπούηκασι συμβεβήκην.

Ἐλευσῖν] Commonly without ἐν. So also Μαραθῶν and other locatives of Attic demes. Cobet var. lect. p. 69, 201 and nov. lect. p. 95, 96. ‘Eleusis was subject to...occasional encroachments from the river Cephissus, which—although for the greater part of the year quite dry, or finding its way to the sea in three or four slender rills, almost lost in a gravelly bed—sometimes descends from the mountains with such impetuosity as to spread itself over a wide extent of the
LV. ΠΡΟΣ ΚΑΛΛΙΚΛΕΑ [§§ 28—32

ἐν τοῖς ἄλλοις τόποις. ἀλλ' οὐ δήπου τούτων, ὥς γὰρ καὶ θεα, παρὰ τῶν γειτόνων ἐκαστὸς ἄξιόσει τὰς βλάχας κομιζεῖσθαι, καὶ ἐγὼ μὲν, ὅν προσήκεν ἄγανακτεῖν τῆς ὁδοῦ στενοτέρας καὶ μετεωροτέρας γεγενημένης, ἡ συνχαίρων ἔχων τοὺς δὲ τοσοῦτον περίεστιν, ὡς εὐοικεν, ὡστε τοὺς ἡδικημένους πρὸς συκοφαντοῦσιν. 1280 καὶ τοι, ὁ Καλλίκλεις, εἰ καὶ ύμῖν περιοικοδομεῖν ἐξέστο τὸ ὑμέτερον αὐτῶν χωρίον, καὶ ἴμιν δήπου τὸ ὑμέτερον ἐξῆν. εἰ δ' ὁ πατήρ ὁ ἐμὸς ἦδικει περιοικοδομοῦντες οὕτως· δῆλον γὰρ ὅτι, μεγάλως λίθως ἀποικοδομηθέντος, πάλιν τὸ ὑδωρ εἰς τὸ ἐμὸν ἠξει χωρίον, εἴθ' ὅταν τύχῃ καταβαλεῖ τὴν αἰμασίαν ἀπροσδοκήτως. ἀλλ' οὐδὲν μᾶλλον ἐγκαλὼ τούτων ἐγώ διὰ τοῦτο, ἀλλὰ στέργων τὴν τύχην καὶ τάμαντοι φυλάττειν πειράσομαι. καὶ γὰρ τούτων φράττοντα μὲν τὰ ἑαυτὸν σωφρονεῖν ἕγομαι, δικαζόμενον δὲ μοι

κ. γεγενημένης καὶ μετεωροτερᾶς Ζ.

plain, damaging the lands and buildings,' Leake's Demi of Attica, p. 154. τὰς βλάχας κομιζεῖσθαι 'to recover the damages.—μετεωροτέρας = ἤψυχοτέρας, cf. § 22.

29. περίεστιν] More commonly with a genitive: but cf. Mid. § 17 οὐδ' ἐναπει⊂ τῇ τῆς ἱδρευσις, ἀλλὰ τοσοῦτον αὐτῶν περίθην ὡστε τὸν...ἀρχοντα διεφέσθη. [τοσοῦτον, i.e. ἀνασχυντις (or συκοφαντις), to be supplied from ἀνασχυντότερον (ἡ περιφανέστερον συκοφαντοῦτες) above, in § 28.—περίεστιν, i.e. εκ περιοικονόμας ἐξουσιας. P.] L and S less well explain it; 'So far are matters come with them that....'

πρὸς συκοφαντοῦσιν] Cf. An-

drot. § 75 τοσοῖν ἀπέχει τοῦ τιμῆς τινὸς...τυχειν ὡς...ἀπελκόκαλος πρὸς ἐδοξεῖν εἰναι. See note on Or. 37 § 49 πρὸς ἀτιμώσασαι, and 39 § 23 πρὸς μισεῖν. καὶ ἴμιν...καὶ ἴμιν] This idiomatic repetition of καὶ cannot be literally rendered in English.

περιοικοδομῶν ...... -δομοῖν]; Posses paroikod. his: sed cave facias. construe ἃδικει ὑμᾶς περιοικοδομῶν 'by hedging in' etc. Dобree.

30. ἀποικοδομηθέντος] Genitive neuter absolute. We cannot understand either τοῦ ὑδάτος οτ τοῦ χωρίον. Malin ἀποικοδομηθέν, says Dobree.—στέργω, see § 22.


blindly infatuated,' having his judgment (or reason) impaired by some malady,' contrasted with σωφρονεῖν in the previous clause.

§§ 31, 32. The plaintiff's assurance in bringing false charges against me is only of a piece with his producing a forged document on a former occasion, when he prompted his cousin to claim my land. Apart from this, simply to spite me (§ 34), he has brought the same charge against my servant, Callarus, as against myself, though the servant could not have enclosed the land on his own responsibility.

Their interested motive is proved by the fact that, if I let them have my property, by purchase or exchange, then Callarus is at once held to be doing them no wrong; if I refuse, they make themselves out to be grievously wronged by him, and try to get an award or a compromise which will secure them my estate.


§ 32. Having entered on the indictment the name of Callarus, one of my slaves; [for the same action could not be brought twice in the same name. ]

For another use of ἐπιγραφάμενος, cf. Or. 54 § 31.

§ 32. ὑπὲρ ὤν κ.τ.λ.] = δικάζονται ὑπὲρ τούτων ὑ ἐφραίζειν ὁ πατὴρ καὶ πλέον ᾗ πεντεκαίδεκα ἐτῆ ἐπεβίων. See esp. notes on Or. 45 § 27 ὡν διεφθάρκει and § 68 ἀ πέπλασται.

P. S. D. II. 17
§§ 32—35

Lastly, I entreat the jury not to sacrifice me to my opponents, when I have done them no wrong. It is not so much the penalty that I care for, hard though that is for a poor man to pay; but they want to turn me out of the parish by their petty persecution. To prove we were in the right, we were ready to submit to a fair arbitration, and to swear the customary oath; for

§§ 33, 34. Now if conspiracy and paltry persecution are to win the day, my words are merely wasted. But if you detest such conduct and intend to give a just verdict on the ground that neither my father nor my servant has done any damage or wrong to the plaintiff, then I have already said enough.

§ 35. Lastly, I entreat the jury not to sacrifice me to my opponents, when I have done them no wrong. It is not so much the penalty that I care for, hard though that is for a poor man to pay; but they want to turn me out of the parish by their petty persecution. To prove we were in the right, we were ready to submit to a fair arbitration, and to swear the customary oath; for
we felt that that would be the strongest argument with you, gentlemen, who are yourselves upon your solemn oath.

35. χαλεπόν ὑν] sc. τὸ ἔπιστολα. Hard though it falls on those whose property is but small.

ἐλαυνόντες καὶ συκοφαντούντες by their persecution and petty litigation.

ἐτοιμὸ μὲν...ἐτοιμὰ δὲ] § 20 ἔβλασα μὲν...ἔβλασα δὲ.

τοῖς εἰδόσιν, ἵσοι καὶ κοινοῖς] 'impartial, fair and unbiased persons, acquainted with the facts.' § 9 τοῖς εἰδόσι...τοῖς ἵσοις.

τὸν νόμον ὅρκον] The defendant appears to have offered to take an oath in the ἀντωμοσία at the ἀνάκρισις, or preliminary examination. Such an oath might be taken by either of the parties, with a view to decide the cause, or some particular point in dispute. But it was only taken by the consent of the adversary, upon a challenge given and accepted (C. R. Kennedy in Dict. Antiq.). Cf. Or. 54 § 40, ἡθέλεσα ὁμοία ταυτί. Aristot. Rhet. i. 15 §§ 27—33.

τοῖς αὐτοῖς ἵσιν ὅμωσιν] 'to you who are yourselves on oath'; 'vobis judicibus qui et ipsi iurastis.' Seager Classical Journal 1825, no. 61 p. 63.
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The first figure refers to the number of the Speech, the second to the Section.

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