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SELECT PRIVATE ORATIONS

OF

DEMOSTHENES.

PART I.
SELECT PRIVATE ORATIONS
OF
DEMOSTHENES

PART I
CONTAINING
CONTRA PHORMIONEM, LACRITUM, PANTAENETUM,
BOEOTUM DE NOMINE, BOEOTUM DE
DOTE, DIONYSODORUM.

WITH
INTRODUCTIONS AND ENGLISH COMMENTARY

BY
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EDITOR OF HESIOD, THE GREEK TRAGIC POETS, ETC.; LATE EXAMINER
IN CLASSICS TO THE UNIVERSITY OF LONDON,

WITH SUPPLEMENTARY NOTES BY
J. E. SANDYS, LITT. D.
FELLOW AND TUTOR OF ST JOHN'S COLLEGE, AND PUBLIC ORATOR
IN THE UNIVERSITY OF CAMBRIDGE.

EDITED FOR THE SYNDICS OF THE UNIVERSITY PRESS

SECOND EDITION, REVISED.

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We have endeavoured in this edition to promote and facilitate the study of a most important and most interesting part of the writings of Demosthenes, the *Private Orations*. To this end we have selected twelve, which either from the nature of the subjects or from the manner of treatment or for both reasons appeared to afford the best and the most copious illustrations of the laws and general polity of Athens. It is remarkable that (with the exception of a small volume, long ago out of print, published by the late Mr Penrose) no such work as the present exists, even in Germany¹.

The importance, however, of these shorter but more technical orations, in illustrating the details of finance, mercantile transactions, loans, securities, interest on money, banking and mining operations, the laws of citizenship, &c., may be judged of in two ways. The pages of Boeckh's well-known work on the Public

¹ The Speeches against Aphobus and Onetor alone are included in Bremi's *Orationes Selectae* (1839), —and only those against Conon and Eubulides in A. Westermann's *Ausgewählte Reden des Demosthenes* (ed. 2, 1865). Mr Penrose's selection included the Speeches against Aphobus, Onetor, Zenothemis, Apaturius, Phormio, and Lacritus (1848; ed. 2, 1853).
Economy of Athens are filled with references to the *Private Orations*, which are indeed the principal sources of his information. Secondly, a mere glance at the index of the present volume will show the considerable amount of legal and political usages alluded to or discussed and (as far as space would permit) explained in these pages. In a literary point of view, and regarded as specimens of acute legal argument, of rhetorical skill, or consummate grace of style and diction, the interest of these orations can hardly be overrated. Hitherto, they have been accessible to general students only through the English Translation (a very excellent one) and Dissertations by the late Charles Rann Kennedy, or through the *variorum* notes of G. H. Schaefer. We have endeavoured to bring together all the references of importance in Boeckh's great work, the Public Economy¹, and have so compiled in a brief form all the necessary explanations of the text from various sources,

¹ Translated by G. C. Lewis, 1828; ed. 2, 1842. Mr Sandys has occasionally added references to the Second German Edition of 1851 (translated by Anthony Lamb, 1857). He has also availed himself of K. F. Hermann's *Lehrbuch der Griechischen Privat-alterthümer* (ed. Stark, 1870, ed. Blümner, 1882), *Rechtsalterthümer* (ed. Thalheim, 1884); of Büchsenschütz, *Besitz und Erwerb im Griechischen Alterthume* (1869); and of Arnold Schaefer's *Demosthenes und seine Zeit* (1858), the second part of the third volume of which (pp. 130—322) contains admirable introductions to the Private Orations; also of the volume on Demosthenes in the excellent work of Blass, entitled *die Attische Beredsamkeit*, Vol. iii, 1877. Lastly, he has occasionally referred with advantage to the notes appended to M. Rodolphe Dareste's translation of the Private Orations, *Les Plaidoyers Civils de Démosthène*, 1875.
that we have reason to hope this volume will be found useful alike for school and for college use.

Most of the earlier orations of Demosthenes, besides others of the principal and longest of the speeches, e.g. De Corona, De Falsa Legatione, Contra Aristocratem, are almost entirely historical, and therefore come under quite a different branch of study from the legal points which are so numerously and so curiously brought out in the Private Orations. Others, as the Midias, the Leptines, the Andration, and the Timocrates¹, equally well known and perhaps as much read in the schools, are rich in illustrations of Attic law, and as examples of Attic oratory and composition they can hardly be surpassed. But there are countless details of domestic life dispersed throughout the Private Orations, such as could hardly enter into the great public questions of the policy of Philip and his opponents and partisans. What Aristophanes is to the private life of the Athenians half a century earlier, the same for his own times is Demosthenes, whose earliest speeches are separated by an interval of some thirty years from the latest plays of the comic poet. We feel very confident, from several points of view, that the study of the Private Orations will be found as useful as it is interesting. It is not from dictionaries of antiquities, or from other books of reference,

¹ The two last named have been edited with very useful notes by Mr Wayte, since the publication of our former edition.
PREFACE.

however excellent, that such questions and practices of the Attic law can be fully understood. They must be studied in their bearing on actual life, and in their connexion with real causes that have come before the Attic courts.

It may be added, that there can be no better introduction to the study of English law than the speeches of the Attic orators. These, indeed, cannot be fully appreciated without some general acquaintance with the principles of our own legal practice. And perhaps some at least of those students who have laid a good foundation on a knowledge of the Greek Orators gained at School and College, will not rest satisfied without acquiring some further knowledge of Roman and English jurisprudence, even if legal practice is not their object in life. "Of what use," asks Mr Kennedy, "can it be to an English gentleman to cram his head with the terms of Attic process, when he is utterly ignorant of that of his own country? It is only by some acquaintance with the latter that he is competent to understand the former."

With regard to the text, we have thought it best, on the whole, for the convenience of schoolmasters and students alike, to follow the third and latest edition of W. Dindorf in the Teubner series. At the same time, as Dindorf's edition hardly claims the authority of a Textus Receptus, Mr Sandys has given a careful colla-

1 Appendix x, p. 395.
tion throughout with the text printed by Baiter and Sauppe in the Zürich edition of the *Oratores Attici*, noting all the varieties under the text in each page. We advise every student to use the Teubner text with our edition, because, for brevity's sake, we have referred to the different speeches, for the most part, merely by the *number of the oration and the marginal paragraph* (e.g. Or. 40 § 20). Besides, as some schoolmasters object to the use of notes under each page—while we could not reconcile ourselves to the less convenient arrangement of notes collected at the end—we recommend the general use of the cheap and accurate *Teubner* text along with our own commentary.

The entire work is strictly that of both editors conjointly, though Mr Paley is directly responsible for the major part or general body of the notes in this volume, and Mr Sandys for those in Part II, which contains the *Pro Phormione*, the two speeches against *Stephanus*, and those against *Nicostratus, Conon*, and *Callicles*. The passages inserted in each volume under the respective initials (S. or P.) will be understood as the interpolations of either editor, for the sake of fuller or clearer explanation in the notes of the other. Mr Sandys had the advantage of attending Professor Kennedy's lectures on the last three Orations in this

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1 The *Teubner* text of Demosthenes may be obtained in *Parts* as well as *Volumes*. Vol. II Part II consists of Orations 24—40, and includes all the speeches in this volume except the last.
volume during the Lent Term of 1874; and with the
Professor's kind permission a few of his renderings
have been inserted, with an acknowledgment in each
case of the source to which they were due. It is hoped
that no serious want of uniformity or useless repetition
will be found to arise from this joint editorship. Of
course, there is some liability to slight divergences of
opinion, and some varieties in style and method of
treatment will perhaps be detected in a commentary
written by two hands. But all the notes in manuscript,
and all the proofs of both volumes, have passed through
the hands and undergone the separate revision of each
of the editors.

In carefully revising the notes for a second edition,
advantage has been taken of the Rev. Joseph Bicker-
steth Mayor's friendly criticisms in Vol. vi of the
Journal of Philology (pp. 240—252), and his sug-
gestions and corrections have been in all cases duly
weighed and generally adopted. Many new references
have been also inserted, especially in connexion with
points of Attic law; and a plate of illustrative coins,
with descriptive letterpress, has been added by Mr
Sandys.

F. A. P.
J. E. S.

October, 1886.
DESCRIPTION OF ILLUSTRATIVE COINS.

1. Silver half-drachma of Athens (ἡμίδραχμον Πόλιξ
vi 160), the daily fee of the Athenian δικαστής, the τριώβολον
of Aristophanes, Eq. 51, 255, 800, Av. 1541, Vesp. 609, 684,
π, chap. xiv. Dem. Or. 39 § 17, εἰ μοσθὸς έποίησθε τοῖς δικα-
στηρίοις, εἰσήγον ἄν δήλῳ δτ.

On the obverse is a head of Athene, of archaic style, looking
to the right. On the reverse is the legend Α for 'Αθη-
ναίων, a form of spelling retained on the coins of Athens long
after Ἀ had come into use. In the centre, under an arch
formed of two sprigs of olive, is an owl, facing to the front and
with wings closed (Ar. Aves 1106, γλαύκες ὑμᾶς ὑπνορ' εἰπ-
λείψουσα Λαυρεωτικαί). Photographed from a cast of the
specimen (Π 29) in the selection from Leake's Greek Coins
exhibited in the Fitzwilliam Museum, Cambridge. Weight
33 grains (Leake's Numisamata Hellenica, European Greece,
p. 25). Cf. Mr B. V. Head's British Museum Guide to the
Coins of the Ancients Π B 23.

2. Copper coin of Pireaus, one of the northern
Sporades, N. of Euboea. On the reverse is a diotia, with tendril
and grapes hanging from the mouth of the vase on either side.
In the field to the right and left in two lines is the legend
ΓΕΤ'Α. [On the obverse, not given here, a head of Dionysus,
crowned with ivy, to right.] From the Leake Collection,
Numisamata Hellenica, Insular Greece, p. 30. The types on
both sides of the coin allude to the wine of the island, or
(more strictly speaking) to Dionysus, its patron-god, and
thus illustrate Or. 35 § 35, εἰς τὸν πόντον ο̂ δύσος εἰσάγεται ε̂κ
Πεσάρῆθου καὶ Κώ καὶ Θάσου καὶ Μενδαίου. Its vines are
referred to in Soph. Philoct. 548 γέβοτρυν Πεσάρῆθον, and
in Heraclides Ponticus, Allegoriae Politicae, 13 αὕτη η η̂ νήσος
ε̂γκρός ἵππος (cf. Plin. N. H. 14 § 76). It has been identified
with the island now named Σάπελος (Bursian, Geogr. Π 387),
the chief produce of which is a light and pleasant red wine,
which the inhabitants export to the Black Sea, as in the days
of Demosthenes (Murray's Greece 1884, Π 597).
3. Silver Tetradrachm of Mende, on the peninsula of Pallene. *Reverse:* ΜΕΝΔΑΙΟΝ surrounding a linear square, in which is a vine with four bunches of grapes, all in a shallow incuse square. *Obverse,* not given here, Dionysus reclining on the back of an ass.] From an electrotype in the Leake Collection, *Num. Hell.*., European Greece, p. 73. For a specimen on which the vine is on a larger scale, see *British Museum Guide II* b 9. The celebrity of its wine is attested by the writers cited by Athenaeus, i 29 d, e; iv 129 d οἶνος...Θάσιον καὶ Μενδαῖον καὶ Δασβίον, viii 364 d (Menander) Μενδαῖον, Θάσιον, and xi 784 c. Alciphron π 2 describes an Athenian supper including οἶνος τοῦ Μενδησίου, νίκαρος εἰσι τις ἀν. πεπληρωμένα, and Eubulus (ap. Athen. i 23 A) makes a toper swear μᾶ Δία Μενδαῖον (Leake l.c.). Or. 35 § 35 οἶνος...Μενδαῖος.

4. Silver Tetradrachm of Thasos. *Obverse;* head of bearded Dionysus, wearing a wreath of ivy. The wreath is remarkably graceful and Mr Ruskin observes that it rather resembles a growth than a composition (Babington's Catalogue of Selections from the Leake Coins v 59). *Reverse,* ΘΑΣΙΟΝ. Ηρακλῆς, kneeling on right knee and drawing a bow.] From an electrotype from the Bibliothèque Nationale, in the Leake Collection, Insular Greece, p. 44. There is a fine specimen in the *British Museum Guide II* b 7, on which Dr Percy Gardner remarks that the head of Dionysus is a work of great beauty and in dignity resembles Zeus rather than the god of revels (*Types of Greek Coins* p. 133). The wine of Thasos is mentioned in Athenaeus i 28 e, f; 29 a, 32 a; iv 129 d; viii 364 d. Or. 35 § 35 οἶνος...Θάσιος.

5. Electrum or Pale Gold Stater of Phocaea, on the Ionian coast. *Obverse,* a seal (φώκης), a type parlant alluding to the name Φώκας. (An early silver coin of Phocaea with the same type may be seen in *British Museum Guide I* a 23.) The letter below, though apparently a theta, has a small projection at the upper right-hand extremity, and was probably intended for the first letter of Φώκας. This extremely rare specimen is of a remote antiquity when the same letter varied in its form in different places (Leake's *Num. Hell.*, supplement p. 81). *Reverse,* two incuse squares.] From Leake’s Selected Coins π 70, an electrotype from the Munich Collection. Cf. Gardner’s *Types of Greek Coins* Plate iv 7. See further in note on Or. 40 § 36 οἶνος Φώκας.

6. Electrum Stater of Cyzicus, in the Propontis off the coast of Mysia. *Obverse;* in the centre is the ἄμφιλος of Apollo at Delphi, decorated with strands of wool (Aesch. Eum. 40; Passow's *Vermischte Schriften* p. 254, and K. O. Müller's *Dissertation* § 27). Above are the two golden eagles
mentioned by Pindar (Pyth. iv. 4 χρυσῶν Δίας αἴγαν ὁυκ ἀποδάμον Ἀπόλλωνος τυχώτες ἱππα χρήσεν). Below is the tunny-fish which was the mint-mark of Cyzicus. [Reverse, four quadrata incuse in a square.] From a specimen in the British Museum, see Guide ii a 12. The types are extremely numerous, including the lion and the bull (sometimes their heads only), the ram, Hercules, Victory, Cercops, and Harmodius and Aristogeiton. Cf. Gardner’s Types, plate x 4 and p. 143, where it is noticed that Cyzicus alone among Greek mints borrows its types from the beliefs and traditions of the most varied regions. Owing partly to this great variety of type, and to the absence of inscriptions upon these coins, it was long before they were identified as staters of Cyzicus. Thus Eokhel, Num. Vet., Prolegomena ix p. xli—iii, observes ‘pari fama fuerunt stateres Cyziceni aurei sed versimiliter imaginari tantum.’ As many as 21 specimens are exhibited in the Bibliothèque Nationale. See note on Or. 34 § 23 ικονι στατηρ ς Κυζικηνος and cf. Or. 35 § 36 ικαρων στατηρες Κυζικηνοι. In the descriptive letterpress to British Museum Guide ii a 6—19, it is observed that these staters ‘circulated in immense numbers from about b.c. 478 to 387, and perhaps later’. As the date of Or. 35 is either 351 or 341 b.c., and that of Or. 34 is after b.c. 329, the doubt here implied may be readily removed. I find, however, from the writer, Mr B. V. Head, that he intended the above dates to indicate the period during which these staters were originally coined, and not that in which they continued to circulate. He informs me that ‘out of the 150 types of Cyzicene staters, there are none which appear to be of the more recent style of art which we should expect to see after the early part of the fourth century’.

7. ELECTRUM STATER OF CYZICUS. Obverse, a lion stepping toward the left, with a tunny-fish below it. [Reverse, four quadrata incuse in a square.] Weight 246.5 grains. The original in Leake’s Selected Coins ii 21 (Num. Hell. supplement p. 44) is an actual coin, wrongly described in the note on 34 § 23 as an electrotype from the British Museum. This description really applies to another specimen, with a bull for its type, to which greater prominence is accidentally given by its appearing not in the supplement, but in the body of the work, in Num. Hell., Asiatic Greece, p. 50.

J. E. S.

** For a Table of Attic Money see Part ii p. xviii.
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 (1860).

Bekk. Bekker's Berlin edition of 1824. Bekker's stereotyped edition (Bekker st.) was published at Leipzig in 1854, including a list of all the variations between the two editions; and this list is incorporated in the critical notes to the present volume. 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. [Cited by some editors as S] in the Bibliothèque Nationale, Paris (No. 2984), on parchment; of century X. 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. (For a protest against excessive deference to its authority, see the Preface of Mr Shilleto's fourth edition of the De falsa legatione, pp. vii, viii, xiv.)

F. Codex Marcianus, in the Library of St Mark's, Venice (No. 416), on parchment; of century XI. This ms generally agrees with the Codex Bavariicus (B).

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

r. In the Bibliothèque Nationale, Paris (No. 2936), on parchment forma maxima; of century XIII.

A'. 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 editors).

B. Bavariicus, 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.

J. E. S.

CORRIGENDUM.

On p. 67, note on διοπέτων, for 'An overlooker' read 'As overlooker.'
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This oration, like those against Zenothemis, Laceritus, and Dionysodorus, is on the subject of bottomry, or a loan of money made on sea-securities, i.e. either a ship or a cargo or both, and either for the outer voyage only or the return-voyage also, as agreed upon. These transactions were very numerous at Athens, and chiefly on account of the trade in corn. The risk was great, and therefore the interest demanded was large, the lender in fact charging a rate that would cover insurance besides leaving a good profit for the use of the money. The case in this oration is quite simple. Chrysippus lent Phormio, a merchant or trader, 20 minae (about £85) for a voyage to the Cimmerian Bosporus and back (§ 6). The contract required Phormio, when he had sold his cargo of goods at the mart there, to take on board a return-cargo, from the profits of which, or of both, he was to repay the loan with interest at Athens. But being unable to sell his wares in the Bosporus, he desired the skipper,

1 The student will do well to read carefully the ninth chapter, Book 1 of Boeckh’s ‘Public Economy,’ on the Foreign Trade of Attica, and also the twenty-third of the same Book, on Loans upon Bottomry. [Cf. F. Hermann, Lehrbuch der Griechischen Privatalterthümer § 49, notes 5 to 8—p. 459 ed. Blümner; and Büchsenschütz, Besitz und Erwerb, pp. 486—490. S.]

P. S. D.
Lampis, to sail back to Athens without him, promising that he would soon follow. It so happened that Lampis' ship was wrecked; and though Phormio, having no goods on board, was not in any way a loser by the accident, he evaded his liability by falling back on a clause in the contract, which exempted him from payment if his goods on the return-voyage should be lost at sea. It is on this point that the action turns. Chrysippus gives evidence that Phormio never thought of disputing his liability at first, on his return to Athens, but trumped up the excuse at a subsequent time in collusion with Lampis.

Chrysippus then brings an action, of the class called ἐμπορικαὶ δίκαι, to compel Phormio to pay his claims. Phormio objects that the suit cannot be maintained, because he has done nothing to violate the terms of the contract. This objection is now answered by Chrysippus, and, at a later part of the oration (probably beginning at § 21 or 22), by his partner. This speech therefore is directed against the παραγραφή or demurrer which had been pleaded by Phormio, and shows grounds why the action can be and ought to be tried.

The liability to pay had been at first admitted by Phormio; but he afterwards denied it, and when the case was submitted to arbitration by mutual consent (§ 18) he had suborned Lampis (who on a former occasion had, virtually at least, admitted that he had not been paid anything by Phormio) to swear that he had received the money from him in the Bosporus, and had lost it in the ship which had been wrecked. Chrysippus handles the accounts in a very dexterous way, and convicts Phormio of falsehood by showing that the money he pretended to have paid Lampis was a great deal too much. He dwells also on the improbability of so large
a sum having been paid without any witness to the transaction, and urges that the clause in the contract, making the safety of the ship a condition of the liability, must be taken in close connexion with another clause, which compels the borrower to put goods on board for the home voyage; which Phormio had been unable to do.

The παραγραφή, or special plea, might have been put in, says Chrysippus, if the transaction had not been made in, or in connexion with, the Attic mart. But the law is explicit in stating (§ 42) that all disputes about contracts so made shall be brought before the Attic courts. And the defence set up, viz. that the money was paid, is not a ground for a special plea at all; it is simply a defence in an ordinary action (εἰθνδικία).

The Phormio in this suit πρὸς Φορμίωνα is quite a distinct person from the Phormio in Or. 36, νιτρὶς Φορμίωνος, who was a liberated slave, and concerned in a banking transaction.

The date of this oration is approximately fixed by the mention of Paerisades in § 8, as king of the Bosporus, which office he held from B.C. 348 to 310, but much more closely by the allusion in § 38 to the capture of Thebes by Alexander, B.C. 335. [The famine-prices of § 34 probably belong to the years 330—326. If so, the speech belongs, at earliest, to the year 329. A. Schaefer, Demosthenes und seine Zeit III 268 ff., III 2. 300 n. On the speech in general, cf. Blass, die Attische Beredsamkeit III 515—520. S.]
ΠΡΟΣ ΦΟΡΜΙΩΝΑ ΠΕΡΙ ΔΑΝΕΙΟΥ.

ΥΠΟΘΕΣΙΣ.

Φορμίων ἐμπορός δανείζεται παρὰ Χρυσίππου μνῆς 905 εἰκόσι τρέων εἰς Βόσπορον. ἀφικόμενος δὲ ἐκεῖσε κατέλαβεν ἀπρασιαν τῶν φορτίων ὡν ἐκόμισε. Διόπερ τοῦ ναυκλήρου Λάμπιδος ἀποπλεῖσαι βουλομένου Ἀθή-

πρὸς Φορμίωνα περὶ δανείου] The speech is quoted under the same title in Pollux ix 45, ἐν τῷ πρὸς Φορμίωνα περὶ δανείου. Harpocrature, however, in explaining the use of ἑπεθήκαμεν in § 28, s.v. ἑπιθέτους ἱππάς, gives the fuller and more accurate title υπὲρ Χρυσίππου πρὸς τῆς Φορμίωνος παραγραφῆς, which is also found at the end of the speech in the Paris ms, and at the beginning in the Augustanvs primus. Harpocr. s.v. ἔφεκτος τοκος, quoted on § 28, has the shorter title ἐν τῷ ὑπὲρ Χρυσίππου. S.

3. Argument κατέλαβεν, κ.τ.λ.] 'He found there was no market for the wares he was bringing.' What these were, does not appear. Probably it was a mixed cargo on speculation. He called it βῶτος, 'trash,' in a fit of ill-temper at his failure, inf. p. 910 init., § 9.

ibid. ὡν ἐκόμισε] This is an instance of attraction to an antecedent which is expressed, whereas the usage is much more common when the antecedent is omitted, and the case of the word to be supplied is shifted as it were on to the relative, by which the ellipse is sufficiently indicated. This attraction takes place only where the proper case of the relative is the accusative. We may say κατὰλογος βιβλίων ὡν ἔχομεν or ἤ ἔχομεν, but not ὡν ἔχομεν, because ὡν may represent ἣ, but not ὅσ.

4. ναυκλήρον] 'The skipper.' The word seems properly to mean one who has a share or interest in a ship; a part-owner, or one who has hired it for a time (Phot. in v.). Hesych. explains it by δεσπότης τοῦ πλοίου. Lampis, however, was only a slave (§ 5), and perhaps was representing his master. [Cf. Lascrit. § 33 (μαρτυρια) 'Τῆς ἄνω εὐακλήτης...κοινωνεῖ δὲ καὶ αὐτὸν τῆς νεώς 'Τβλησίω, καὶ συμπλεῖν ἐσταιν ὃ ἐκέτασ ἐν τῇ νη. Arnold Schaefer, Demosthenes und seine Zeit (πιι 2. 305), quotes Bekker's Anecdota, p. 282, ναύκληρος σημαίνει μὲν καὶ τὸν τῆς νεώς κύριον, σημαίνει δὲ καὶ τὸν ἐπιτίθεντα αὐτῷ ἑφ' ἐφ' τὰ ναῦλα λαμβάνειν. S.]
5 ναζε, καὶ κελεύνοντος αὐτὸν ἐνθέσθαι τῇ νησὶ τὰ ἀγοράσματα τῶν χρημάτων τῶν παρὰ Χρυσίππου (τοῦτο γὰρ ἐφραζεν ἡ συγγραφὴ) οὔτε φόρτον των ἄργυρων, ἀλλ’ ἐφ’ ἀργυρῷ πρὸς τὸν Λάμπιδον ἀδυνάτως ἔχειν ἐν τῷ παρόντι ποιήσαι ταῦτα, μικρὸν δ’ ὑπερον ἐφ’ ἐτέρας ἐκπλευσθῆσαι* νεὼς ἀμα τῶις χρήμασιν. ἢ μὲν οὖν τοῦ Λάμπιδου ναῦς ἀναχθέεισα διαφθεῖται, καὶ μετ’ ὀλγῶν ὁ Λάμπις ἐν τῷ λέμβῳ σώζεται, καὶ ἀφικόμενος Ἀθηναζε μηνύει Χρυσίππος τὸ εὐτύχημα τοῦ Φορμίωνος, ὡς ἀπελεύθη τε ἐν τῷ Βοστόρῳ καὶ 15 εἰς τὴν ναῦν οὐδὲν ἐνέθετο. ὁ δὲ Φορμίων, κατα- πλεύσας ὑπερον καὶ τὸ ἄργυρον ἀπαιτούμενος, τὸ μὲν πρῶτον, ὡς ἐφ’ Χρύσιππος, καὶ ὀφείλειν ὁμολόγει καὶ ἀποδώσειν ὑπειρεσεῖτο, ἐπειτὰ ὡς ἀποδέδωκὼς Λάμπιδι μηδὲν ὀφείλειν ἔλεγεν* τὴν γάρ συγγραφὴν 20 κελεύειν παθοῦσης τι κατὰ βάλατταν τῆς νεώς ἀπηλ- λάχθαι τοῦ ὀφλήματος τῶν Φορμίωνα. ἔλαχεν οὖν δίκην αὐτῷ ὁ Χρύσιππος. ὁ δὲ παρεγράψατο. καὶ

* ἐκπλευσθῆσαι Ζ.

5. τὰ ἀγοράσματα] The goods purchased with, or in place of (i.e. as security for), the money he had borrowed from Chrysippus.—ἀργύρων, the money he ought to have made by the transaction, and given to Lampis to hand over to Chrysippus on his return.

12. ἐν τῷ λέμβῳ] Lampis, with a few of the crew (some thirty being lost, inf. p. 910, § 10), gets safe to land in the ship's boat.


19. τὴν γάρ συγγραφὴν] 'The compact expressly says that if anything happens to the ship at sea, Phormio is discharged from his debt to Chrysippus.' Loans on bottomry partook of the nature of insurance also, i.e. the profit on the loan was so large (§ 23), that it covered some total losses resulting from wrecks, or loss of goods from pirates, storms, or other unavoidable mishaps.

22. παρεγράψατο] Phormio put in a demurrer or bar to the suit, trying to show there was no ground for action at all, as he had abided by the terms of the contract.
Δάμπις εμαρτύρησε παρὰ τῷ διαιτητῇ ὡς ἀπειληφθὼς εἰς παρὰ Φορμίλωνος ἐν Βοσπόρῳ τὰ χρήματα καὶ 25 ἀπολωλεκὼς μετὰ τῶν ἄλλων ἐν τῇ ναυαγίᾳ. πρὸ- τερον δὲ τὰν αὐτία τούτων εἰρήκει πρὸς Χρύσιππον, ὡς 906 οὐδὲν ὁ Φορμίλων εἰς τὴν ναῦν ἐντέθεικεν. ἐλεγχόμενος δὲ ἐπὶ τούτοις ὁ Δάμπις ἔξεσθηκέναι τὸν ἐφήσεν, ὅτε ἐκεῖνα πρὸς τὸν Χρύσιππον ἔλεγε. τούτων ἀκούσας ὁ 30 διαιτητής καὶ μιθὲν ἀποφημάμενος εἰς τὸ δικαστήριον τὸ πράγμα πέπομφε. καὶ ὁ ἁγὼν ὑπόμακτόν ἐστὶν παραγράφικός, τῷ δὲ ἀληθείᾳ τὴν εὐθέως ἐγιρνυταν εὖ γαρ καὶ ὁ ῥήτωρ καὶ ἀρχὰς ἐπισημαίνεται ὡς οὐκ

28. παρὰ τῷ διαιτητῷ Lampis had given false testimony when the case was brought before the arbitrator, Theodotus, § 18, for he had been bribed by Phormio to say anything to get him off. It appears from § 18 that a witness was not likely to be prosecuted for ἁρδομαχρύγα given before an arbitrator.

27. ἐντέθεικεν This perfect passive is one of the middle-Attic forms. It occurs first in Eur. El. 7, ὑψηλών δ’ ἐπὶ νηῶν τέθεικα σχολά πλείστα βαρβάρων, with which compare παραίκεικε, the perfect of παρῆκα in Hel. 1059. ἀφεκότα occurs Or. 37 § 1. For the (generally) medial use of τέθει- μαι see inf. § 16.

28. ἔξεσθηκέναι That he was out of his sober senses—not himself, as we say. [οὐκ ἐντὸς ἐν αὐτοῦ, §§ 20, 35, 49. Eur. Bacch. 359, μέμηνα ἢ δὲ καὶ πρὸς ἔξεσθης φρενών. S.]

29. ἐκεῖνα ‘that other account.’

30. οὐδὲν ἀποφημάμενον] ‘Without delivering judgment.’ In classical Greek, of course, oüdén would be required. Cf. ὡς ἀνή inf. 44.—πέπομφε, a rather rare perfect (Thuc. viii 12). Perhaps πετόμφι, or πέπομφε, ‘had sent.’ Otherwise we should expect the aorist. In this late Greek the Latin usage, which has one tense only for aorist and perfect, misit, is perhaps incorrectly followed. Cf. Or. 39, Arg. 18. See Winer’s Grammar, p. 186 ed. Moulton.

32. τὴν εὐθέως γίγνεται] It takes the course of an ordinary or regular action, εὐθεία. The accusative here is strangely and irregularly used, and perhaps παρὰ should be preferred, ‘according to the ordinary practice.’ In showing that a demurrer cannot be pleaded in this case, Chrysippus, or his advocate, goes into all the facts, just as they would appear in a common trial.

38. ἐπισημαίνεται] ‘Remarks;’ another late usage.—κατ’ ἄρχας, see § 4.—το λέγειν, the saying a man has done all the contract required him to do is no ground at all for pleading that the action
XXXIV. ΠΡΟΣ ΦΟΡΜΙΩΝΑ

κατὰ τὰ συγκέμενα, ἀποδιδόναι τὰ χρήματα Λάμπιδι, κελευόσης τούτῳ τῆς συγγραφῆς καὶ ἀφειέσης ἐπὶ τοιούτῳ πάθει τὸ ὀφέλμα· ταῦτα γάρ ἐστὶ τῆς εὐθυδικίας ἀγωνιζόμενο καὶ τοῖς ἐπιφερομένοις ἐγκλημασίων ἀπαιτῶντος, ἄλλῳ οὖχι ἀναροῦντος τὸν περὶ αὐτῶν ἁγώνα καὶ τὴν εἰςαγωγὴν τῆς δίκης παραγραφήν δὲ, φησιν, ὁ νόμος δίδωσι περὶ τῶν μὴ γενομένων ὅλως Ἀθήναις μηδὲ εἰς Ἀθηναίων συμβολαίων.

Τετήρηται δὲ ἐν τῷ λόγῳ ταύτων ὑπὲρ καὶ περὶ τὸν κατὰ Νεαρᾶς, ὅτι μὴ ὑφ' ἐνὸς ἔρημη τροσώπου. 45 ἄλλος ἔκει μὲν ἐκατέρων διαστολῆ φανερὰ, ἐνταῦθα δὲ συγκέχυται. δοκεῖ δὲ ἔρωυν ἐντεῦθεν ὁ δεύτερος λέγειν ἀκούσας τοῖνυν ἥρων, ὁ ἄνδρες Ἀθηναίοι, Θεόδωτος πολλάκις, καὶ νομίζας τὸν Λάμπιν ψευδὴ μαρτυρεῖν.”

Δίκαια ύμῶν δεσιώμεθ', ὁ ἄνδρες δικασταὶ, ἄκου- 907

ο Bkck. st. ολον Z.  ἀλλ' ἡ διακόρου Z.

cannot be brought. That, he says, is the plea of one who is defendant in an ordinary trial, and rebuts a charge brought against him; not the plea of one who wants to show that there is no case against him at all. Παραγραφή, in fact, turned solely on the inadmissibility of a suit, e.g. on the ground that it belonged to another court or different jurisdiction. He quotes as a case of this in the next sentence, that contracts not made at or for a voyage to Athens could not be brought before an Athenian court.

43. τετήρηται] 'The same peculiarity is observed here as in the speech against Naeara, viz. that it is not spoken by one party only; but whereas there the division is plain, here it is confused and obscure: it appears to me however' (i.e. to the grammarian Libanius) 'that the second speech begins at ακούσας, &c. (§ 21). Anyhow, it is clear that they are partners who bring this action against Phormio,' p. 907. §§ 1, 2. The proeme, or introduction. Chrysippus begins by showing that he and his partner are reasonable men,
who can bear a loss if it is a just and unavoidable one, and not suκοφάνται or lovers of law.

... τῷ μέτερι] 'In our turn,' and at a disadvantage, because they had been abused and misrepresented in every way. Phormio, the party accused, in pleading a demurrer, had the first speech; consequently the actual plaintiffs, Chrysippus and partner, speak after him. This is the meaning of κατηγορεῖν τοῦ διώκοντος in § 4. See Or. 46 § 6. Kennedy renders it, 'as we take our turns of addressing you,'—apparently referring it to the two partners speaking in succession. But this appears a less likely meaning; [and the rendering in question was disapproved by Shilleto].

... ἴδωτα] Unprofessional as far as the art of speaking is concerned. [Cf. Isocr. Paneg. § 11, τῶν λόγων τοῖς ὑπὲρ τοὺς ἴδωτας ἔχοντες καὶ ὅλων ἀπεκριβωμένους, and ib. § 44 n. 8.]

... πολύν χρόνον, κ.τ.λ.] 'Long as we have been in the habit of coming into your market, and many as are the merchants with whom we have had transactions about loans, we have never yet commenced any suit either as plaintiffs or defendants; and even now, be well assured, if we had really thought the money that we lent to Phormio had been lost on the ship that was wrecked, we should not have brought this action against him: no! we are not so shameless nor so inexperienced in losses.'

... συμβόλαια] A general term for any kind of contract or mutual compact, besides those of money-loans or commerce. Plat. Soph. p. 225 c, τῶν ἀντιλογικῶν δοσον περὶ τὰ συμβόλαια ἀμφισβητεῖται. Eur. Ion 411, ἀ τοῦ συμβόλαιο πρόσθεν ἦν ἐπίδεικτα τῶν σοῦ, ἀπετέσθησαν. See Or. 37 § 49, and 83 § 8, διὰ ἐμοὶ καὶ τούτῳ ἐγένετο συμβόλαια.

2. οὐδ' ἄν—οὐκ, κ.τ.λ.] In this sentence the οὐκ is superfluously repeated after the οὐδ', by a not very common idiom. We might have expected καὶ νῦν—οὖκ ἄν ποτε ἐλάχιστον κ.τ.λ., but the negative sentence is continued, οὐδὲν ποτέ δικεν εἰσήκθομεν, οὐδ' ἄν νῦν—ἐλάχιστον, and the second οὐκ is added before the verb in order to carry the favourite combination οὐκ ἄν, the simple verb ἐλάχιστον being too far removed from the preceding οὐδ' ἄν νῦν. Compare Mid. p. 557, § 129, οὐδ' εἰ τὸ παρ' ἀμφοτέρων ἡμῶν ὑστερ ὑπάρξειν—οὐκ ἄν ἐκαθόρισεν. Aesch. Agam. 1612 (1684 Dind.), δι οὐδ' (μας οὐκ) ἐπειδὴ τῷ θεῷ ἔθους θέμαν, δρᾶσαι τὸδ' ἔργον οὐκ ἔτης αὐτοκτόνως. Other examples occur in Soph. Ant. 6, Trach. 158 and 1014, Phil. 416, and
'Αθηναίοι, εἰ ὑπελαμβάνομεν ἀπολογέναι τὰ χρήματα ἐπὶ τῆς νεώς τῆς διαφθαρείσης, ἃ ἐδανείσαμεν Φορμίων, οὐκ ἂν ποτ' ἐλάχομεν τὴν δίκην αὐτῶν οὖν οὖν 
ταῖς ἢμεὶς ἀναζχυντοί ἐσμεν οὗτ' ἀπειροι τοῦ ζημιοῦ-
σθαί. τοπλῶν δ' ἢμας κακιζόντων, καὶ μάλιστα τῶν 
ἐν Βοστόρῳ ἐπιδημησάντων ἀμα Φορμίων, οὔτε τού-
τον ἔσεσαν οὐ συναπολέσαντα τὰ χρήματα ἐν τῇ νη,
δεινὸν ἡγούμεθα' εἶναι τὸ μὴ βοηθῆσαι ἢμῖν αὐτῶς 
ἀδικομένοις ὑπὸ τούτον.

3 Ἐπεὶ μὲν οὖν τῆς παραγραφῆς βραχὺς ἐστὶν ὁ λό-
γος· καὶ γὰρ οὖν οὐ τὸ παράπταν συμβόλαιον ἔξαρ-

+++ ἐμπόρων τῶν Ζ.

perhaps the difficult lines Oed. 
Tyr. 328—9 may be explained 
(reading τάμι ὡς ἂν εἴης, 'how-
ever you may speak of my con-
duct') by the repetition of μὴ 
immediately before the verb. 
Not unlike this is Or. 37 § 59, 
oūδὲ γε αὐτὸ τῶν λοιπῶν συγγενῶν ἐξαι-
των ἐπεξείμαν. There is another 
instance in Androt. p. 603, Or. 
22 § 32, ἐν ταῖς ὀλγαρχίαις, οὐδὲ 
ἀν ὅσων ἔτ' Ἀνδροτολόσος τινος 
αὐτὸς ἐξαίτως, οὐκ ἢτοι λέγειν 
κακῶς τοὺς ἄρχοντας. In other 
cases (Or. 37 § 16) the oūδὲ 
placed at the beginning nega-
tives the whole sentence. See 
also Mid. § 57.

κακιζόντων] 'Taunting us with 
cowardice,' i.e. with the fear of 
being called οὐκοφάνται. So Or. 
54 § 5, λοιδορθοῦντος αὐτοῦ ἐκεῖνων 
καὶ κακιζόντως αὐτῶν. Mid. § 73, 
οὗ ὅτι κακιζεῖν ὅση ἐπιραζεῖ
ἐμελείον. Eur. Ion 984, ὅμως, 
κακηθα.

Βοστόρω] [Also called Pan-
capaeum (Keritsch), Laocr. § 31, 
the capital of the Bosporus Cim-
merius. Cf. Dem. Lept. Or. 20

§§ 29—36. S.] See the note 
on Or. 35 § 10.

τὸ μὴ βοηθῆσαι] Not to seek 
redress; not to do all we could 
to assist our own cause, by ap-
ppearing in person. This is a 
favourite word with Demosthe-
nes in appealing to the law or 
the judges.

§§ 3, 4. Phormio's plea for a 
παραγραφή, i.e. his ground for 
denying that the action can be 
tried, is this: 'I don't deny 
that the loan was made in your 
market (your Exchange, we 
should say), but I deny that, 
after the shipwreck, I am any 
longer bound by the contract to 
pay.' But that plea is no real 
ground: the law says, 'an action 
cannot be tried if the compact 
was not made at Athens, nor for 
The Athenian market;' which does 
not hold in this case. His de-
ference, in fact, is only applicable 
to an ordinary trial, ἔδωδεῖα, 
in which the action relies solely 
on the merits of the case.

καὶ γὰρ οὕτω] 'For even the 
defendants,' i.e. Phormio and 
Lampis.
νοῦνται μὴ γενέσθαι ἐν τῷ ἐμπορίῳ τῷ ὑμετέρῳ, ἀλλ' οὐκέτι εἶναι φασὶ πρὸς ἑαυτοὺς οὖδὲν συμβολαίον· 908 πεποιηκέναι γὰρ οὖδὲν ἔξω τῶν ἐν τῇ συγγραφῇ γεγραμένων. οἷς μὲν οὖν νόμοι, καθ' οὓς ὑμεῖς δικασταὶ 4 κάθησθε, οὐχ οὖτω λέγοντιν, ἀλλ' ὑπὲρ μὲν τῶν μὴ γενομένων διὸς συμβολαίων Ἁθήναισι μηδ' εἰς τὸ Ἁθηναίων ἐμπόριον παραγραφεῖσθαι διδώσκασιν, ἐὰν δὲ τις γενέσθαι μὲν ὀμολογή, ἀμφισβητῇ δὲ ὡς πάντα πεποίηκε τὰ συγκείμενα, ἀπολογεῖσθαι κελεύοντων εὐθυδικίᾳ εἰσίντα, οὐ κατηγορεῖν τῷ διώκοντος. οὐ μὴν ἀλλ' ἐγὼ μεν ἐπίκως καὶ ἐξ αὐτοῦ τοῦ πράγματος δεῖ κελεύσαι εἰσαγάγωμι τὴν δίκην οὖσαν. σκέψασθε δ', ὡς 5 ἄνδρες Ἁθηναίοι, τὶ ὀμολογεῖται παρ' αὐτῶν τούτων καὶ τὶ ἀντιλέγεται οὖτω γὰρ ἃν ἀρίστα ἐξετάσατε. οὐκόν δειλισσάσθαι μὲν τὰ χρήματα ὀμολογοῦσι καὶ συνθῆκας ποιήσασθαι τοῦ δειλισμάτος, φασὶ δ' ἀποδε- δωκέναι τὸ χρυσὸν Δάμπιδι τῷ Δίωνος οἰκέτη ἐν Βοστόρῳ. ἥμεις τοῖνοι οὐ μόνον τοῦτο δείξωμεν, ὡς οὐκ

οὐδὲν συμβολαίον] 'No obligation by virtue of the contract.' Hesych. συνδεσμαίμαι.

4. οἱ μὲν οὖν νόμοι, κ.τ.λ.] Cf. Or. 82 (Zenoth.) § 1 οἱ νόμοι κελεύων...τὰς δίκες εἶναι τοῖς διψαλι- ροισ καὶ τοῖς ἐμπόροις τῶν Ἁθηναῖοι καὶ τῶν Ἁθηναῖων συμβολαίοις, καὶ περὶ ὥν ἄν ὧν συγγραφαί ἄν δὲ τις παρὰ ταῦτα δικαίζεται, μὴ εἰσαγάγωμι εἶναι τὴν δίκην. 5.] ἀμφισβητῇ] 'should plead on the other side.' Lit. 'should question the justice of the action by saying that he has done all that the contract required.'

οὐ κατηγορεῖν] See on § 1, ἐν τῷ μέρει.

οὐ μὴν ἀλλὰ, κ.τ.λ.] 'Not but that I hope'—lit. 'I do not however (dwell on this point, viz.

what is the true ground of a para- graphic'), but I hope,' &c. Translate: 'Still I hope to show from the facts of the case itself that this suit of mine is one that can be tried. And now observe well what is admitted by the defendants themselves, and what is denied; for by these means you will best investigate the truth of my charges.' The sense is, that as the law does not here apply which allows a special plea on contracts not made at or for Athens, the facts of the case are such that Phormio's conduct is clearly action- able.

5. συνθῆκας ποιήσασθαι] 'They had contracts duly made to secure the loan.'
ἀποδέδωκεν, ἀλλ' ὧς οὐδ' ἐξῆν αὐτῷ ἀποδοῦναι. ἀναγκαίον δ' ἐστὶ βραχέα τῶν ἐξ ἀρχής διηγησάσθαι ὑμῖν.

6 'Εγὼ γὰρ, ὃς ἀνδρέας Ἀθηναίοι, ἐδάνεισα Φορμίωνι τούτῳ ἐκοσι μνᾶς ἀμφοτέροπλοιν εἰς τῶν Πόντων ἐπὶ ἑτέρα ὑποθήκη, καὶ συγγραφὴν ἑθέμην παρὰ Κίττῳ

ε ἀπεδωκεν ζ ὑπὲρ Σ.

οὐδ' ἐξήν αὐτῷ] 'That he could not have paid,' since he could not realize the value of his wares, § 8. Kennedy misses the sense in translating 'it was not even lawful for him to pay.'

§§ 6, 7. Statement of the circumstances and nature of the loan, and of the way in which Phormio violated it at the very first by illegal acts.

'Εγὼ γὰρ, κτ.τ.λ.] 'I on my part lent the defendant twenty minae' (about £85) 'for the double voyage to Pontus and back, on the security of twice that amount of goods.' The meaning of ἑτέρα ὑποθήκη has been doubted; but the context leaves it pretty clear that it is a brief legal term for ἐφ' ἑτέρῳ τοῦτῳ. Cf. Or. 35 § 18, ἐδανεῖσα παρ' ἡμῶν τὰς τρίακοντα μνᾶς, ως ὑπαρχοῦσας αὐτοῦ ὑποθήκης ἑτέρων τριάκοντα μνῶν. Phormio borrowed 20 minae = 2000 drachmae, and should have put on board goods worth 4000 drachmae, this transaction leaving an ample margin for a bad market, or for actual losses. Mr Joseph Bickersteth Mayor (in The Journal of Philology, vi p. 242) thinks the phrase means 'on a separate, distinct, independent security;' and to this he refers οὕτε γάρ τιν ὑποθήκην παρέχετο in § 7, and ὑποθήκην οἰκί ἔχων in § 22. Would not this be ἐφ' ἑλθή ὑποθήκη;? (Compare however ἐφ' ἑτέρας νεώς in § 9.) If the goods (of whatever amount) were the security, and (what is nowhere expressly stated, though it seems probable) the ship itself also was pledged, the not bringing the ship back to the Peiraeus would be alluded to in § 7. Kennedy follows Seager in rendering it 'on the security of the single cargo,' i.e. the return cargo; but it does not appear how the Greek can mean this. [M. Dareste renders it: 'avec affectation sur un chargement d'une valeur double;' thereby coinciding with Mr Paley's view, which, however, says Shilleto, 'cannot be right.' The disputed phrase should perhaps be altered into ἐπ' ἑλευθέρα ὑποθήκη, 'on an unencumbered security.' Cf. Or. 35 § 21. ὑποθεσάντας τούτων ἑλευθέρας and § 22 ἐπ' ἑλευθεροῖς τοῖς χρήσας δανείζομενοι. S.] ἀμφοτέροπλοιν] sc. δανείων, For the double voyage, as ἑτέραπλοιν (§ 22) is for the single or outer voyage. See Or. 56, Διονυσ. §§ 6 and 29. It was usual in the latter case to pay the loan and interest either to a partner on the spot, under letter of advice, or to an agent who was on board during the voyage.

ἐθέμην] 'I deposited the bond with Kittus the banker.' [Possibly son of the Kittus mentioned in the ῥαπατείκους of Isoc. as a servant of the noted banker Pasion. S.] It was the custom
then, as with us, to place valuable deeds in the custody of bankers. See Or. 83 § 15; 35 § 14.

εὐθὺς. 'At the very outset,' before he left the harbour.—ἐπιδανεῖσται, 'he raises another loan on the same security.' This was illegal, as a second mortgage would be on property already mortgaged to its full value. Or. 35 § 21, μετὰ δὲ ταῦτ' ἔστιν ἐν τῇ συγγραφῇ ὑπὸ ὑποτιθέαν ταῦτ' ἔλευθρα καὶ ὀδηγὴ ὀδὴν ὀφελόμενες.

Θεοδώρου. 'La traduction grecque du nom phénicien Ionathan ou Nathaniel, ou du nom carthaginois Baalitan ou Mathanélim.' Dareste. S.]

τοῦ Φοίνικος. 'The Phoenician.' [The Phoenicians of Tyre and Sidon carried on a considerable trade with Greece (Odysseus, xv 415—480) and many of that mercantile people were settled in Athens. There is a decree extant granting the Sidonians resident in Athens exemption from the metolios and other taxes. Cf. Bücherenschütz, Besitz und Erwerb im Griechischen Alterthume, pp. 443, 275, 362, and Isocrit. Trapez. § 4, συντήσαντος μοι Πυθοδόρου τοῦ Φοίνικος Πασίλωνα, ἐχρώμην τῇ τούτῳ τραπέζῃ. S.]

7. καταγοράσασα. The word technically means 'to purchase goods against, or as a set-off to, a sum of money.'

μων ἐκατών, κ.τ.λ.] As 100 drachms = 1 mina, and therefore twice the amount of the whole ἐπιδανεισμὸς (of 4500 + 1000) is 11000 drachmae or 110 minae, and as καταγοράσασα implies the doubling, without including, the loan of 2000 drachms, it is not very clear why the sum is put at 115 minae, unless 5 minae in addition should have been spent in provisioning the ship, ἐπιστημὸς.

[If the terms of the agreements with Theodorus and Lampis were identical with those of the original agreement with Chrysippus, Phormio was bound to put on board not 115 minae, but 150, i.e. double the value of the three loans, amounting in all to 7500 dr. = 75 minae. The copyist may have failed to understand what more than one critic has conjectured as the right reading, viz. 150 minae. He was probably led to alter...
this into 115, on finding that the latter happened to be the total of the sums mentioned in the text. He thus makes the blunder of including the original loan of 20 minae in the estimated total value of the goods which should have been put on board. Thus:

εδάνειτα είκοσι μνάς = 2000 dr.
κελεύει η συγγραφή
ενθέσαι τετρακισχί
λίων φορτία δέξα .... = 4000 dr.
ἐπιδανείζεται

παρὰ Θεσσαλον. ..... = 4500 dr.
παρὰ Λαμπίδοι. ..... = 1000 dr.

11,500 dr.

= μναί ἐκατὸν δεκάπεντε. Shilleto, however, remarks that 115 minae ‘seems right.’ [S.]

Mr. H. W. Lucas writes from Stonyhurst College:—‘Beisake’s conjecture (150 minae for 115 minae) seems to me probable; since then the amount of the goods shipped will be just double the value, as you remark, of the δανεισμὸς plus the two ἐπιδανεισμοὶ, which latter it is not unreasonable to suppose were negotiated on the same terms as the original δανεισμὸς (viz. security of a cargo of double value).’

There is some uncertainty as to how τοῖς δανεισταίς includes all the three creditors, πᾶσι, viz. Chrysippus, Theodorus, and Lampis. The whole sum borrowed was 7500 drachms, the double of which is too much, viz. 150 minae. What Phormio did do, perhaps, was to put on board goods only equal in value to the ἐπιδανεισμοῖ (5500) singly; thus leaving the original loan of 2000 (20 minae) from Chrysippus unsecured. See § 40. This is the πράγμα δεσπόταν, or the chief point of it, in § 6.

οὐ κατηγόρασεν, κ.τ.λ.] He did not buy goods of the value of more than 5500 dr.

ἀλλ’ ἐν [This formula is used only after an actual or an implied negative. Cf. Isocr. Paneg. § 7 n. S.] Originally, it seems to have represented ἀλλ’ or ἀλλα. Cf. Ar. Pac. 475, οἴδι οἶδε γέ
εἶλκον οἶδέν ἀργείοι πάλαι, ἀλλ’ ἢ κατεγέλων τῶν ταλαιπωρουμένων. σοῦ] i.e. including the provisions for the crew, which should have been paid for in addition.

ὀφείλει] He owes 7500 drachms to the three lenders, viz. 2000 + 4500 + 1000 = 7500 = 75 minae.

τῆς ὑπόθεκην] It seems from p. 922, § 50, that the penalty of death attached to the not producing or handing over the security. In this case, either the ship might have been made over to Chrysippus, or double the value of his loan put on board. Phormio did neither, as
ματ' ἐνέθετ' εἰς τὴν ναῦν, κελευόουσης τῆς συγγραφῆς ἐπάναγκες ἐντίθεσθαι. καὶ μοι λαβὲ τὴν συγγραφήν.

ΣΤΙΓΜΑΦΗ.

Lambda δὴ καὶ τὴν τῶν πεντηκοστολόγων ἀπογραφήν καὶ τὰς μαρτυρίας.

ΑΠΟΓΡΑΦΗ. ΜΑΡΤΥΡΙΑΙ.

'Ελθὼν τοίνυν εἰς τὸν Βόστρων, ἔχων ἐπιστολὰς 8 παρ' ἐμοῦ, ὡς ἐδωκὼ αὐτῷ ἀπενεγκεῖν τῷ παιδὶ τῷ ἐμῷ παραχειμάζοντι ἐκεῖ καὶ κοινωνῷ τινι, γράφας ἐν τῇ ἐπιστολῇ τὸ τε ἀργύριον ὅ ἐδεδανείκειν καὶ τὴν ύποθήκην, καὶ προστάξας, ἐπειδὰν τάχιστ' ἐξαφεθῇ τὰ

all the goods on board only covered the value of the ἐπιδανεῖμοι.

ἀπογραφῆς] The entry made by the collectors of the two percent, duties on all exports and imports. In the time of the Peloponnesian war these tolls seem to have been less; for we read of τὰς πολλὰς ἐκατοστὰς in Ar. Vesp. 658. [Cf., however, Boeckh, P. E. III v p. 321 Lewis (=p. 429 Lamb):—'We are not justified in assuming that this hundredth was an import duty, which was levied at a particular period in place of the fiftieth; for we find the fiftieth mentioned both in the earlier time of Andocides (whose lease of the custom duties... falls in the first years after the anarchy), and also in the time of Demosthenes; and an alteration in this tax cannot be assumed without any proof.']

Boeckh conjectures that the ἐκατοστή was a harbour duty, separate from the custom duty or πεντηκοστῆ. S.]

§§ 8, 9. Arrived at the Bosporus (Panticapaeum) he again acted fraudulently in not delivering the advices I had written to my agent there, which were, that he should keep his eye on Phormio. And at last, being unable to sell his goods, and finding it difficult to pay the ἐπιδανεῖμοι (which he had borrowed only for the outer voyage), instead of shipping goods from the Pontus to Athens, as he was bound to do by his contract with me, he told Lampis to set out for Athens, and promised that he would follow on another ship.

ὡς ἐδωκὼ] 'Which I had given him to deliver to a servant of mine who was wintering there, and a certain partner.' It might seem doubtful whether παιδὶ means 'son' or 'slave,' but we have ὠβε τῶν παιδῶν τὸν ἡμέτερον ὠβὲ τὸν κοινωνόν § 28, Δάμαππι τῷ Διώνος οἰκέτῃ § 5, and μετὰ τῶν ἄλλων παιδῶν τῶν Διώνοις inf. § 10.

τὴν ύποθήκην] viz. that the security was the cargo, and therefore that a counter-cargo must be sent from the Pontus back to Athens.

ἐπειδὴν, κ.τ.λ.] 'As soon as
ever the goods were (shall have been) unloaded, that he should take stock (inventory) of them and keep close to him,' viz. lest he should give him the slip. This use of ἐξετάζειν is idiomatic. See Ar. Eccl. 728, ἐγὼ δ', ὡς εἰς ἀγοράν γε τά σκεπτή φέρω, προκειμένων κακετάζων τιν ὡσιάν. Kennedy's rendering 'to inspect' does not fully give the sense.

καταλαβών] 'Finding business in the Bosporus bad, through the war that had broken out between Paerisades and the Scythian (king), and great difficulty in selling the goods he had brought,' Paerisades is mentioned infra. § 36 as an ally and friend of Athens. He is identical with a king of that name who is said to be Diodorus Siculus (xvi ch. 52 fn.) to have reigned in Pontus Ol. 107, 4 (b.c. 349); ἀμα δε τοῦτο πράττο-μένοις εν τῷ Πόντῳ Σαράγακος ὁ τοῦ Πόντου βασιλεύς ἐπέλευσθη-σεν ἄρτες ἐτη πέντε, τοῖν δ' ἤγε-μονίων διαδέξαμεν ὁ δηδελφος Παροσάδης ἔμαθεν ἐτη πρά-κτορα ὁκτώ. Again, in lib. xx ch. 22 and 24 we have mention of Παροσάδης αἱ βασιλείς τοῦ Κιμερικοῦ Βοστόρου, b.c. 310, and of a grandson of the same name, ὁ παῖς ὁ Σατόρου Παρο-σάδης. Strabo (vii 4 § 4) speaks of Leuco, Satyrus, and Paerisades as μύσαρχοι of Panticapaem, and says the last had divine honours paid to him. He mentions a Παροσάδης ὁ ὅστα-τος who gave up his kingdom to Mithridates. The Paerisades of the text is different from the Paerisades, or Βηρσάδης (Or. 23, contr. Aristoc. p. 623, §§ 8—10), who succeeded Cotys, king of Thrace, b.c. 358. Like many eastern appellatives, the word perhaps was not so much a proper name as a title of dignity. [Paerisades, king of Bosporus (b.c. 348—310), is the Birisides of Dinarchus in Dem. § 43 (com- pare infr. § 36 n.), but is differ- ent from Berisades, king of Thrace, who, as may be seen from Dem. Aristoc. § 10, was already dead in b.c. 352. Pen- rose has apparently confounded them. For the king of Thrace, cf. Strabo vii fragm. 48, 'Οδρύ- σας δὲ καλοῦσα ἐνοι πάντας τοὺς ἀπὸ Ἐβριου καὶ Κυπέλλων μέχρι Οδρυσοῦτης παραλας (sc. Οδεβα) ὑπερικοίντας, ὃν ἔμαθεν ἡμῶν Αμαδόκος καὶ Κερακλήπτης καὶ Βηρσάδης καὶ Ζεύδης καὶ Κύττα.—For a dissertation on the Kings of Bosporus, see Clinton, Fasti Hellenici ii, Appen- dix, chap. 13, and cf. Grote, chap. 98, S.]

* Παροσάδης Ζ.
ΠΕΡΙ ΔΑΝΕΙΟΤ.

ρόπλων δανείσαντες. ὡςτε τοῦ ναυκλήρου κελεύνοντος 9
αὐτῶν κατὰ τὴν συγγραφήν ἐντίθεσθαι τὰ ἁγοράσματα
τῶν ἐμῶν χρημάτων, ἐπειδὴ οὗτος ὁ νῦν φάσκων ἀπο-
δεδωκέναι τὸ χρυσίον ὥστε οὐκ ἄν δύνατο ἐνθέσθαι εἰς
910 τὴν ναύν τὰ χρήματα. ἄπρατον γὰρ εἶναι τὸν ῥώπον.
κάκεινον 1 μὲν ἐκελευν ἀνάγεσθαι: αὐτὸς δ', ἐπειδὴ
diαθῆται τὰ φορτία, ἐφ' ἐτέρας νεώς ἐφ' ἐκπλεύσεσθαι.
καὶ μοι λέγει ταύτην τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

Metὰ ταύτα τοιώνυ, ὡ ἄνδρες Ἀθηναῖοι, οὗτος 10

1 καὶ ἐκεῖνον Ζ.

and Lampis.——καὶ γάρ, i.e. they also, besides the other
demands on him to ship a cargo
for Athens.

9. τὰ ἁγοράσματα] The goods
bought with, or as a set-off to,
my money. Aeschylus
fragm. Φρύγε (242 Dind.) ναυ-
βάτην φορτηγὰν ὡστὶς ῥώπον ἐξά-
γει χθόνος. [Strabo viii p. 876
says of Aegina: Ἐμπόρον γὰρ
γενέσθαι διὰ τὴν λυπρότητά τῆς
χωρᾶς τῶν ἀνθρώπων βαλλαττου-
γούντων ἐμπορίκως, ἀφ' ὅδ' τὸν
ῥώπον Ἀγιναλάν ἐμπολλὴν λέγε-
σθαι. Eurysth. on Iliaid, xiii 199,
ῥώπος μέντοι λεπτὸς καὶ ἄτελής
 quam, εὐτελής) φόρτως, ὥς δὲ Δίλος
Διονύσιοι λέγει, καὶ ποικῆς.
Bekker's Anecd. 299, ῥώπος οὐ
παντοδαπὸς φόρτως. Hesych.
ῥω-
ῥώπος' ῥωπικόν' ἀντὶ τοῦ οὐδενὸς
ἄξιον. ο γὰρ λεπτὸς ῥώπος, ἢγουν
ὁ φόρτως, μύγματα, χρώματα, δέσα

Συγγραφόν, βαφευτι, μυρεψοίς
χρησιμεύει. With this word
(μυρεψοίς) τὸν ῥώπον well agrees,
and § 13 καταλαμβάνομεν πρὸς
toῖς μυροτοπίοις τούτοις. He
may have done a small business
in perfumery.

κάκεινον] 'And Lampis he
ordered to get under weigh at
once, and said that he himself,
so soon as he should (shall) have
disposed of his wares, would sail
out in another ship.' We have
the subjunctive as expressing a
result pending at the time de-
scribed. The idiom is not En-
lish unless in oratio recta: we
suppose him to have said, 'I
will follow you on another ship,'
&c.——diatíthei, precisely our
word 'to dispose of,' comes na-
naturally from the idea of settling
and arranging goods to be kept
back or taken away.

§ 10. Lampis sails while Phorm-
mio is left behind. But the ship,
being over-freighted, is lost, with
some of the crew, and Lampis is
picked up in the boat. Evidence
is given that Phormio was con-
gratulated for not having any
goods on board.

P. S. D. 2
μὲν ἐν τῷ Βοσπόρῳ κατελέειντο, ὃ δὲ Δάμπις ἀναχθεὶς ἐνανάγησεν ὡς μακρὰν ἀπὸ τοῦ ἐμπορίου γεγεμισμένης γὰρ ἡδὴ τῆς νεάς, ὡς ἄκουομεν, μᾶλλον τοῦ δέοντος, προσανέλαβεν ἐπὶ τὸ κατάστρωμα χιλίας βύρσας, ὡθεὶς καὶ ἡ διαφορὰ τῇ νηπίᾳ συνέβη. καὶ αὐτὸς μὲν ἀπεσώθη ἐν τῷ λέμβῳ μετὰ τῶν ἄλλων παίδων τῶν Δίωνος, ἀπάλεσε δὲ πλέον ἡ τριάκοντα σώματα χωρίς τῶν ἄλλων. πολλοῦ δὲ πένθους ἐν τῷ Βοσπόρῳ ὤντος, ὡς ἐπύθιον τὴν διαφορὰν τῆς νεάς, ηὐδαιμονεῖον τὸν Φορμίωνα πάντες τούτου ὅτι οὔτε συνανήκεν

"Optime Dindorfius restituit" Cobet, Nov. Lect. 582. κατελεπτο Z cum Σ.

ἀναχθεὶς] Cf. note on Ορ. 53 (Nicosth.) § 8, ἀνήγομαι.

γεγεμισμένης, κ.τ.λ. [The ship had already been overloaded when Lampis took on deck besides 1000 hides, which was the real cause of the wreck.' Hides are very heavy; and the deck-load would so alter the centre of gravity as to make the ship very unmanageable in a heavy sea. [For the βύρσα of Βοσπόρουs, cf. Lact. § 34 (μαρτυρ.) δέρματα ἀλεγία and Strabo xi 3, p. 493, Τώαίς κτίσμα τῶν τοῦ Βοσπόρου ἐχόντων Ἑλλήνων...ἐμπόρον κοινόν τῶν τε Ἀσιανῶν καὶ τῶν Εὐρωπαίων νομάδων καὶ τῶν ἐκ τοῦ Βοσπόρου τῆς λίμνης (Sea of Azov) πλεύσων τῶν μὲν ἀνδραπόδα ἀγόνων καὶ δέρματα...τῶν δὲ ἐσθήτα καὶ οἴνοι...ἀντιφορτιζομένων. S.]

λέμβῳ] Hesychius has λήμβων' ἐν σκαφίδι, ἥ ἐν πλοιαρίῳ.

παίδων] 'slaves.' See on § 8. Lampis himself was Δίωνος οἰκέτης, § 5. τριάκοντα of the Paris ed. of 1570 is much more plausible than the manuscript reading τριάκοντα (found in Σ and other mss), which could only be explained on the supposition that it was a slave-ship, bringing Θράκες or Σκύθαι to Αθῆνα (cf. Strabo, supr.). Whether σώματα means 'slaves' or merely 'hands,' i.e. crew, is uncertain; but the former is more probable, as half-a-dozen men would easily work such a ship. [One ms the August. primum has the interpolation πλευρὴ ἡ διακόσια σώματα ἐλεύθερα, which is accepted by Reiske, but rightly rejected by Bekker and the Zürich editors. In later Greek, the use of σώματα for 'slaves' became common, e.g. Revelation xviii 13; Atticists like Pollux (iii 78) protested against this usage, σώματα ἀξίων ὢν ἄν εἶπος ἄλλα δούλα σώματα. Cf. Dem. Lept. p. 480 § 77, αἰχμαλώτοι σώματα. In Plat. Leg. p. 908 a, σώματα is used of any kind of men, slaves or free, indiscriminately. S.]—χωρὶς τῶν ἄλλων, 'besides his cargo.'

πένθους] 'mourning,' the regular meaning of this word.
οὐθ' ἐνέθετο εἰς τὴν ναῦν οὐδέν. συνέβαινε δὲ παρὰ
te τῶν ἄλλων καὶ παρὰ τούτου ὁ αὐτὸς λόγος. καὶ
μοι ἀνάγνωθι ταύτας τὰς μαρτυρίας.

ΜΑΡΤΤΡΙΑΙ.

Αὐτὸς μὲν τούτων ὁ Λάμπις, ὃς φησιν ἀποδεδωκέ- ΙΙ
ναι τὸ χρυσίον (τούτῳ γὰρ προσέχετε τὸν νοῦν), προσ-
eλθόντος αὐτῷ ἐμοῦ, ἐπειδὴ τάχιστα κατέπλευσεν ἐκ
τῆς ναυαγίας Ἀθηναῖες, καὶ ἐρωτῶντος ὑπὲρ τούτων,
ἐλεγεν ὅτι οὔτε τὰ χρήματα ἐνθοῦτο εἰς τὴν ναῦν ὁ ὅτος
κατὰ τὴν συγγραφὴν, οὔτε τὸ χρυσίον εἰληφὼς εἰς
παρ' αὐτοῦ ὁ Ἐοσπόρῳ τότε. καὶ μοι ἀνάγνωθι τὴν
μαρτυρίαν τῶν παραγενομένων.

ΜΑΡΤΤΡΙΑ.

911 Ἕπειδὴ τούτων, ὃς ἄνδρες Ἀθηναῖοι, ἐπεδήμησε ΙΙΙ
Φορμίων οὕτως σεσωσμένος ἐφ' ἐτέρας νεώς, προσήειν
οὐ παρὰ τούτου Ζ.

καὶ παρὰ τούτου] i.e. Phormio was heard to congratulate him-
self. With συνέβαινε we might
supply γενέσθαι, but perhaps the
sense is rather 'coincided.'

§ 11. When I went to Lampis
immediately after his arrival in
Athens, he declared that Phor-
mio had neither put goods on
board the lost vessel nor given
him any remittance for Athens.
Evidence is adduced of his state-
ment to that effect.

ἐκ τῆς ν.] Either 'from' or
'after' the wreck.

ἐνθοῦτο] Compounds of τῆθε-
σθαι, but not the simple verb,
often assume this form of the
uncontracted optative, though
msss commonly present the
other form ἐνθεῖτο, ἐνθεῖτο &c.
Many examples of both are
given by Veitch, Irreg. Gk.
Verbs, p. 636-7. mss generally
vary in the forms πρόσωτρο, προ-
σώτο, προείντο and similar com-
pounds of ἔσθαι.

οὐθ' τὸ χρυσίον] The change
of subject might have been more
clearly expressed by οὐθ' αὐτὸς
tὸ χρυσίον κ.τ.λ.

τῶν παραγενομένων] Of those
present at the interview be-
 tween me and Lampis at Athens.

§§ 12, 13. And when Phormio
himself arrived somewhat later,
he told substantially the same
story, that is, he admitted his
liability. Afterwards, however,
there was a collusion between
them, and he then said he had
paid Lampis the money at the
Boeoporus.

προσήειν] Like ἃδεω and ἢν,
this word takes the ν even in
the first person in the middle
and later Attic. The older forms
were πρόσγα, ἢν, ἢ, as forms
like τετύφρο seem to be older than τετύφρων, &c. Thus κεχ'ινη is the first person of the pluperfect in Ar. Ach. 10. [Plato Apol. 31 b, πάλαι αν ἀπολύωλη καλούτε ἓν υάδω ἑφελήκη κ.κ.γ. Kt. Gk. Gr. § 283. S.]

δὲν νυν λέγει] viz. that he paid Lampis.—ἀνεκοινώσατο, 'when he had entered into a secret understanding.'

συνδικούσων] συνδικός ὁσων, advocates for the defence. Perhaps we should read συναδικούσων, meaning Lampis in particular. Cf. §§ 28 and 46, Δάμπυδος τοῦ συναδικούσων.—παρείσι, ad esse is often used of friends and advocates, e.g. Mid. § 182.

13. προσέχομαι] Cf. προσελθόντος in § 11, which was the first, this being the second interview.—τῷ Δάμπυδῳ, ‘this Lampis,’ said with some contempt.

δὲ] ‘Accordingly he, Lampis, bade me go with him, and we find the defendant at the shops for perfumery.’ See Hesych. quoted on § 9, τὸν ἰώτων. [The shops of the perfumers, like those of the barbers and the cobblers, were favourite places of lounge at Athens, cf. Lysias Or. 24 § 20, ἐκαστος γὰρ υμῶν εἰσαίρετ προσφοταν ο μέν πρὸς μυροπωλείον, ο δὲ πρὸς κουρείον, ο δὲ πρὸς ανυστομείον. S.]

§§ 14, 15. Though Lampis was present when I served Phormio with a summons, he never said, as he would have done had the story been true, that Phormio had already paid the money to him. A negative argument ἐκ τῶν εἰκότων, as the rhetoricians called it. It was not likely that Lampis would be silent. ‘Between τεκμηρία and εἰκότα there is strictly this difference: the former are the evidentiary facts, the latter the results which are obtained by combining such facts together and reasoning upon them.’ Kennedy, Append. vi to Vol. iv of Demosth. p. 369. So Or. 30 § 10, δῆλον δὲ καὶ ἐκ τῶν εἰκότων διὰ τούτων ἐνέχ' ἰν ἐπήκα ὑψεί, εἰ.
προσκαλομένων μοι ούδαμον ἐτόλμησεν εἰπεῖν ὡς ἄπειλήθη παρὰ τούτων τὸ χρυσόν, οὐδ' ὁ εἰκός ἦν εἰπε, "Χρύσινππε, μαλενή τί τούτων προσκαλεῖ; ἐμοι γὰρ ἀποδέδωκε τὸ χρυσόν." ἀλλὰ μὴ ὅτι ὁ Δάμπις ἐφθέγξατο, ἀλλ' οὔδ' αὐτὸς οὗτος ἥξισεν εἰπεῖν, παρεστηκότος τοῦ Δάμπιδος, ὃ νῦν φησιν ἀποδεδωκέναι τὸ χρυσόν. καὶ τοι εἰκός γε ἦν αὐτὸν εἰπεῖν, ὁ ἄνδρες 15 Ἀθηναίοι, "τὰ με προσκαλεῖ, ἄνθρωπο; ἀποδέδωκα γὰρ τούτῳ τῷ παρεστηκότι τὸ χρυσόν," καὶ ἀμα ὁμολογοῦντα παρέχειν τῶν Δάμπιων νῦν δ' οὐδέτερος αὐτῶν οὔδ' ὅτι οὖν εἶπεν ἐν τοιούτῳ καίρῳ. καὶ ὅτι ἀληθῆ λέγω, λαβή μοι τὴν μαρτυρίαν τῶν κλητήρων".

ΜΑΡΤΤΡΙΑΙ.

912 Δαβέ δὴ μοι καὶ τὸ ἐγκλημα δ ἔλαχον αὐτῷ πέρυ- 16 σι ω' ὁ ἐστὶν οὖν δέλτος ἐλαττων τεκμήριον ὅτι οὐδὲπο τότ' ἐφησε Φορμίου ἀποδεδωκέναι τὸ χρυσὸν Δάμπιδι.

ΕΓΚΛΗΜΑ.

Τοῦτο τὸ ἐγκλημα ἔλαχον ἐγώ, ὁ ἄνδρες Ἀθηναίοι,

μὴ δὴ τῷ Δάμπις οὐκ ἐφθέγξατο Ζ. ἐκήτορων Ζ.

οὐδεπώτος Ζ.

μὴ δὴ] Both this and οὐχ δὴ are used in the sense of non modo or non modo non. In the former case there is an ellipse of λέγειν, in the latter, of λέγω. Translate, 'Not only did Lampis not utter a word, but not even Phormio himself thought fit to say he had paid it, though Lampis was actually standing by, to whom he now says he paid the money.' Cf. Or. 56 § 30.

ἐικός ἦν] Lit. 'it was reasonable for him to have said.' Hence in such expressions as δικαίων ἦν, ἐκρήγη, ὡς, the Greeks never use ὡς, as some might expect, deceived by the difference of our idiom, 'it would have been natural for him to say,' &c. [See Goodwin's Gk. Moods and Tenses, § 49, 2, p. 97--100, ed. 3. 3.] 15. παρέχειν] To have brought him forward at the time, viz. as a ground for withdrawing the summons.

§§ 16, 17. Another proof of Phormio's falsehood is, that in moving for a demurrer to a suit I brought against him last year, he never pleaded payment. And yet the sole ground of my action was the report of Lampis that he had not paid, or put any goods on board.
ουδαμόθεν ἀλλοθεν σκοπῶν ἄλλ' ἤ ἐκ τῆς ἀπαγγελλας
tῆς Λάμπιδος, ὁς οὐκ ἔφασκεν οὕτε τὰ χρήματα ἐντε-
θείσαν τοῦτον οὕτε τὸ χρυσίον ἀπειληφέναι· μὴ γὰρ
οὔσθε με οὔτως ἀποτύληκτον εἶναι καὶ παντελῶς μαίνο-
μενον οὕτε τοιοῦτον γράφειν ἔγκλημα ὁμολογοῦντος
τοῦ Λάμπιδος ἀπειληφέναι τὸ χρυσίον, ὥφ' οὐ ἐμελ-
λον' ἐξελεχθῆσεσθαι.

17 Ἕττο δ', ὁ ἄνδρες Ἀθηναίοι, κάκεινο σκέψασθε:
αὐτοὶ γὰρ οὕτωι παραγραφὴν διδόντες πέρυσιν, οὐκ
ἐτόλμησαν ἐν τῇ παραγραφῇ γράψαι ὡς ἀποδεδώκασι
Λάμπιδι τὸ χρυσίον. καὶ μοι λαβὲ ταύτην τὴν παρα-
γραφὴν.

ΠΑΡΑΓΡΑΦΗ.

Ἀκούετε, ὁ ἄνδρες Ἀθηναίοι; ὅτι οὐδαμοῦ γέ-
γραπται ἐν τῇ παραγραφῇ ὡς ἀποδέδωκε τὸ χρυσίον
Φορμίων Λάμπιδι, καὶ ταύτ' ἐμοὶ διαρρήδην γράψαν-

ημελλον Ζ.  τοιοῦτον Ζ.

ἐντεθείσαν] In the middle sense, as is usual with the pas-
sive perfect of τίθησιν and its compounds. [Infr. § 34, ὃς ἐν-
tεθείμενον. The perfect passive of τίθημι and its compounds is
almost invariably borrowed from κείμαι, e.g. Plat. Leg. 798 b,
(νόμων) τῶν ἐν γράμμασι τεθεικών
τε καὶ κείμενων (not τεθεικῶν)
καὶ τῶν ἐν τεθρογμένων. Isocr.
ad Dem. § 36 n. S.]

μὴ γὰρ, κ.τ.λ.] 'For don't suppose I am so crazy, or, ra-
ther, so downright mad, as to
put into writing such a charge
as that, if Lampis had admitted
that he had received the money;
since I was sure to be refuted
in my claim by him.'

[ἄποληκτον, κ.τ.λ., noted by
Blass irr 519 as a peculiar ex-
pression, finds its parallel in
the Meidias § 149, οὗτος οὖν
ἐμέλλει ἀφρῶν οὕτω ἀπόληκτος ἐγώ.
S.] 17. παραγραφὴν διδόναι] A
notable synonym of παραγρά-
φεισθαι.

οὐκ ἐτόλμησαν] This would
have been the ordinary defence
in a εὐθυκία, and was not a
ture ground for a παραγραφὴ
§ 4), but it would have been an
argument, if they could have
pleaded it, in favour of the court
granting a bar to the suit.

καὶ ταύτα] 'And that too
when I had expressly written in
the charge against him, which
you have just heard read, that
he had neither put the goods on
board nor paid the money.' If
he could have given so direct
an answer to so direct a charge, he would have done so; not indeed as in itself sufficient as a bar to the suit (see supra on the argument), but as an additional reason why it need not be tried.

§§ 18—20. When the suit last year was coming on, the defendants asked for an arbitration, to which I consented. Lampis, having no fear of being prosecuted for perjury before an arbitrator, and being bribed by Phormio, then said that Phormio had paid the money to him, though before he had denied it. When I confronted him with witnesses who heard him say he had not been paid by Phormio, he admitted he had said so, but pretended he didn't then know what he was saying.

ἐπιτρέψαι] See note on Or. 54 § 26.

ἰσοτελεῖ] A privileged sojourner (denizen), i.e. a μέτοχος who paid equal taxes with an ἀδρῶ, and no more. They were specially exempted from the tax called μετολίκων. See F. A. Wolf, Pref. to Leptines (p. 27, Beatson), who remarks that this passage shows they were not wholly excluded from holding offices, as had been generally supposed. He appears to think they could even sit as diacasts. There is some depreciation of the position in § 44.

ἀσφαλές] That there was no great danger of a prosecution. This is explained by ὅ γὰρ, &c. infra.—ὁδη, viz. as he was not now in court.

μερισμένος] Compare ἐπεὶ δὲ ἱκεικοῦσατο, § 12.

19. διοικοῦ—καὶ] 'The same as it is to do so before an arbitrator.' It does not seem certain from this passage whether a man could not be prosecuted for perjury before an arbitrator. It may mean, that in practice it was seldom done, and so the risk was not great.
Ἀθηναῖοι, εἰς τὰ ύμετρα πρόσωπα ἐμβλέποντα τὰ ψευδή μαρτυρεῖν καὶ πρὸς διαιτητὴν παρ’ ύμῖν μὲν γὰρ καὶ ὁργὴ μεγάλη καὶ τιμωρία ὑπὸκεῖται τοῖς τὰ ψευδὴ μαρτυροῦσι, πρὸς δὲ τῷ διαιτητῇ ἀκινδύνως καὶ ἀναισχύνως μαρτυροῦσιν ὃ τι ἂν βούλωνται.

20 ἀγανακτοῦντος δὲ μου ἡκ, καὶ σχετιλάζοντος, ὃ ἄνδρες Ὀθηναῖοι, ἐπὶ τῇ τόλμῃ τοῦ Δάμπιδος, καὶ παρεχομένου πρὸς τὸν διαιτητὴν τὴν αὐτὴν μαρτυρίαν ἠπειρο καὶ νῦν πρὸς ύμᾶς παρέχομαι, τῶν ἐξ ἀρχῆς προσελθόντων αὐτῷ μὲθ’ ἡμῶν, ὅτε οὐτε τὸ χρυσίον ἐφη ἀπειληφέναι παρὰ τούτων οὔτε τὰ χρήματ’ αὐτὸν ἐνθέσθαι εἰς τὴν ναὺν, οὕτως ὁ Δάμπις κατὰ κράτος ἡξελεγχόμενος τὰ ψευδὴ μαρτυρῶν καὶ πονηρῶς ὁ ὁμιλῶν μὲν εἰρηκέναι ταιτα πρὸς τούτων, οὐ μέντοι

1 δ’ ἐμοῦ Ζ. 2 κατακράτος Ζ. 3 om. Z et Bekk. st. cum Σ.

ὑπόκειται] ‘Is in store.’

20. τῶν ἐξ ἀρχῆς] Of those who had been present at the first interview (§ 11) between me and Lampis.—παρέχομαι, as distinct from παρέχω, always contemplates the person from whom a thing comes, not to whom it is given. It is subjective, while the active is objective. Thus, ἐγὼ παρέχομαι ἀφητήν, ‘I show or exhibit virtue,’ but παρέχω σοι χρήματα, &c. ‘Producing witnesses’ implies that it was for the object and interest of the party producing them.

κατὰ κράτος] luculentet et invicte (Reiske). Being convicted, in a way that he could not evade, of telling falsehoods.—[κατὰ κράτος is probably not found elsewhere with ἔξελεγχοσθηκαί, which is usually coupled with adverbs such as περιβοήτωσ or (more commonly) φανερῶσ. S.] —πονηρῶς, ‘a fellow without principle,’ i. e. preferring κέρδος to τὸ δικαίου.

πρὸς τούτων] There is some difficulty in this, first, as to taking it with ὁμιλῶν or with ἐληκέναι, secondly, as to the person meant. It can hardly mean, as G. H. Schaefer, Voemel and Kennedy take it, the arbitrator Theodotus; it may mean Phormio, the defendant, if construed with ἐληκέναι, but then we must assume that Phormio was also present at the interview, which is not stated in § 11. Or, possibly, if the δευτερολογία, or second partner’s speech, commences at § 21, πρὸς τούτων may mean the other partner. The sense would then be, ‘Lampis admitted he had told my partner here (anonymous) that Phormio had not paid him.’ But
γε ἐντὸς ὦν εἰπεῖν αὐτοῦ. καὶ μοι ἀνάγνωθι ταύτην τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

Ἀκούσας τοιῶν ἡμῶν, ὁ ἀνδρεῖς Ἀθηναῖοι, ὁ 21 Θεόδωτος πολλάκις, καὶ νομίσας τὸν Δάμπων ψευδὴ μαρτυρεῖν, οὐκ ἀπέγνω τῆς δίκης, ἀλλ' ἐφ' ἦκεν ἡμᾶς εἰς τὸ δικαστήριον καταγγέλλων μὲν γὰρ οὐκ ἐβουλήσθη διὰ τὸ οίκεως ἔχεν Φορμίων τοῦτός, ὡς ἡμᾶς ὑστερον ἐπιθύμεθα, ἀπογνώσοντες ἀπὸ τῆς δίκης ὄκνει, ὡς αὐτὸς μὴ ἐπιρρήσῃειν. εἴ αὐτοῦ δὴ τοῦ πράγματος 22 λογίσασθε, ὁ ἀνδρεῖς δικασταὶ, παρ' ὑμῖν αὐτοῖς ὄποθεν ἔμελλεν ὁ πρὸς ἀποδώσει τὸ χρυσίον. ἐνθένδε

η ἐβουλήθη Z.

ἡμελλεν Z.

this supposition is not without difficulty. [M. Darestes takes it of Chrysippus, whose brother, he considers, is now speaking. S.]

§ 21. That the second speech begins here seems probable from οὐτος in § 23, which appears to mean Chrysippus. If we could fix the division at any paragraph before, then the τοῦτον just discussed might equally mean Chrysippus. [G. H. Schaefer and Voemel think the second speech begins at § 22, ἐξ αὐτοῦ ἔπος τοῦ πράγματος. This seems not unlikely, as the second speaker would naturally commence with a brief summary of the facts that had been brought forward. The Zürich editors and Arnold Schaefer (Dem. u. s. Zeit iii 2. 303) consider the second speech to begin at § 18, μελλόντις ἐν τῆς δίκης. The latter view is followed by M. Darestes. Nitsche, dissert. de tracisciendiis partibus in Dem. or. Berlin, 1868 (quoted by Blass iii 510), assigns §§ 1—17, 30—31, 34—52, to Chrysippus; and §§ 18—29, 32—33, to his brother. S.]

ἀκούσας, κτ.λ.] 'Theodotus, after several hearings, believing that Lampis was giving false evidence, did not acquit Phormio, but sent us to the court; for he did not like to decide against the defendant, being a friend or relation of his, as we afterwards heard; and he did not like to acquit him, that he might not break his own oath,' viz. to decide according to the merits of the case.—ἐφ' ἦκεν, by the process called ἐφ' ἦκεν, an appeal to a higher court. See a good note of Mr Wayte's, Timocr. § 54.

§ 22. Now ask yourselves how he could have paid the money to Lampis. He left Athens without sufficient goods as a security, and additionally in debt to other lenders. At the Bosporus the market was so dull, that he could hardly pay those who had lent him for the outer voyage only.
οὐκ ἐνθέμενοι] It is clear that the goods worth 5500 drachms in § 7 were purchased with the ἐπιδανείσμον, and did not cover the loan of Chrysippus. See sup. on § 6.

ἀπήλλαξαν] See note on Or. 36 § 25.

§ 28. 'Phormio pretends to have paid a sum to Lampis which I can show to be more than he owed me at Athens; and therefore it is very improbable that he paid it.' Again an argument ἐκ τῶν ἐκόσων.

οὗτος] My partner Chrysippus.—δισχιλιας, cf. § 6, where the sum is called 20 minae.

ἀκρότε, 'on condition of receiving at Athens 2600 drachms.' The interest therefore was very large, but so also was the risk considerable.

στατῆρας] A Cyzicene stater was a gold coin (with a female head on one side and a lion's head on the other) worth about one guinea, an Attic drachma being taken at a trifle less than ten-pence. A high rate of exchange is here adopted to make as large a total as possible. According to the ordinary rate, a stater was equivalent to 20 drachms only. Hesych. Κυρι-κυρικοί στατῆρες διεβαβήτω ὦ ζη κεκαραγμένου. πρὸς ὅποιον δὲ ἦν γνωστὸς ὁ τύπος.

["Demosthenes (Or. 34 § 23) speaking of this money informs us that its current value was 28 Attic drachmae. The weight of the Cyzicene stater is uniformly about 248 grains. As the Attic and Macedonian staters which weighed 183 grains were equivalent to 20 Attic drachmae, while the Cyzicene, weighing 248 grains, passed for no more than 28, it is evident that the silver alloy of the electrum of which these pieces are made was deducted and considered of no value, not being in fact worth the cost of extraction. Mr Burgon estimates the alloy of ancient electrum at about ⅓. Then as 133 is to 20, so is ⅔ of 248 or 186 to 28, exactly the equivalent in drachmae of the Cyzicene stater as given by Demosthenes."

Leake's Numismata Hellenica (Asiatic Greece), p. 50. An electrotype from the specimen in the British Museum may be seen in Leake's Collection at the Fitzwilliam Museum, Cambridge, Div. π 21, and there are two genuine ones in Trin. Coll. Library. Their types vary, some-
χετε τον νοῦν) δανεισάμενος ἐγγελὼν τόκων. ἦσαν δὲ ἐφεκτοὶ οἱ ἐγγελοὶ τόκων, ὁ δὲ Κυζικηνὸς ἐδύνατο ἐκεῖ εἰκοσι καὶ ὀκτὼ δραχμᾶς 'Αττικάς. δεῖ δὴ μᾶθειν 24 ὕμας ὅσα φησὶ χρήματι ἀποδεδωκέναι. τῶν μὲν γὰρ ἐκατὸν καὶ ἐκοσι στατήρων γίγνονται τρισχίλια τριακόσια εξήκοντα, ὁ δὲ τόκος ὁ ἐγγελεῖ ὁ ἐφεκτος τῶν τριάκοσιόν ἐμῖν καὶ τριῶν καὶ ἐξήκοντα, πεντακόσια δραχμαὶ καὶ ἐξήκοντα· τὸ δὲ σῦμπαν κεφαλαῖον γίγνεται τόσον καὶ τόσον. ἔστιν oυ, ὁ ἀνδρες 25 δικαστάι, οὐτὸς ὁ ἀνδρωπός ἢ γεννησέται ποτε, ὅσ ἀντὶ δισχίλιον καὶ ἐξακοσίων δραχμῶν τριάκοσια

ο ὀμ. Ζ.
τ ὁ ἐγγελεῖ ὁ ἐφεκτος Ζ. ὁ ἐγγελεῖ Σ. ἐγγελεῖ ὁ Φ. Φ. ὁ ἐγγελεῖ ὁ ἐφεκτος Bekker.
τὸ δὲ—καὶ τόσον glossema videntur esse. Sauppe.

times the head of a bull or lion, generally with a tunny-fish below; sometimes the head of Proserpine. See Plate of Coins. Cf. Hesych. quoted above, and Boeckh's Publ. Econ. bk. i, chap. v, pp. 36—38 (ed. Lamb). S.

daneisâmenos] 'By borrowing it (at the Bosporus) on the interest paid for loans on land,' i.e. on real security. This being ἐφεκτος, i.e. a sixth part added to the sum lent (e.g. £70 for £60, or somewhat more than 16 per cent.), makes up the following sums: 120 staters = 3360 dr. = 33 min. 60 dr., which + interest at ½ or 560 amounts to 3920 dr. = 39 min. 20 dr.

ἐφεκτοὶ] Harpocr. s. v. ἐφεκτος τόκος: ὁ ἐπὶ τῷ δέκτῃ τοῦ κεφαλαίου Δημοσθένης ἐν τῷ ὑπὲρ Χρυσίττου.

ἐδύνατο ἐκεῖ] This shows that the value of money differed, as with us, in different places. [Cf. Xenoph. de Vetig. πιι 2, καὶ οἱ ἄργυροι εξάγοντες (ἐκ τῶν Ἀθηναίων) καὶν ἐμπορίαν ἐξάγοντες. ὅπως γὰρ ἄν πωλῶσιν αὐτὸ παραχοῦ τοῦ ἀρχαλοῦ λαμβάνουσι. K. F. Hermann, Griech. Privatalterthümer, § 47, 17 = p. 451 ed. Blümner. S.]

24. τόσον καὶ τόσον] 'Comes to so much, namely thirty-nine minas twenty drachms, which he does not here specify, because it is mentioned immediately after.' Penrose. Kennedy translates, 'and the whole sum is the amount of the two;' which is the literal sense. [Cf. Or. 57 § 29, ἡ τῆς τόσα καὶ τόσα Ησιοχ. η τοσαῦτα. S.]

25. ἀντὶ δισχίλιων, κ.τ.λ.] Instead of the sum he really owed. —τριάκοσια κ.τ.λ., the sum he pretended to have paid in staters, not including the interest. (He here expresses it not as 33 minae, but as 30 minae 300 drachmae, &c.)
μνᾶς καὶ τριακοσίας καὶ ἐξῆκουτα ἀποτίνειν προελετ' ἄν, καὶ τόκον πεντακοσίας δραχμᾶς καὶ ἐξῆκουτα δανεισάμενος, ἂς φησιν ἀποδεδωκέναι Φορμίων Δάμπιδι, τρισχιλίας ἕνακοσίας εἴκοσι; ἔξον δ' αὐτῷ ἀμφοτερόπλουν Ἀθήνησιν ἀποδοῦναι τῷ ἀργυρίῳ, ἐν Βοσσόρῳ ἀπέδωκε, τρισὶ καὶ δέκα μνᾶς 26 πλέον; καὶ τοῖς μὲν τὰ ἐτερόπλοια δανείσασι μόλις τάρχαια ἀποδέδωκας, οἱ συνεπλευσάν σοι καὶ προσήδρευον τούτῳ δὲ τῷ μὴ παρόντι οὐ μόνον τάρχαια

b ἐξῆκουτα, δανεισάμενος αἱ φησίν Ζ. 1 ἀποδέδωκε Ζ.

[If Phormio's loan of 1000 dr. from Lampis (§ 6 fin.) was at the same interest as the 2000 dr. from Chrysippus (§ 23 init.) he would owe Lampis exactly 1300 dr. or 13 minae. It is therefore open to Phormio to reply that the alleged overpayment included the sum due to the skipper himself. S.]

§ 26. Another improbability. You found it difficult to pay the loan on the outer voyage only; and yet you pretend to have paid before the full time, and when there was no pressure on you for payment, the principal and the interest, and the penalty besides, when you were not bound to pay that at all.


τῷ μὴ παρόντι] Logically, τῷ οὐ παρόντι is more correct; but there is a tendency to say ὁ μὴ παρὼν, because the formula generally refers to some indefinite person. Conversely, in Eur. Suppl. 227, θεός τοῖς τοῦ κοσμίντως θύμαις διώκεσε τὸν οὐ κοσμίντως, we might have looked
915 καὶ τοὺς τόκους ἀπεδίδους, ἀλλὰ καὶ τὰ ἐπιτίμια τὰ ἐκ τῆς συγγραφῆς ἀπέτινες, οὐδεμιᾶς σοι ἀνάγκης οὕσης; κἂκείνους μὲν οὐκ ἐδείεις, οἷς αἱ συγγραφαὶ 27 ἐν Βοσπόρῳ τὴν πράξειν ἐδίδοσαν τοῦ δανείου τούτου δὲ φῆς φροντίδες, ὅν εἶξ ἀρχῆς ἐνθεῦ δικεῖσι οὐκ ἐνθέμενος τὰ χρήματ’ εἰς τὴν ναῦν κατὰ τὴν συγγραφῆς Ἀθηνῆθεν; καὶ μὲν μὲν εἰς τὸ ἐμπόριον ἣκαν, οὗ τὸ συμβόλαιον ἐγένετο, οὐκ ἀκνεῖς ἀποστερεῖν τὸν δανεισάντα. ἐν Βοσπόρῳ δὲ πλεῖον τῶν δικαίων φῆς ποιεῖν, οὗ δίκην οὐκ ἔμελλες δώσειν; καὶ οἱ μὲν ἄλλοι 28

1 + ὃς φησιν Ζ.

for τὸν μὴ, yet here there is a kind of attraction to what next follows, καὶ δὲν ἡδικηκότα. See on Or. 37 § 24, ἐδικαὶ τὸ μὴ παράβαλω, and ibid. § 25, and 57. p. 915. καὶ τὰ ἐπιτίμια] He appears to call the 1320 drachms overpaid ‘the penalty,’ not in serious earnest, since it was not likely the sums would agree exactly. Phormio had incurred the penalty by not putting the goods on board as security; but no necessity was laid on him at the time for paying it. The amount mentioned in § 33 as a penalty for not shipping the goods according to the contract, is 5000 drachms, the risk being greater if there was no cargo.

27. καὶ τοὺς τόκους] The lenders of the money on the ἐτερόπλους agreement.

οὐκ ἐδείεις] Phormio had paid these (at least the ἄρχαίων, though not perhaps the interest, § 28), but μᾶλις, perhaps after being ‘dunned’ and threatened. Cf. Or. 37 § 38, καὶ ταῦτ’ ἀπελπη- φότι γὰργαρω καὶ μᾶλις παρὰ τοῦτον. The sense is, ‘it was more likely than not to have been afraid of them, than that you would have had such special care for Chrysius, whom you had wronged before you left the harbour.’—πράξειν, the right to enforce payment, by seizing your goods.

καὶ μὲν κ.τ.λ.] Further arguments ἐκ τῶν εἰκότων. ‘At Athens, where the compact was made (and therefore where you can be sued at law), you don’t scruple to defraud the lender, while in the Bosporus, where you were not likely to be sued, you pretend to have paid more than was due.’ There is an assumption here of fraudulent intention in οὐκ ἀκνεῖς ἀποστερεῖν, which is hardly fair.

28. καὶ οἱ μὲν ἄλλοι] ‘Most people, who borrow for the outward voyage, on leaving their places of business, take care to have plenty of witnesses present, and call on them to attest that the lender is risking his money on the voyage just going to commence (ἡδη). And yet you rely (lit. lean) on a single witness, and that too one who has taken part in the wrong (Lampis); you did not make my slave nor my partner witnesses
πάντες οί τά ἐτερόπλοα ὁ δανειζόμενοι, ὅταν ἀποστέλ- λωνται ἐκ τῶν ἐμπορίων, πολλοὺς παρίστανται, ἐπι- μαρτυρόμενοι ὅτι τὰ χρήματα ἡδη κινδυνεύσατο τῷ δανεισάυτε, σὺ δ' ἔνι 1 σκήπτει2 μάρτυρι αὐτῷ τῷ συναδικοῦντι, καὶ οὔτε τόν παῖδα τοῦ ἡμέτερον παρέ- λαβες ἐν Βοσπόρῳ οὔτε οὔτε τὸν κοινωνόν, οὔτε τὰς ἐπιστολὰς ἀπέδωκας αὐτῶι, ὃς ἡμεῖς ἐπεθήκαμεν, ἐν αἷς ἐγέγραπτο παρακολουθεῖν σοι, οἷς ἄν πράττῃς; 29 καὶ τοι, ὃ άνδρες δικασταῖ, τί οὖκ ἄν πράξεις ὁ τοιου- τος, ὅστις γράμματα λαβὼν μὴ ἀποδέδωκεν ὀρθῶς καὶ δικαίως; ἢ πῶς οὐ φανερὸν ἐστὶν ύμῖν τὸ τούτον κα- κοῦργημα ἐξ αὐτῶν ἃν ἐπράττεν; καὶ τοι, ὃ γὰρ καὶ θεοῖ, προσήκει γε τοσοῦτον χρυσίον ἀποδίδοντα, καὶ πλέον3 τοῦ δανείσματος, περιβόητον ποιεῖν ἐν τῷ ἐμπορῷ, καὶ παρακαλεῖν πάντας ἀνθρώπους, πρῶτον δὲ τὸν παῖδα 30 τοῦ τούτου καὶ τὸν κοινωνόν ἢστε γὰρ δὴτου πάντες ὅτι δανειζόματι μὲν μετ' ὀλγῶν μαρτύρω, ὅταν δ'  

1 ἀφοτερόπλοα Bekk. 1824. 2 ἐκ Bekk. 1824. 3 τὸν Skn. Z.  

of the payment in the Bosporus, nor deliver the letters to them with which we charged you, and in which a written order had been given that they were to follow you closely in whatever matter you might happen to be engaged.’—τὸν παῖδα τοῦ ἡμέ- 

terov, called τὸν τούτον in § 29, see sup. § 4.  

[Har- 

picol...ἐπεθήκαμεν] Ἑπι- 

cocr. s.n. ἐπιθέους ἐφητάς...λέ- 

gεν ὃς ἐλεισθείνον ἐπέθεθεν ἐπιστολήν ἀντὶ τοῦ παρέδω- 

kev, ὡς Δημοσθένης ἐν τῷ ὑπὲρ Ἰωακίππου πρὸς τὴν Φορμίωσος 

παραγράφων. Id. s.n. ἀντεπίθη- 

σων: ἀντὶ τοῦ ἀντεπιστέλλει 

Ἰραίος ἐν τῷ πρὸς Καλλιτῆριν, S.]  

29. ὅτι—μὴ ἀποδέδωκεν] quæ 

non dederit.  

[προσήκει γε] Irony: ‘Surely, when he was paying back so large a sum of money, and even more than he had borrowed, he ought to have had it talked about on the Mart, and to have invited all men to witness the act, but above all the servant and partner of Chrysippus’ (sup. § 8).  

§ 30. Continued irony: ‘men don’t get more witnesses than is necessary to see that they bor- 

row, but as many as they can to see that they pay, and that their honesty and respectability in 

their dealings may be talked about. How then was it that you acted so differently in the 

matter of your pretended pay- 

ment?’
The interest on both voyages, though you had used the money only for the outer voyage, and so might have employed it in some other investment till your return to Athens.

And, if you had acted so, viz. had secured many witnesses, ‘no one of the trading merchants would have been more looked up to (for honesty) than you.’ The indefinite πλέιν and oi πλέοντες for ‘trading’ and ‘traders’ is to be noticed. So Ar. Pax 341, ἢ δέ γὰρ ἔξοστι τὸ τὸν πλέον, μένει, οἶκοι καθεδέουν. Plat. Gorg. p. 467 ὁ, oi πλέοντες τε καὶ τῶν ἄλλων χρηματισμῶν χρηματίζομενοι. Dem. Or. 37 § 54, ὅτις δὲ εἰργαστή μὲν ἄστερ ἐγὼ πλέον καὶ κυδυνεῖσιν.

Whereas you, instead of making many persons witnesses of these acts, did all you could to escape observation! One would almost think you were doing something dishonest.’ The satire is very keen, and must have been effective as an answer to Phormio’s pretences.

To me in person, not to an agent, and for me. In that case, he says, you would have got the bond cancelled, and so have been rid of the liability at once. ‘But, paying as you say you did, to an agent, at a distance, when the contract was with me and not with Lampis, and when the risk of a voyage was at hand, it seems that you never asked any one to be your witness; either slave or free.’ It does not appear from all this that a witness of the payment to an agent was legally necessary.

A receipt of some kind would have been enough, probably. But Phormio appears to have thought that his bare assertion would be accepted by the court.

Lit. ‘taking up (or ‘getting back,’ Mr Mayor p. 242) the bond deposited against you.’ Kennedy translates, ‘you would have taken up the agreement and got rid of the obligation. The active in the sense of ‘destroying,’ ‘cancelling,’ occurs in § 33, καὶ τοῦτο διηρήκως αὐτὸς. In Or. 48 § 46, we read ἔχρην
τοῦ συμβολαίου· γὰρ αὐτῶν—παραλαβόντα πολλά μάρτυρις ἀξίων ἀναρείσθαι τὰς συνθήκας παρὰ τοῦ Ἀνδροκλείδου. And Or. 38 § 12, ἐναντίον πολλῶν μαρτύρων τὰς συγγραφὰς ἀνειλέμεθα.

32. τῷ ναυκλῆρῳ] There seems to have been a clause in the bond to the effect that, if Phormio should be detained in the Bosporus, he should pay the money to the skipper; or, as Kennedy suggests, that he should have the option of so paying it if he did not choose to ship the goods.

οἴδαι] The partners here present. This is certainly obscure. The speech commences in the plural, δίκαια δεσμόμεθα, &c., but in § 6 Chrysippus speaks for himself, ἡγὼ γάρ, κ.τ.λ., and in § 21 the other partner, who is supposed to be still addressing the court. It would seem therefore that several were concerned in the loan to Phormio; for no account is here taken of the ἐπιδανεισμόλ. Again, the δύο συγγραφὰς is obscure. Penrose thinks it only means that two copies were made. It is evidently spoken of as an additional security; and perhaps it means that each of the principal partners had his own bond against Phormio.

 unsus] Supply ὑπάρεχον. So Mid. p. 519 § 14, καὶ θήριον καὶ κρότον τοιοῦτον ὡς ἐν ἐπισπέρνοντες τε καὶ συνηθεῖς ἐπισπέρναι. Thuc. 1 38, ὡς ἐν μᾶλλον μετ’ ἐμφύτησιν μαρτυρίου τὴν χάριν καταθέσατε (καταθείσε καὶ καταθέσατε are mistakes resulting from ignorance of the idiom).

μόνος μόνῳ] A forcible and idiomatic collocation (like τὸλλὰ πολλὰ, τάσι πάντως, &c.); often found in such contexts than the simple μόνος. [As an instance of the former we have De Cor. p. 273, 1 τῷ ὑπὸ τῶν πολεμίων πεμφθέντι μόνος μόνῳ συνήγαγε, of the latter Fals. Leg. p. 430, 22, οὐδαμοῦ μόνον ἐνυγχάλινος Φίλιππος which Cobet (Variae Lectiones, p. 112) would alter into μόνοις μόνῳ. Mr Shilleto however quotes passages from the poets which do not admit of such alteration, e. g. Ar. Pax 660, ἦ δ’ ἄλλα πρὸς σὲ
τὸν ναυκλήρον τὸ χρυσίον, εἰδῶς κατὰ σοῦ κειμένην Ἀθήνης συγγράφην πρὸς τοῦτον
dὲ γὰρ ἑνδέοθαι τάγοράματα εἰς τὴν ναῦν κελεύει σε, εἰ δὲ μὴ, πεντακισχίλια δραχμὰς ἀποτίνειν. οὐ δὲ τούτῳ μὲν τῆς συγγραφῆς οὐ λαμβάνεις, παραβεβηκὼς δὲ εἰθοῦς 917 εἶ ἀρχής καὶ τὰ χρήματα οὐκ ἐνθέμενος ἀμφισβητεῖς πρὸς ἐν ἰδία τῶν ἐν τῇ συγγραφῇ, καὶ τοῦτ' ἀνερρηκὼς αὐτός. ὑπὸτε γὰρ ἐν τῷ Βοσπόρῳ φῆς μὴ τὰ
p
The Zürich editors (and A. Schaefer) here mark another break. ‘Post hanc paragraphum Chrysippum (cf. § 35, 4 ēμεῖ) denuo loqui videri notavimus.’

σωθείς τῆς νεῶς (v. Journ. of Class. and Sacred Philol. vol. 4, p. 310). § 32—κατὰ σοῦ, i.e. ἀλλ' οὐ κατὰ Δάμπιδος.—πρὸς τοῦτον, with Chrysippus. §§ 33—5. Phormio pleads, as a bar to the suit, that the payment was conditional, and not binding on him if the ship should be wrecked. The reply is, that this non-payment is again conditional on the goods being put on board, which was not done. Therefore the actual wreck is no release from liability. σωθείς τῆς νεῶς] Emphatic, as the condition of ἀποδοῦναι. Or. 32 Zenothem. § 5, οὐδὲν τῶν συγγραφῶν ὀστερ εἶθασιν ἀπασα, σωθείς τῆς νεῶς ἀποδοῦναι τὰ χρήματα. Or. 56 Dionysid. § 31.—καὶ γὰρ, κ.τ.λ. 'very true; for it bids you,' &c.—πεντακισχίλια, a very heavy ἐπιτίμων (§ 26), and nearly double the amount due with interest (2600 dr., § 29). Kennedy thinks this was the penalty to which Phormio was bound, in case he neither shipped the goods at Bosporus nor paid the stipulated sum to Lamps. This he accounts for by the increased risk incurred by the lenders through the doubtful respectability of Lamps, who though he resided at Athens was a foreigner by extraction.—Hesychius: ἀγοράματα· ὅνια.

σὺ δὲ, κ.τ.λ.] You take exception to, or do not admit, this clause, viz. ordering you to ship the goods, and yet found an objection to my claims on the phrase σωθείς τῆς νεῶς, though you have yourself made the phrase null and void by not shipping the goods from the Bosporus. Of course, the exemption from payment in the event of a wreck depended solely, in equity, on the heavy loss of the borrower's goods.

ὑπὸτε γὰρ, κ.τ.λ.] Dum dicas, &c. A conditional and idiomatic use of ὑπὸτε, when time is not considered, but simply the allegation of a fact. (Some examples are given in the note on Aesch. Suppl. 1080.) So
χρήματ' ἐνθέσθαι εἰς τὴν ναῦν, ἀλλὰ τὸ χρυσόν τῷ ναυκλήρῳ ἀποδοῦναι, τί ἐτι περὶ τῆς νεώς διαλέγει; οὐ γὰρ μετέσχεικας τοῦ κινδύνου διὰ τὸ μηδὲν ἐν-34 θέσθαι· καὶ τὸ μὲν πρῶτον, ὃ ἄνδρας Ἀθηναίοι, ἀρμησεν ἐπὶ ταύτην τὴν σκῆψιν, ὡς ἐνεθεμένος τὰ χρήματα εἰς τὴν ναῦν' ἐπειδὴ δὲ τοῦτο ἐκ πολλῶν ἔμελλεν ἐλεγχθῆσθαι· ἴσως ἐπειδὴ εὐδόμενος, ἐκ τῆς ἀπο-γραφῆς τῆς ἐν Βοσπόρῳ παρὰ τοὺς ἐλλημενιαῖς καὶ ὑπὸ τῶν ἐν τῷ ἐμπορίῳ ἐπιδημούντων κατὰ τὸν αὐτὸν χρόνον, τημικάντα μεταβαλλόμενος συνισταται μετὰ τοῦ Δάμπιδος καὶ φησιν ἐκεῖνο τὸ χρυσόν ἀποδεδω-35 κέναι, ἐφόδιον μὲν λαβὼν τὸ τῆς συγγραφῆς κελεύειν, οὐκ ἄν ἡγούμενος δ' ἡμᾶς εὐπόρως ἐξελέγχαη ὡςα μόνοι

ης Ἕλληνικά.  

εἶ- Ζ. 

δτον is used inf. § 45. Or. 41 § 25 (πρὸς Σπουδ.), ὥσπερ γὰρ καὶ νόμους ἔχω παρέχεσθαι,—τι δεὶ μακρῶν ἐτι λόγων; Compare also Or. 56 § 13, and ὑπερίκη in Mid. p. 527, § 42. Xen. Conviv, p § 12 οὕτω τοῖς νεθεωμένοις τάδε ἀντιλέξειν ἐτι οὖν οὐκ ἔσχιν καὶ ἡ ἀνδρεία δι-δακτὸν, ὡσπέρ αὕτη καὶ περί γνώ-σεως οὕτω τοιοῦτος εἰς τὰ ἔξοψ ἤταν. 

34. τὸ μὲν πρῶτον] 'The contract ordered him to put the goods on board, which he did once pretend to have done, only, knowing that he was sure to be detected, he changed his story and pretended that he paid the amount to Lampis in gold.' Penrose.——ἀρμησεν ἐπὶ, 'he thought to rely on,' 'he had recourse to.' 

ἐλλημενιαῖς] 'The harbour- 
masters,' who had to see that no vessel cleared out without paying duty. Cf. § 7. 

μεταβαλλόμενος, κ.τ.λ.] 'Then he changes his tack, conspires with Lampis to defraud me, and says he paid him in money.' Both words are emphatic; 'he no longer says he put the goods on board, but that he placed the amount in his hands to give to Chrysippus.' 

ἐφόδιον] A support to his 
plea; σκῆψιν, πράσαν. [For this rare metaphorical use of ἐφόδιον, cf. Hyperides Eur. ool. xxxi 15, ἐφόδιον εἀντι ἐς τὸν ἁγώνα τὸ ἐκεῖνον ὤν ἀναφέρον. 8.] 

35. οὐκ ἄν ἡγούμενος i.e. ὡς οὐκ ἄν, ἀπό, 'thinking that we (here at Athens) would not find it easy to get to the truth respecting transactions that had passed between themselves a- 
lone.' Like οὐ φημι, οὐ δοκῶ ἢς, οὐχ ἡγοῦμαι means 'I think 
not,' and the ἄν follows the oὐ by the usual attraction, 
though its force is exerted on εξελέγχαη.——ὅσα πράξειν, quae 
ipsi inter se fecissent.
πρὸς αὐτοὺς αὐτοὶ πράξειαν. καὶ ὁ Δάμπης, ὡς μὲν εἶπε πρὸς ἐμὲ πρὶν ὑπὸ τοῦτον διαφθαρῆται, οὐκ ἐντὸς ὃν αὐτοῦ φησίν εἰπεῖν ἐπειδὴ δὲ τὸ χρυσὸν τούμον ἐμερίσατο, τότε ἐντὸς εἶναι φησίν αὐτοῦ καὶ πάντ' ἀκριβῶς μνημονεύειν.

Εἰ μὲν οὖν, ὃ ἄνδρες δικασταί, ἐμοῦ μόνου κατε-36 φρόνει Δάμπης, οὐδὲν ἄν ἦν θαυμαστὸν νῦν δὲ πολλῷ δεινότερα τοῦτον πέπρακται αὐτῷ πρὸς πάντας ὑμᾶς. κήρυγμα γὰρ ποιησαμένου Παιρισάδου ἐν Βοστόρῳ, ἐάν τις βούληται Αθῆναζε εἰς τὸ Ἀττικῶν ἐμπόριον συτηγεῖ, ἀτελῆ τὸν σιτῶν ἐξάγειν, ἐπιθημῶν ἐν τῷ

οὐκ ἐντὸς ὃν[ See § 20 and ἱπτοθ. 1. 28 n. ἐμερίσατο] See § 18.—μνημονεύειν, like the convenient memory of Strepisades in Δρ. Νυβ. 485, εἰν δ' ὀφελῶ, σχέτλιος, ἐπιθήμων πάνω.

§ 36. The conduct of Phormio has been such that the public have been wronged as well as myself. He has fraudulently availed himself of the remission of the corn-duty to convey corn from the Pontus to Macedonia.

πέπρακται αὐτῷ πρὸς πάντας[ The usual construction with this passive perfect (or aorist). It is a very common use with Demosthenes.

κήρυγμα γὰρ—ἐξάγειν] In the speech against the law of Leptines for abolishing ἀτέλεια, or exemption from taxes and burdensome duties in reward for important services to the state, Demosthenes dwells at length on the benefits conferred on Athens by Leucon king of Bosporus, who had himself received this ἀτέλεια with the citizenship, and had signal assisted the Athenian
And so he loaded a large ship with corn, but took it to Acanthus (in Chalcidice) and there disposed of it, having entered into a partnership with Phormio, and that though the money they traded with was mine.' He regards it as an aggravation of the offence, that the money of an Athenian citizen was used for a contraband transaction.—See Boeckh, P. Econ. p. 85 (ed. 2 of trans. by G. C. Lewis [=p. 118 of Lamb's trans. of ed. 2].

έλαβε] This verb is adapted to τὴν ἀτέλειαν rather than to τὴν ἔξαγωγὴν. In Lept. p. 466 § 81 the orator remarks that Athens depended more than any other state on its importation of corn, πλείστῳ τῶν πάνων ἀνθρώποις ἡμεῖς ἐπισκάτω στὴν χρώμεθα.

§ 37. Further aggravations of the offence. He, Lampis, was an Athenian citizen, and the time was one of special scarcity, so that every cargo that could be had, was wanted at Athens.

οὕς, κ.τ.λ.] The definition of an ἄρτος seems to be the having an ὀλίκος (i.e. not merely an ὀλίκη, but a family) resident in Attica. Perhaps, however, the mere residence was pressed by the law, οἷς Ἀθηναῖοι, since of course a citizen did not cease to be so by residing elsewhere for a time.


diemétpoivto] 'Were having measured out to them their barley-meal in the Odeum, while those in the Peiraicus (a δῆμος, contrasted with τὸ ἄρτο) were getting their loaves by penny-worths at a time in the arsenal and at the long warehouse, and having their barley-meal doled out to them at a gallon a-piece, and nearly trampled to death in the crush.' A curious picture of corn at famine price. [Arnold Schaefer places this time of high prices in the period between 380 and 326 B.C. when Demosthenes was στρώνυς. Dem. u. s. Zeit iii p. 268—271, iii 2, p. 300, 339. Cf. Blass, Att. Ber., iii 516. S.]
PERI DANEIOT.

τρούντο τὰ ἀλφίτα ἐν τῷ φθείῳ, οἱ δ' ἐν τῷ Πειραιᾷ ἐν τῷ περιφήμῳ ἐλάμβανον κατ' ὀβολον τοὺς ἄρτους καὶ ἐπὶ τῆς μακρᾶς στοὰς, τὰ ἀλφίτα" καθ' ἡμέραν μετροῦμενοι καὶ καταπατοῦμενοι. καὶ ὅτι ἀληθὴ λέγω, λαβέ μοι τὴν τε μαρτυρίαν καὶ τὸν νόμον.

ΜΑΡΤΥΡΙΑ. ΝΟΜΟΣ.

Φορμίων τούντω τούτῳ χρόμενος κοινωνίᾳ καὶ ἑκατόρες ἀποστερήσασαι τὰ χρώμαθ᾽ ἡμᾶς, οἱ γε συνηγούντες διατετελέσκαμεν εἰς τὸ ὑμετέρον ἐμπόριον, καὶ τριῶν ἡδὴ καιρῶν κατειληφότοι τὴν πόλιν ἐν οἷς χρείας τοῦς χρησίμους τῷ δήμῳ ἔξητάζετε,

* dielámbovan Z cum Σ. elámbovan Bekker. * stoás tā ἀλφίτα, Z.

ἔν τῷ φθείῳ The Odeum [of Pericles] was a music school or minor theatre, lying just to the east of the great theatre under the Acropolis, and sometimes (Ar. Vesp. 1109) used as a law court, and the present passage shows that it was made generally useful. [Or. 59 § 52 λαχῶνος δικήν σίτου εἰς φθείου and Pollux v. 33. Cf. Bekker's Anecd. 317 φθείων θεάτρων ἄθυρων, δ' πεποίθηκε Περικλῆς εἰς τὸ ἐπίδεικνυται τοὺς μονοκικοῦν· ἐν ὧ καὶ δικαστηρίων ἡς σίτου καὶ ἀλφίτα διεμετρεῖτο εκεῖ. Σ.]

The μακρὰ στοὰ seems to have been a cornstore. It is mentioned in Ar. Ach. 548, as in a state of activity during preparation for war, στοὰς σεναχομενὰς, σίτων μετροῦμενοι. [Schol. τῆς λεγομένης ἀλφιτουπώλιδος ἣν ψυκοδόμησε Περικλῆς δικοῦ καὶ σίτως ἐπίκεντο τῆς πόλεως. ἦν δὲ περὶ τῶν Πειραιῶν. Leake (Athens, I p. 382) appears to distinguish between the μακρὰ στοὰ of the Peiraen and the στ. ἀλφιτουπώλις or meal-bazaar. See Thuc. v. 80 § 6, and cf. Pausan. I 1 § 3 (of the Peiraeus) ἄρτος δὲ τῆς στοάς τῆς μακρᾶς ἐνθα καθέστηκεν ἄγορα τοῖς ἐπὶ θαλάσσης. It is clear that it was not, as Mr Penrose thought, in the city, apparently confusing it with the μακρὰ στοὰ in the quarter called Melite (Scholiast on Ar. Aris. 998). There were many στοὰs, like the porticos at Rome. See Boeckh, P. E. p. 88, = pp. 88, 121 trans. Lamb. S.]

καθ' ἡμέραν] a medimnus held 49 chœnices, so that 8 chœnices were a sixth, and 4 chœnices a half-sixth. Hence the joke in Ar. Nub. 645, περὶ δοῦ νῦν ἐμοὶ, εἰ μὴ τετράμετρον ἐστιν ἡμετέρων.

§§ 38, 9. Phormio, in collusion with this fellow, thinks to rob us, who on the contrary have not ceased to import corn into your mart during all these hard times.

of γε] The same nearly as olsus, ‘yes, we, who have,’ &c. ἔξηταζεν ‘Put to the test,’ as in the common phrase ἔξεταζον φίλος.
οὐδενὸς τούτων ἀπολελείμμεθα, ἀλλ’ ὅτε μὲν εἰς Ὁδάβας Ἀλέξανδρος παρῆει, ἐπεδώκαμεν ὑμῖν τάλαν-39 τὸν ἀργυρίον, ὅτε δ’ ὦ σίτος ἐπετιμήθη πρὸτερον καὶ ἐγένετο ἐκκαίδεκα δραχμῶν, εἰσαγαγόντες πλεῖον ἢ μυρίους μεδίμνους πυρῶν διεμετρήσαμεν ὑμῖν τῆς

ἀπολελείμμεθα] 'We have been defaulters in none of these.'

'Ἀλέξανδρος παρῆει] On the murder of his father Philip, Alexander ascended the throne at the early age of 20, and one of his first expeditions was against Thebes, which had taken an active part against him, but submitted on his approach. The meaning of the phrase probably is 'entered Thebes.' It is hard to see how it means 'advanced against,' which is the ordinary rendering. Mr Mayor (p. 243) gives the literal sense 'was marching along to Thebes,' and Shilleto renders οὐκ ἔστη παρελθέν in De Fals. Leg. p. 367 fin., 'it is not in his power to accomplish the pass,' and just before παρῆλθεν, 'marched through,' 'marched up near the place.' It simply means, 'entered Phocis.'

Xen. Conviv. i § 7, οἷς δὲ καὶ λυσόνεναι παρῆλθον, i.e. came in, or came forward to join the rest in the house. Compare the use of παρελθέν, Or. 39 § 16, Thuc. i 63, and so we have ἔσω πάρειμι in Eur. Hel. 451.—The date of this event, B.C. 335, is three years before this speech, which is one of the later ones. [The allusion to the period of scarcity (B.C. 330—326) in § 37 makes it probable that the speech was not delivered until B.C. 329 or even later. I. Hermann, Einleit. Bemerk. zu Dem. paragr. Reden.

S.] ἐπετιμήθη] The étidosis was a free gift or 'benevolence' made by a rich citizen through φιλοτιμία, or public spirit, at any time of urgent need. We can hardly say how far these presents were really voluntary. Considering the burden of the λειτουργία, we may wonder at so disinterested a patriotism if there were no ulterior motives.

[Boeckh, P. E. iv xvii p. 758 Lamb. Theophr. Char. 6 (23) ἐν τῇ σιτοδείᾳ...οἷς πλέων ἡ πεντά τάλαντα γένοιτο αὐτῷ τὰ ἀναλώματα διδόντι τοῖς ἀνδρίσ τῶν πολιτῶν, where the very same period of famine is probably alluded to. A. Schaefer, Dem. u. s. Zeit iii 269 n. S.]

39. ἐπετιμήθη] 'When the price of corn was raised, and got up to 16 drachms (about 13 shillings) the medimnus.' As this was about one bushel and a half, the price does not seem so extravagantly high, unless indeed we take into account the very different value of money. Cf. Or. 50 § 6 (πρὸς Πολυκλ.), ὄρωντες ἐν τῷ Πεκραῖς τῶν σιτῶν ἐπιτιμώμενον.

διεμετρήσαμεν] 'We measured it out to you at the average, or usual market-price.' This, Mr Penrose remarks, is at the rate of about a guinea a quarter, (less than half our average current prices. Notice the active as distinct from the middle διαμετρήσαμεν.)
καθεστηκας τιμης, πεντε δραχμων του μεδιμνο
και ταυτα παντες ίστε έν το πομπελιο διαμετρομενο
πέρυσι δ εις την συνωλαν την υπερ του δημου τα-
λαντον υμιν επεδωκαμεν εγα τε και ο αδελφος. και
μοι αναγνωθι τοιτων τας μαρτυριας.

ΜΑΡΤΥΡΙΑΙ.

919 Ἀλλα μην ει γε δει και τοιτων τεκμαιρεσθαι, ουν 40
εικος ην επιδιδοναι μεν ημας τοσατα χρηματα, ινα
παρ υμιν ευδοξομεν, συκοφαντειν δε Φορμιωνα, ινα
και την υπαρχοναν επιεικειαν αποβαλομεν.

Δικαιως δεν ουν βοηθησαιτε ημιν, ο άνδρες δι-
κασαι: επεδειξα γαρ υμιν ουτ εξ αρχης τα φορτια
ενθεμενον τοιτον εις την ιαυν άπαντων δων ἐδα-

πομπελιον] The hall [near the Dipylon] in which the sacred
vessels, dresses, &c. were kept for the use of the Panathenaic
procession. [Leake, Athens, I p. 108 n., Boeckh, Public Eco-
nomy, I 121 trans. Lamb, Wordsworth’s Athens and Attica
xxi p. 145 ed. 1855. S.] In
Androt. p. 615 § 61, the vessels and
furniture themselves are called τα πομπελια.—τοτε, ‘you
remember.’

περυσι] probably 327 B.C.
The evidence of inscriptions
connected with the Athenian
navy proves that these contribu-
tions for the purchase of
corn were made shortly before
326 (Saurkunden xiii 1 ff. re-
ferred to by Blass, Att. Ber.
iii 516). S.]

συνωλον] The purchase of
corn undertaken by the state in
behalf of the people.

αδελφος] Probably to be iden-
tified with the partner of Chry-
sippus. Blass, Att. Ber. iii
517. S.]

§ 40. ‘If our characters may
be tested by such proofs, we
were not likely to spend so much
money for the sake of gaining
credit, and then to bring an un-
just action against Phormio for
the mere purpose of losing that
credit.’ Again we have the
favourite rhetorical argument
from the εικατα of the case. See
Plat. Phaedr. p. 266 fin., and
278 b.

ἐπιεικειαν] Our character for
respectability. The και here
means, ‘(not only not gain,
but) lose even what we had.’

ἀπαντων δων εδαπελοςον] He
put on board only the goods
sufficient to cover the actual
value of the εικαταμενον, § 7.
The simple genitive is used in
nearly all cases where equiva-
lence of value is expressed.
Thus των εν Βοστρῳ πραθεντων
apparently means that Phormio
settled part of the claims with,
or by the money obtained for,
the goods sold. It might how-
ever be the genitive absolute, and
neisato 'Αθήνας, toû t' en Bospórfro prathēnton
tous tà éteróploa daveisanto mólía dialýsanta,
41 éti ëv' oút' eînporoina óuth' oútws ëv' aîelteion
ôst' anáti diaschilían kai êxakosión drakhmón tria-
kouta mánas kai ènneá aîpodounai, prós te toutous,
ôte aîpodounai fhsi to 'chrusión tòi Lámpidi, ou'te
tòn paída paralabónnta tôn êmón ou'te tôn ko-
nwou épidipouonta en Bospórfo. ëmoi ëv' Lámpis
autós martrurón fainetai òs ouk àpeliplhe to 'chrý-
42 sión, prín ýpò touton diapharrhíai. kaltoi ei kath'
èn ekastou ou'tos èdeîkynne Fórmwos, ouk òl' òpws
án állwos ámeion àpeloghíhato. ùpér ëv' tout tìn
díkhn eîsagwóghimôn eînai ó nómos autós diamartûrêtaí,

shortly put for tòn t' ës Bos-
pòron komosènton en B. pra-
thénont.]

Or. 87 § 12; 36 § 50; 80 § 8.
§ 41. 'Moreover, Phormio was
not well off at the time, and not
so foolish as to pay 3900 drachms
(39 minae) instead of 2600; and
if he had, he certainly would
have taken my slave and partner
as a witness.' For the sums
here mentioned see § 25. The
20 drachms in addition are here
omitted.

tòn paída tôn émów] In § 8,
it is Chrysippus who speaks of
tòn émow kai koínav tòn.
If the other partner is now
speaking, they must be supposed
to proceed on the maxim kóuv
tà tôn filwón. In § 28 we have
tòn paída tôn hêmeteron.

For wvò touton, k.t.l.] This
is to be construed with martrurów
fainetai. See § 18.

42. kaltoi, k.t.l.] I have prov-
ed (πέδειξα, § 40) every point
thus clearly; (therefore Phormio
is guilty) and yet, if he had tried
to make his case out equally
plainly, it would have been the
best possible defence to the
charge,' i.e. if the case had
come on in the usual way, and
he had not moved for a rule to
set it aside. In fact, the defence
would have been sufficient to
secure an acquittal, and he need
not have pleased a bar to the
suit at all. Cf. § 4, ól nómos—
àpolologeînai kælêouson evthi-
klavn elísonta, ou kathgoriæw
tóy diókounos, i.e. ou para-
graphenêtan. The prosecutor's
object, as the
next sentence shows, is to ob-
ject to the para graphe, and to
show that the suit can be and
ought to be brought on. He
seems to say that Phormio need
not have moved for the rule,
nor objected to the trial, if his
case for the defence had been
equally good.

ó nómos autós] The law itself
is explicit, and no judge need
give an opinion. [diamartûretai,
lit. 'protests solemnly' (cf. ob-
testari),—here, by a rare meta-
phor, applied to 'the law.' S.]
κελεύων τάς δίκας εἶναι τὰς ἐμπορικὰς τῶν συμβολαίων
tῶν Ἀθηνῶν καὶ εἰς τὸ Ἀθηναίων ἐμπόριον, καὶ οὐ
μόνον τῶν Ἀθηνῶν, ἀλλὰ καὶ ὅσ' ἂν γένηται ἑνεκα
tοῦ πλοῦ τοῦ Ἀθηναίε. λαβὲ δὴ μοι τοὺς νόμους.

NOMOI.

'Ὡς μὲν τοῖς γέγονε μοι τὸ συμβολαίον πρὸς 43
Φορμίλιον Ἀθηναίων, οὐδ' αὐτοί ἔξαρνο εἰςι, παρα-
γάρανται δὲ ὡς σὺκ εἰςαγώγιον τὴν δίκην ὁβ'καν.
920 ἀλλ' εἰς ποῖον δικαστῆριν εἰσέλθομεν, οἳ ἄνδρες
dικασται, εἰ μὴ πρὸς ύμᾶς, οὔτε πο τὸ συμβολαίον
ἐποιησάμεθα; δεινὸν γὰρ ἂν εἰ, εἰ μὲν ἑνεκα τοῦ

Possibly we should read κελεύων Ἀθηναίων τὰς δίκας εἶναι κ.τ.λ.
The Ionic dative in ἀνθικ is a remnant, perhaps, of an old
Solonian law. If the text is right, it seems that we must
supply εἰςαγώγιον. 'The law
says that mercantile actions
about contracts made at Athens,
or indeed anywhere else, if for
the Athenian trade, shall be ad-
missible.' Therefore, this suit
is admissible, and it is no case
for a παραγραφή. Or thus, per-
haps: 'that the mercantile
actions are those for contracts
made,' &c. This would give
a precise definition of ἐμπορικαί
dίκαι, in harmony with § 48.

§§ 43—5. The point and gist of
Phormio's παραγραφή is not that
he has acted rightly, but that the
action cannot be tried here. Why,
where can it be tried, if not here?
Besides, by accepting the arbi-
tration before Theodotus, they
virtually admitted it could be
tried. And if they say it can't,
when the arbitrator expressly
sent it to this court, what would
they have said if he had dis-
missed the case altogether?

παραγραφάνον τὴν δίκην] The
original meaning seems to have
been, 'they have a note made
on the side (or back) of the suit,
not admissible.' Otherwise, ὡς
οὐκ ὁβ'καν must be taken for an
accusative absolute.

δεινὸν γὰρ, κ.τ.λ.] For it would
be hard indeed, supposing I had
been wronged in some matter
relating to the voyage to Athens,
that I should be able to get
satisfaction from Phormio in
your court; while, now the a-
greement between us has actu-
ally been made in your mart,
these men should say that they
will not be tried before you.'
He thus refers to the two pre-
ceding clauses of the law τῶν
Ἀθηναίων καὶ τῶν Ἀθηναίων
ἐμπόριοι. The context seems
to show, that either of these
two conditions justifies a δίκη
ἐμπορικῆ being brought. He
puts the case thus: a bargain
made in Athens is more under
the direct cognisance and pro-
tection of the jury than one
for Athens, i.e. for trading to
it.
πλου του Ἀθηναζης ἡδικοῦμην, εἰναι μοι παρ’ ἕμιν τὸ δίκαιον λαβεῖν παρὰ Φορμίωνος, ἔπειδὴ δὲ τὸ συμβόλαιον ἐν τῷ ύμετέρῳ ἐμπορίῳ γέγονε, μὴ δέ τοι τὸν τούτους ύφέξειν τὴν δίκην. καὶ ὅτε μὲν Θεοδότῳ τὴν δίαιταν ἐπετρέψαμεν, ὁμολογήσαν εἶναι καθ’ αὐτῶν ἔμοι τὴν δίκην εἰσαγωγίμονι υἱὐν δὲ τούναντίου λέγουσιν δὲν πρῶτον αὐτὸς συγκεκρήκασιν, ὃς δέον παρὰ μὲν τῷ Θεοδότῳ τῷ ἱσοτελεῖ ὑποσχεῖν αὐτοὺς δίκην ἀνεῖ παραγραφῆς, ἔπειδὴ δὲ εἰς τὸ Ἀθηναῖον δικαστήριον εἰσερχόμεθα, μηκέτι 45 εἰσαγωγίμον τὴν δίκην εἶναι. ἐνθυμοῦμαι δ’ ἔγωγε τι ἄν ποτε εἰς τὴν παραγραφὴν ἔγραψεν, εἰ δ’ Θεοδότος ἀπέγνω τῆς δίκης, ὅπου νῦν γυνότος τοῦ Θεοδότου ἀπείναι ἡμᾶς εἰς τὸ δικαστήριον οὗ φησι τὴν δίκην εἶναι εἰσαγωγίμον παρ’ ἕμιν, πρὸς οὓς ἐκεῖνος ἔγνω ἀπείναι. πάθοιμι μεντὰν τὰ δεινότατα, εἰ οἱ μὲν νόμοι τῶν Ἀθηνασι συμβολαίων κελεύουσι τὰς δίκας εἶναι πρὸς τοὺς θεσμοθέτας, ὡμὲν δ’ ἀπογνώστη τῆς δίκης ὑμωμοκότες κατὰ τοὺς νόμους ἴσης κείμεθα.

* om. Z.

44. ὡς δὲν] 'As if, forsooth, it was quite right that they should be tried before an obscure half- alien umpire, without pleading a bar to the suit, and then, when we rely on the justice and dignity of an Athenian jury, they should refuse to appear.' It is evident that there is some irony in ὁ Θεοδότος ὁ ἱσοτελὴς, conveyed by the double article.

45. ἐνθυμοῦμαι, κ.τ.λ.] 'For my part, I am trying to conceive what in the world he would have written in the demurrer, if Theodotus had acquitted him, and decided against me, when now, after that Theodotus has expressly sent us (decided that we should go) into your court, he says the trial cannot be held before you, to whom that official told us to go.' The sense is, as Mr Penrose gives it, 'if his pretexts are so insolent and imperious now, what would they have been then?' For ἀπέγνω see § 21.

ἀπογνώστη i.e. were to acquit him by allowing the validity of the paragraφή.

§ 46. There is the fullest proof of the borrowing, while of the payment there is only the evidence of an interested witness. Lambris has contradicted himself; but of his two statements the former, and the true one,
Τοὺ μὲν οὖν δανεῖσαι ἡμᾶς τὰ χρήματα αἱ τε συν- 46 θήκαι καὶ αὐτὸς οὕτως ἔστι μάρτυς· τοῦ δ᾿ ἀποδεδω- κέναι οὐδεὶς ἐστι μάρτυς ἔξω τοῦ Δάμπιδος τοῦ συναδικοῦ ντως. καὶ οὕτως μὲν εἰς ἐκεῖνον μόνον ἀνα- φέρει τὴν ἀπόδοσιν, ἐγὼ δ᾿ εἰς τὸν Δάμπιν αὐτὸν καὶ τοὺς ἀκούσαντας αὐτοῦ ὑπί οὐκ ἔφη ἀπειληφέναι τὸ χρυσὸν. τοῦτῳ μὲν οὖν τοὺς ἔμοις μᾶρτυρας ἔξεστι κρίνειν, εἰ μὴ φησὶ τάληθη μαρτυρεῖν αὐτοῦς. ἐγὼ δ᾿ οὐκ ἔχω τί χρησιμοί τοῖς τοῦτον μάρτυσιν, οἳ 921 φασίν εἰδέναι τὸν Δάμπιν μαρτυροῦντα ἀπειληφέναι τὸ χρυσὸν. ἐι μὲν γὰρ ἡ μαρτυρία ἡ τοῦ Δάμπιδος κατεβάλλετο ἐνταῦθ’, ἵσως ἄν ἔφασαν οὗτοι δίκαιον

viz. that he was not paid, is confirmed by witnesses who heard it. And whereas the witnesses for me may be prosecuted for perjury if they say what is false, one cannot so deal with a mere witness of a witness, especially when his written evidence is not put in. Therefore the witnesses on my side are more trustworthy. συναδικοῦντος] See § 28.

οὕτως μὲν] i.e. Phormio rests the proof of the repayment on the sole unsupported testimony of Lampis.

δὴ] i.e. λέγοντος δτι κ.τ.λ.

κρίνειυ] This is the criterion or test of the honesty of my witnesses, viz. that Lampis is an interested witness, while mine are not.

τί χρῆσωμαι] ‘How to deal with.’ This kind of evidence, he says, is an intangible thing; there is nothing we can produce as a ground of prosecution, οὖδὲν βέβαιον ἐνχύρων. My witnesses say that Lampis declared he had not, his witnesses say they know that Lampis acknowledged that he had received the money from Phormio.’

κατεβάλλετο] viz. εἰς τὸν ἔχων. ‘If Lampis’ own evidence had been put into court in writing, they might have asked, Why don’t you prosecute him, if you believe what he now says is true?’

ἐπισκήπτεσθαι] ‘bring to trial for false witness.’ The technical term for this particular prosecution is given just below. It is so used in Plut. Theaet. p. 146 c, but in the active, τάρτω σ γὰρ οὐδεὶς ἐπισκηπτεῖ αὐτῷ, where Stallbaum compares ἐπισκήπτεσθαι so used by Aeschines, adv. Timarch. p. 142. The middle occurs in Or. 48 § 45, ἐπεὶ εἰ μὴ ἐστὶ ταῦτ’ ἀληθῆ εἰ λέγω, διὰ τὸ οὐκ ἐπισκηπτήμην ἔγω τότε τοῖς μάρτυσι τοῖς ταῦτα μαρτυροῦντας; [Lysias, Or. 23 § 14, ἐπισκηπταμενὸς δὲ τῷ μάρτυρι οὐκ ἐπισκήπθην. Aristot. Pol. π. 12 § 11, Χαρώνδου δ’ ἰδον μὲν οὐδὲν ἐστὶ πλὴρον διὰ τῶν ψευδο- μαρτυριῶν, πρῶτος γὰρ ἐπισκη- σε τὴν ἐπισκήψιν. Bentely’s Phalaris, i p. 408, 9, ed. Dyce. 8.]
εἶναι ἔπισκυπτεσθαί μ’ ἐκεῖνῳ νῦν δ’ οὕτε τὴν μαρτυρίαν ταύτην ἔχω, οὕτως τε οἶται δεῖν ἀθέως εἶναι οὐδὲν βέβαιον ἐνέχυρον καταλιπών ὃν πείθει 47 ὡμᾶς ψηφίζεσθαί. πῶς δ’ οὐκ ἂν εἴη ἀτοπον, εἰ αὐτοῦ Φορμίωνος ὁμολογοῦντος δανείσασθαι, φάσκοντος δ’ ἀποδεδωκέναι, τὸ μὲν ὁμολογοῦμενον ὑπ’ αὐτοῦ τούτου ἄκυρον ποιήσετε, τὸ δ’ ἀμφίσβητομενον κύριον ψηφιεῖσθε· καὶ ὁ μὲν Δάμπις, δ’ οὕτως σχηματεται μάρτυρις, ἔξαρνος γενόμενος τὸ ἐξ ἀρχῆς ὡς οὐκ ἀπείληψε τὸ χρυσόν, νῦν τὰ ἐναντία μαρτυρεῖ, ύμεῖς δὲ γνώτες ὡς οὐκ ἀπείληψ’ ἐκεῖνος, οὐκ ἔστε γε ἔπος μαρτυρεῖ (omissis infra νῦν—μαρτυρεῖ) Z et Bekker st. cum F et G. σκ. μάρτυρι Bekker 1824.

οὕτως] Phormio thinks to get off free because Lampis cannot be reached; whereas, if Lampis could be prosecuted for false witness, Phormio might also have been prosecuted for collusion (κακοσχέδιων), and because the false evidence was given in his favour. Kennedy translates, ‘the defendant thinks fit to secure his own impunity, by leaving no pledge for the verdict which he urges you to pronounce.’

§ 47. Phormio admits that he borrowed but (falsely) says that he paid. It would be strange if, by a verdict in his favour (viz. that he is not bound to pay, and that he cannot be sued for payment), you were to stultify his assertion that he borrowed, and accept as true the very point which we dispute, viz. his having paid Lampis. ‘Would it not be absurd—that you should make a nullity of what he himself confesses, and give effect to what he disputes?’ Kennedy.
μάρτυρες τοῦ πράγματος· καὶ θαύμα μὲν εἶπε μετὰ τῆς ἀληθείας, μὴ χρῆσθε τεκμηριώ. ἀ δὲ ἐφεύσατο τὸ ὑστερον, ἐπειδὴ διεσάργυρ, πιστότερα ταῦθ ὑπολαβοῦτε εἶναι; καὶ μὴν, ὡς ἀνδρες Ἀθηναῖοι, πολὺ δικαιότερον ἐστὶ τοῖς ἐξ ἀρχῆς ῥηθεὶσι τεκμαίρεσθαι μᾶλλον ἢ τοῖς ὑστερον τεκταυνομένοις. τὰ μὲν γὰρ οὐκ ἐκ

Lampis should come forward to give evidence of that which he formerly denied, and you should refuse to give the evidence of your verdict though fully convinced of the fact; that you should not listen to Lampis when he speaks the truth, but place implicit confidence in the story which he was bribed to tell."

Kennedy: 'And when Lampis, on whose testimony the defendant relies, after originally denying that he had received the money, now gives evidence to the contrary; that you, who know that he has never received payment, should not be witnesses to the fact.' The meaning seems to be, 'as we have not got Lampis' evidence that he was paid by Phormio (§ 46), your verdict in our favour will be equivalent to evidence that he was not.' The Zürich edition gives μαρτυρεῖ for μάρτυρες, and this is a good reading, if we take ἐξαρνο—ἀρχῆς as a separate clause, 'after denying at first,' and either insert δὲ after the following νῦν, or omit νῦν—μαρτυρεῖ.

48. καὶ δὸσα] The sentence is still continued from πῶς οὐκ ἄτονον ἄν εἰτε εἶ, κ.τ.λ. Hence the optative ὑπολάβετε. Mr Penrose is wrong in saying 'it can hardly be tolerated.' The present μὴ χρῆσθε refers to the fact, and is usual in bi-membered sentences of this kind.

Generally however (as in οὐκ ἐστὶ μαρτυρεῖ just above), οὐ and not μὴ is used with the primary clause, as Shilleto has shown at length in a good note on Thuc. i 121 § 7. Compare Or. 38 § 18 (p. 988), ἡ δεινὸν γ' ἀν εἶν, εἰ τῶν μὲν εἰ ἀρχῆς ἄδικημας οὐ διδώσων εἶναι πέντε ἑτῶν τὰς δίκιας τοῖς ὥρθροις οὐ νόμοι—πρῶς δὲ τοις εξ ἄκειναιν ἡμᾶς—ἐκκοστῷ νῦν ἐπὶ δίκην τελεσάνθων ὑμεῖς. Lysias, Or. 30, κατὰ Νικομ. § 32, δεινὸν δὲ μοι δοκεῖ εἶναι, εἰ τοῦτο μὲν ἔνος δυντὸς—οὐκ ἐπεκελεύεσθαι δεῖσθαι, ἡμᾶς δὲ—网约νσοὺν πεῖθεν ὡς, κ.τ.λ. Id. Or. 31, κατὰ Φιλωνος, § 31, σχέτων δ' ἀν εἶν, εἰ οὕτως μὲν ἀπαντᾷ τοῖς πολλασ περὶ ὁδένου ἡγήσατο, ὑμεῖς δὲ τοῦτον ἐνακτήματα μὴ ἀποδοκιμάσατε. Or. 54, κατὰ Κον. § 29, εἰ δ' ἀρ' ἡμᾶρσα ταῦτα καὶ—οὐ παρακενάσατο ὑπὲρ τηλικοῦτοι κινδύνου, κ.τ.λ. The question of οὐ οὐ μὴ turns, of course, on the clause being regarded as stating a fact or a mere supposition or possibility. Thus here ἄτονον εἰ ὑμεῖς ὑμεῖς ἐστί μένες, 'it is strange that you refuse to be witnesses to the non-payment.'

τεκταυνομένους] Patched up, fabricated, put together. Ar. Equit. 462, ταυτὶ μὰ τὴν Δημητρά μ' οὐκ ἐλάβανεν τεκταυνώμενα τὰ πράγματ'.

ἐκ παρασκευῆς] As the result of a plot.
παρασκευής, ἀλλ' ἐκ τῆς ἀληθείας ἔλεγε, τὰ δ' ὕστερον 49 ψευδόμενος καὶ πρὸς τὸ συμφέρον αὐτῷ. ἀναμνήσθητε δ', ὦ ἄνδρες Ἀθηναῖοι, ὅτι οὐδ' αὐτὸς ὁ Λάμπτις ἔσαρνος ἐγένετο ὃς οὐκ εἶχε εἰρήκως ὅτι οὐκ ἀπελήφη τὸ χρυσόν, ἀλλ' εἰπεῖν μὲν ὁμολογεῖ, οὐ μέντοι γ' ἐντὸς ὁν' αὐτοῦ εἰπεῖν. οὐκ οὖν ἀποτιτο, εἰ τῆς ἑκείνου μαρτυρίας τὸ μὲν πρὸς τού ἀποστεροῦντος πιστῶ ἀκούσασε, τὸ δ' ὑπὲρ τῶν ἀποστερομένων ἀπιστου ἔσται παρ' 922 50 ύμῖν; μηδαμῶς, ὦ ἄνδρες δικασταί. ὑμεῖς γὰρ ἔστε ὃι αὐτοὶ οἱ τὸν ἐπιδεδεινειμένον ἐκ τοῦ ἐμπορίου πολλὰ χρῆματα καὶ τοῖς δανεισταῖς οὐ παρασχόντα τὰς ὑποθήκας θανάτῳ ζημιώσαντες εἰσαγγελθέντα ἐν τῷ δήμῳ, καὶ ταύτα πολλήν ὑμέτερον ὄντα καὶ πατρὸς

πρὸς τὸ συμφέρον αὐτῷ] Supply βλέπων ἔλεγε.

49. εἰπεὶ εἰρήκως] Shilleto on De Fals. Leg., Append. A, observes that the orators 'generally if not always express the perfect subjunctive and optative by the auxiliary verb and the participle.' Examples however of -ήκη and -ήκοι are not wanting in the best Attic writers.

τὸ μὲν πρὸς τοῦ, κ.τ.λ.] If you accept the part of Lam- pis' evidence that makes for the defrauding party, viz. the assertion that he was paid. See sup. § 47.—τὸ ὑπὲρ τῶν, κ.τ.λ., 'that part of the evidence of Lampis which tells in favour of the injured party,' viz. his first statement that he had not been paid. (J. B. Mayor.)

μηδαμῶς] so. πιστῶ ἀκούσατε τὰ τοιαῦτα.

§ 50. You dicaists once sentenced to death a person impeach- ed by εἰσαγγελλα. The commonly accepted meaning of this term is, 'an impeachment before the senate or the people for all ex- traordinary crimes committed against the state, and for which there was no special law pro- vided.' In an excellent and exhaustive article on εἰσαγγελλα in the Journal of Philology, Vol. iv p. 74—112, by Dr Herman Hager (referred to also by Mr Wayte, in a good note on Timoc. § 68), an opinion is ex- pressed (p. 94), which might have been fully proved by citing this passage, that 'an eisangelia was also applicable to offences committed against the commercial laws.' The condemnation here mentioned is one of the many proofs how little human life was valued by the Athenians when balanced against the letter of the law. There are many startling in- stances of this in the oration against Midias. See, for in- stance, § 182.

τῶν ἐπιδεδεινειμένων] In the medial sense. See sup. § 6.— οὗ παρασχόντα, § 7.

πατρός ἐστρατηγικότος] The Athenians had an extraordinary
regard for a στρατηγός, and his character was regarded almost as 'sacrosanct.' Hence the crime of Clytemnestra is exaggerated in Aesch. Ag. 1605, ἀνδρὶ στρατηγῷ τοῦ δ’ ἔβουλευσα μέρον, compared with Eum. 484, 595, Soph. El. 1, ὁ τοῦ στρατηγόςαντος ἐν Τρολε ποτὲ 'Αγαμέμνωνοι παῖ. ibid. 694, τὸ τὸ κλεισὸν Ελλάδος 'Αγαμέμνωνος στρατευμα' ἀγείραντος ποτε. Timocr. p. 742 § 135, 'Αρχικὸν υἱὸς τοῦ —πολλά καὶ καλὰ πεπολυτευμένον καὶ στρατηγικότος πολλάκις.

51. τοῦ ἐντυγχάνοντος]'Those who have dealings with them.' Hence the later use, e.g. in Theophrastus, of ἐντεύξις for 'behaviour.'

ai ἐντυπολαί] The resources, the supplies of ready money, ai ἄφορμα. ἐντυπολείννευτεοπειν (Or. 37 § 49) are specially used in this sense. 'The accommodation required by traders comes not from those who borrow, but from those who lend; and no ship, no ship-owner, no passenger-merchant can go to sea if you judges (by your vote on this occasion) make null and void the part taken by those who make the advances. Well, gentlemen, in the laws there are many excellent principles laid down in their support, and it is for you to show that you aid the laws in correcting abuses, and not that you make concessions to the dishonest, in order that you may get as much benefit as possible from (lit. through, or along of) your market.'—ὑμᾶς, sc. οἱ δικαίωντες δίκαια ἐμπορικά. It is reasonable to suppose that such juries would be selected from men acquainted with business. See Or. 56 § 16.

52. προειμένους] 'Who lend on risk.'—θηρίων, a strong word, used in Or. 35 § 8, οὐδὲν ἔδει οἷος θηρίου ἐπιθησίᾳ. Or. 24, κατὰ Τιμοκρ. p. 745 § 143, οὐκ δὲν φθαύοι τὸ πλῆθος τοιοῦτος θηρίων δουλεύον, on which Mr Wayte observes, 'the word θηρίων is freely applied by the orators in invectives,'
Εγώ μὲν οὖν ὅσαπερ οἶός τ' ἦν εἰρήκα· καλῶ δὲ καὶ ἄλλον τινὰ τῶν φίλων, ἐὰν κελεύητε.

καὶ ἄλλον τινὰ] Demosthenes himself, perhaps. See Or. 56 fin., ἄξιω δὲ καὶ τῶν φίλων μοι τινὰ συνεπεῖν. δεῦρο, Δημόσθενες. It is clear that in such a case Demosthenes had written the speech to be delivered by another, and that he was not known at the time to have been the author of it.
The speech against Lacritus affords another example of παραγραφή or special plea in bar of a suit. Here too, as in the preceding speech, and indeed in that next following, the pleader for the demurrer speaks first, and Androcles, the real claimant, follows, his object being to show that this is no case for a παραγραφή.

The plaintiff had lent money on bottomry to Artemo, a merchant of Phaselis in Pamphylia. Lacritus, the defendant, also of Phaselis (§ 15), was Artemo's brother, and being present at the transaction, had verbally (it seems) engaged to be responsible for the repayment. Artemo having died without discharging his debt to Androcles, Lacritus is sued, both as the inheritor of his brother's property, and as having pledged himself to see that the loan should be repaid.

Lacritus was a Sophist, one of the pupils of Isocrates. The plaintiff taunts him (much in the tone and style in which Aristophanes taunts the professors of wisdom in the "Clouds," with perverting his knowledge of right and wrong to evade the just claim now made upon him. Indeed, the prosecutor seems to rely somewhat on the

P. S. D.
general unpopularity of Sophists for getting a verdict in his own favour (§ 41). The answer of Lacritus is, that Androcles cannot show any written proof or affidavit by which he has become legally liable for his brother's debt; and further, as he has given up the property, he is entitled to be discharged also from any debts upon it.

Two parties are concerned as principals on each side, viz.: Androcles of Athens and Nausicrates of Carystus (in Euboea) as lenders, and the brothers Artemo and Apollodorus ¹, of Phaselis, as borrowers ². The conditions were, that they (the brothers) should sail with goods to Pallene (in Macedonia), take in a specified number of jars of Thracian wine, thence sail to the Bosporus (Crimea), and after selling the wine, return to Athens with a counter-cargo and so discharge the debt on the double voyage (ἄμφοτεροπλούς). The usual conditions were inserted in the contract, that the money should be paid liable only to certain drawbacks in the event of storms, wreck or leakage, capture by pirates, &c. And the security offered was a cargo of wine to be taken in at Pallene, the lenders having the right to take possession, on the return to Athens, of the return-cargo, until the loan should be paid.

"It is stated by Androcles, the speaker, that this agreement was violated in several ways by the borrowers;

¹ [That Apollodorus (as well as Artemo) was a brother of Lacritus has been inferred from § 15, οἱ ἀδελφοὶ τῶν τούτων, cf. 42. But cf. 7, Ἀρτέμων τῷ τούτου ἀδελφῷ καὶ Ἀπολλωδώρῳ and §§ 3, 15, 36, where Artemo alone is described as brother of Lacritus. Artemo is dead (3); and L. is his sole heir. This would be impossible if Apollodorus also, who is apparently still alive, had been a brother of L. Blass, Att. Ber. iii 502. S.]
² Kennedy inclines to think that the action lay solely between Androcles and Lacritus, as the custom at Athens was to make contracts between parties both joint and several. See on § 34.
that they failed to ship the stipulated quantity of wine; that they took up a further loan upon the security given to himself and his partner; that they did not purchase a sufficient return-cargo; that, instead of entering into the regular port of Athens, they put into a creek used only by thieves or smugglers; and, when the creditors demanded their money, they and their brother Lacritus falsely represented that the vessel had been wrecked."

It does not seem clear that Lacritus was legally liable. All that he appears to have done was to have gone with his brothers, as a "referee" or guarantee for their respectability and solvency, to the money-lenders, and to have assured them that it was "all right." Demosthenes is somewhat abusive in speaking of Lacritus, and it has been thought he had a personal dislike of or feeling of jealousy against Isocrates, the teacher of Lacritus (see § 40). It is clear that the death of Artemo may have suggested to Androcles the attempt to make Lacritus personally liable, though at first he had trusted to Lacritus' character and credit, and influence with his brothers. His general abuse of the merchants of Phaselis (§ 1) implies vexation at a loss rather than conscious justice.

The special plea put in by Lacritus turned, as usual, on a denial that the action was maintainable. He simply denied all complicity, and pleaded that, having resigned his brother's property, he could not be saddled with his debts. And there seems no reason to doubt that this was a fair and just defence.

Mr Penrose says "This speech is of uncertain date;" and there appears to be no safe criterion for forming any conclusion in any part of the oration. [But it may be noted (1) that Isocrates, the teacher of Lacritus, is re-

1 C. R. Kennedy.
ferred to in terms implying that he is still actively engaged as a teacher of Rhetoric (§ 40), while Lacritus himself is already gathering pupils around him (§ 41). Hence the speech may belong to the later years of Isocrates, at any rate before his death in B.C. 338.—(2) We have an express allusion to the prompt settlement of commercial cases during the winter months, a reform probably due to the administration of Eubulus and fully established when the speech on Halonnesus (Or. 7) was delivered, B.C. 343—2. (See § 46 n.).—(3) The commercial relations of Athens, in particular the trade with the Euxine, with the islands of the Northern Aegean and the towns of Chalcidice, remain unbroken (§ 35, &c.). These considerations with others, stated in detail by Arnold Schaefer (Dem. und seine Zeit III 2, 290), point to the period preceding the outbreak of the last war with Philip, and make it probable that the speech may be approximately placed in the year B.C. 341. Blass, Att. Ber. III 503, prefers placing it in 351, the year after the peace between Athens and Chalcidice. S.]
ΠΡΟΣ ΤΗΝ ΛΑΚΡΙΤΟΥ ΠΑΡΑΓΡΑΦΗΝ.

ΥΠΟΘΕΣΙΣ.

'Ανδροκλῆς δανείσας χρήματα Ἀρτέμωνι Φασηλίτῃ τὸ γένος, ἐμπόρω, τελευτήσαντος ἐκεῖνον πρὶν ἀποδοῦναι τὸ ἀργύριον, εἰσπράττει τὸν ἀδελφὸν αὐτοῦ Λάκριτον 923 τὸν σοφιστήν, δύο προβαλλόμενος δίκαια, ὅτι τε πα- 5 ρόντος Λακρίτου καλὰναδεξαμένου τὸ ἀργύριον ἑδάνεισε τῷ Ἀρτέμωνι, καλ ὅτι κληρονόμος ἐστὶ τῶν Ἀρτέμωνος Λάκριτος. ὅ δὲ τῆς μὲν κληρονομίας ἀφίστασθαι φησὶ, παραγράφεται δὲ τὴν δίκην, λέγων μηδὲν ἑαυτῷ πρὸς Ἀνδροκλέα συμβόλαιον εἴναι μηδὲ συγγραφὴν μηδε- 10 μίαν. πάντως δὲ καὶ τὸ ἀναδεξάθαι ἔξαρνος γίνε- ται: οὐδὲ γὰρ ἀν τοῦτο ὡμολόγων ἡγισμόνει πρὸς τὴν ἐκτισίνων.

Οὐκ ὀρθῶς δὲ τινὲς ἐνόμισαν τὸν λόγον μὴ γυμνίσιον

3. Argument. εἰσπράττει, κ.τ.λ. ] 'Endeavours to make his bro- ther Lacritus pay, putting for- ward two pleas. (1) That he made the loan to Artemo in the presence of Lacritus and on his promise to be a guarantee. (2) That Lacritus has succeeded to his brother's property.'

8. παραγραφεῖται ] See on 84 § 43.

Ibid. μηδὲν συμβόλαιον ] 'No transaction (or obligation) be- tween himself and Androcles, nor any written bond.' See Or. 84 § 3, and Or. 41 § 5, ἐως μὲν ὁ Λεωκράτης ἢν κληρονόμος τῶν Πολυεύκτου, πρὸς ἐκεῖνον ἢν μοι τὸ συμβόλαιον.

10. τὸ ἀναδεξάθαι ] He denies altogether the having given security for his brother; for, he adds, if he allowed that, he would not have been churlish in regard to the payment in full.

18. οὐκ ὀρθῶς, κ.τ.λ. ] 'Some critics have wrongly thought this speech is not genuine, deceived by some obscure indications.
εἰναι, ἀμιδροῖς ἀπατηθέντες τεκμηρίους. τὸ μὲν γὰρ
15 τῆς φράσεως ἄνεμένον οὐκ ἀπρεπὲς ἱδιωτικὸς ἀγώνι,
τὸν δὲ Δία τὸν ἄνακτα κατὰ τὴν τοῦ προσώπου τοῦ
ὑποκείμενον συνήθειαν δῆλος ἑστὶν ὑμομακώς, πρὸς
δὲ τῇ παραγραφήν ἀσθενέστερον ἀπήντηκε διὰ τὸ
πράγμα τὸ πονηρόν.

For the laxity of the diction is not unsuited to private orations; and the oath by Zeus as the ‘King of the gods’ (see note on § 40) was evidently taken in accordance with the familiar use of the character in the speech.’ (Lit. it is clear that he has named,’ i.e. the author of the speech.)

[‘Libanius sets no high value on the above objections; but we cannot so lightly dismiss a suspicion that the style and expression do not bear the stamp of Demosthenes (e.g. οὐκ έτοι-χωρύχησαν οὔτως περὶ τὸ δά-νειον in § 9 and εὖθω ἀν’ ἀρχής ἀρξάμενοι in § 27; also the loose and straggling structure of §§ 8, 4 and 7). Again, the piquant wit we here find, strikes us as unlike Demosthenes. Whether he would have spoken so disparagingly of Isocrates in § 40 is difficult to decide; Benseler at any rate doubts it. The strongest objections, however, are the feebleness of the argument even in crucial points of the whole case, and the wasting of words over irrelevant details, as when (in §§ 47—49) the jurisdiction of the Eleven, the first three Archons and the Generals is described at length, simply to prove that it is no part of their business to settle mercantile matters.’ For these reasons, A. Schaefer agrees with Fynes Clinton (Fasti Hellenici p 357) in thinking that the evidence preponderates against our ascribing the speech to the authorship of Demosthenes. (From Dem. u. seine Zeit iii 2 p. 291.) The same view is also taken by Blass (Attische Beredsamkeit, Π 502, 504), who is led by considerations of style to ascribe the speech to the same writer as those against Macartatus (Or. 48) and Olympiodorus (Or. 48). It is also rejected by M. Dareste, Π 316. S.]

Böckh (Publ. Econ. Bk. i chap. xxii), in commenting at some length on this oration, expresses no doubt of its genuineness.

18. διὰ τὸ πράγμα τὸ π. i.e. διὰ τὴν πονηρὰν τοῦ πράγματος. The double article however (§ 19) seems here somewhat strangely used. If the subject is Lacritus, the grammarian seems to say that his plea of a demurrer is the weaker because he has behaved badly in the transaction. If Androcles is here said ἀπαν-τῶν, ‘to confront or meet the παραγραφή of Lacritus,’ the sense will be that his claim against Lacritus is utterly unsound. And so Mr Penrose explains it. Perhaps we should read, διὰ τὸ πράγμα δὲν πονηρὸν, or διὰ τὸ τοῦ πράγματος πονηρόν. [The subject of ἀπήντηκε is the same as that of δῆλος ἑστὶν ὑμομακώς, viz.}
the composer of the speech, who (Libanius holds) is Demosthenes. The sense is: 'The writer, I admit, uses rather feeble arguments in meeting and combating the special plea raised on the other side; but the weakness of his reasoning is accounted for by the badness of his case.' § 3.

§§ 1, 2. The merchants of Phaselis have earned a very bad name for borrowing and forgetting their obligation to pay. There are more actions brought against them at Athens on this score than against all the other merchants put together.

2. The words τῶν ἑαυτῶν read like a gloss on τῶν ἴδιων τι. Lit.' they think they have lost something of the private property that belonged to themselves,'—a needless tautology. Compare inf. § 12, καὶ ἐκ τῶν τούτων ἄπαντων.

ἀλλάδ, κ.τ.λ.] '(And so they do not pay at all) but instead of it devise sophisms and special pleas and other excuses, and thus show themselves the most unprincipled of men as well as the most dishonest.'

ἀφικνουμένων] See Or. 34 § 1. ἐκάστοτε] On each occasion when the courts sit to try ἐμπόρια καὶ δίκαι. Kennedy translates 'year after year.' See on § 47, ἑαυτῶν] The Phaselites alone. Mr Penrose thinks 'we must make considerable allowance for exaggeration here.'

§§ 3, 4. Statement of the case. I lent Artemo, in accordance with the laws of the Athenian mart, a sum of money for trading to Pontus and back. As he died before repaying me, I have brought the claim against his brother Lacritus as the same laws allow me to do, on the ground that he is his brother's heir and is liable for his debts.

οὕτως μὲν οὐν τοιοῦτοι εἰσιν] Or. 43 (Macart.) § 68, Or. 48 (Olymp.) § 56. These parallels
ἀνδρεὶς δικασταῖ, χρήματα δανείσας Ἀρτέμωνι τῷ τούτῳ ἀδελφῷ κατὰ τοὺς ἐμπορικοὺς νόμους, εἰς τὸν Πόντον καὶ πάλιν Ἀθήναξε, τελευτήσαντος ἑκείνου πρὶν ἀποδοθοῦναι μοι τὰ χρήματα, Δακρύτης τούτῳ ἔληξεν τὴν δίκην ταύτην κατὰ τὸν αὐτοῦ νόμον τούτος 4 καθ’ ὄσπερ τὸ συμβόλαιον ἐποιησάμην, ἀδελφῷ ὄντι τούτῳ ἑκείνου καὶ ἔχοντι ἅπαντα τὰ Ἀρτέμωνος, καὶ ὡς ἐνθάδε κατέλιπε καὶ ὡσα ἦν αὐτῷ ἐν τῇ Φασῆλιδι, καὶ κηρωνύμῳ ὄντι τῶν ἑκείνου ἅπαντων, καὶ οὐκ ἂν ἔχοντος τούτου δείξει νόμον ὅσις αὐτῷ δίδοσιν ἔξωσιν ἔχειν μὲν τῷ τού ἀδελφοῦ καὶ διήρηκεν ὅπως ἐδόκει αὐτῷ, μὴ ἀποδοθοῦναι δὲ τάλλότρια χρήματα, ἀλλὰ λέγειν τὸν ὅτι οὐκ ἔστι κηρωνύμος, ἀλλ’ ἀφίσσω ταῖς τῶν ἑκείνου. ἢ μὲν τούτῳ Δακρύτου πονηρία τοιαύτη ἐστὶν ἐγὼ δ’ ύμῶν δέομαι, ὥς ἀνδρεῖς δικασταῖ, εὐνοϊκὸς ἀκούσαι μοι περὶ τοῦ πράγματος τούτοι καὶ ἐξελέγχοι αὐτῶν ἀδικοῦντα ἡμᾶς τε τοὺς δανεισαν- τας καὶ ύμᾶς οὐδὲν ἤττον, βοηθεῖτε ἡμῖν τὰ δίκαια.

κατέλειπε Ζ. κατέλειπεν Σ. κατέλειπε Βεκκερ.

are from speeches attributed by Blass to the same author as the present speech, Att. Ber. iii 505. Similar instances of inartistic transition are found below in §§ 24, 35, 52. S.


ἐν τῇ Φασῆλιδι.] Whether Artemo had a house at Athens, or in Pamphylia, or both, or what was the nature of his property at either place, is not stated, nor the total amount of it.

ἔχειν μὲν] 'To be in actual possession of his brother's property, and to have administered it as he pleased—but to say now (i.e. to pretend) that he declines to take what belonged to him.' The actual words, ἀφίσσω τῶν ἑκείνου, 'I have nothing to do with that man's property,' seem quoted against him, as unbrotherly as well as plainly false. But see on 40 § 28.

5. τὰ δίκαια] 'In our rights,' a somewhat anomalous accusative which seems to depend on some suppressed participle like ἄποδωτες or παρασχὼτες. Mr Mayor (p. 244) regards it as a cognate accusative. The same phrase occurs in Or. 54 § 2; 27 § 3; 38 § 2.

§§ 6—8. Further details of the case. I myself knew nothing of these men, but they were
introduced to me by some friends of mine. They wanted a loan for trading to the Pontus, in the joint names of Artemo and Apollodorus. My friends entertained no doubt of their respectability, and Lacritus was surety for the payment; and accordingly I lent them 30 minae.

The words imply that Diophantus was well known, and all this is said to show that every reasonable precaution was taken by Androcles. [The latest certain mention we find of this Diophantus (apparently now no longer alive) is as a witness in the speech de Falsa Legatione, v.c. 349 (p. 403 § 128), and in p. 486 § 297 he is named as a man of mark, one of those who ἐνὶ καρὺν γεγόνασιν ἱσχυροὶ. Melanopus, son of Diophantus, appears to have been called after his maternal uncle, the Melanopus who is attacked by Dem. in Or. 24, Timooc., §§ 125—130, and is described by Harpocrasiation as κρήσασις Διοφάντου τοῦ ἄτωρος. A. Schaefer, Dem. u. s. Zeit, iii 2. 290. S.]

χρώμεθα] In trade-transactions, perhaps. So in Or. 38 § 7, χρώμενοι δ' Ὑρακλείδη τῷ τραπεζῆτῃ ἑπεισα αὐτῶν δανεῖσαι τὰ χρήματα λαβόντα ἐμὲ ἐγγυη-τήν. And ibid. § 5, τούτων τοῖς ἐκ Βυζαντίου καὶ πάνιν ὄκειοι χρώμαι διὰ τὸ ἐνδιατρίψαι αὐτόθι.

Τὸ δὲ ό Θ. Thrasymedes and Melanopus, not of ἀνδρωποι οὕτω, the two brothers accompanied by Lacritus. For he goes on to say that Lacritus had somehow or other made acquaintance with them; and it is clearly implied that the whole affair was a swindle.

7. δῶσαι δὲν, κ.τ.λ.] 'That they might be engaged in a trading enterprise.' The more usual phrase is δῶσε θαυματ. According to Hermann, the addition of the ἄν implies result rather than mere purpose. Kennedy accordingly renders it 'so that they might be profitably employed.'

οὕτω δ' Θ. Thrasymedes did not know what rogues the defendants were, any more than the speaker, Androcles, did.

ἐπεικότα] 'Respectable.'
οὐδὲν προσεποιούντο καὶ ἔφασαν εἶναι, καὶ ἡγούμενος ποιήσεων αὐτοῦς πάντα ὀσπερ ὑποχνεῖτο καὶ ἀνεδέ-8 χεῖ τὸ Δάκρυτος οὕτω; πλειστοῦ δ’ ἡ’ ἐγευσμένος, καὶ οὐδὲν ἦδει οἷος θηρίως ἐπλησίαζε τοῖς ἀνθρώποις τούτως. κἂν πεισθέις ὑπὸ τοῦ Ὀρασυμήδους καὶ τοῦ ἀδελφοῦ αὐτοῦ, καὶ Δάκρυτου τουτοῦ ἀπαθεομένου μοι πάντ’ ἔσεσθαι τὰ δίκαια παρὰ τῶν ἀδελφῶν τῶν αὐτοῦ, ἑδάνεισα μετὰ ξένου τινὸς ἡμετέρου Καρυστίουν 9 τριάκοντα μνᾶς ἄργυρίου. βούλομαι οὖν, ὡς ἄνδρες δικασταί, τῆς συγγραφῆς ἁκούσαι ὑμᾶς πρῶτον, καθ’ ἤν ἑδάνεισαμεν τὰ χρήματα, καὶ τῶν μαρτυρῶν τῶν παραγενομένων τῷ δανείσματι ἐπείτα περὶ τῶν ἄλλων ἐπιδείξομεν, οἷα ἐτοιχωρύχησαν οὕτως περὶ τὸ δάνειον. λέγε τὴν συγγραφὴν, εἴτε τὰς μαρτυρίας.

ΣΤΙΓΜΑΘΗ.a.

10 Ἐδάνεισαν Ἀνδροκλῆς Σφήττιος καὶ Ναυσικράτης Καρύστιος Ἄρτέμων καὶ Ἀπολλοδόρῳ Φασηλίταις

α. Σ. ἕπειτα Ζ.

b. 'Syngraphen et testimonia omnia om. Σ.' Bekker. 'Nos omnia cancellis sepsimus.' Ζ.

ἔντοχέιτο, κ.τ.λ.] 'All that Lacritus promised and engaged they should do.' Ἑσεύχ. ἀνεδέξατο ὑπέχειτο, ὠμολόγησεν.

8. ἄρ’ ἦ] 'It seems, however, that Thrasymedes was very greatly deceived, and had no idea what monsters he was coming in the way of by his acquaintance with these fellows.' For θηρίως see Or. 34 § 52. Mr Penrose is wrong in taking ἐπλησίασε transitively, in the sense of ἔπλησα. (An instance is cited in Liddell and Scott from Xen. de Re Equest. π 5, but πλησίαζεν is there also intransitive.)

πεισθέις, κ.τ.λ.] He gives three reasons for consenting, or rather perhaps four, since Nausicles of Carystus also thought the offer a reasonable one, and shared in making the advance.

ἀργυρῖον] 'In cash.'

9. ἐτοιχωρύχησαν] 'How they acted like burglars in the matter of this loan.' A strong and invincible expression, like θηρίως above. Cf. Or. 54 (Conon) § 37 and Or. 45 § 30, κακουργήσῃ καὶ δισοῦσαι πράγματα.

§§ 10—18. The contract. Like all the laws, depositions, and (as in the Pantaenetus, Or. 37) ἐγκλήματα, or grounds of accusation, actually quoted in Demosthenes, this document is
liable to the charge of spuriousness. All such citations are inclosed in brackets in W. Dindorf’s edition; and the language of many of them is so evidently post-Attic that they cannot stand the test of a rigid criticism. How they were foisted into the text we do not know; but of the supposed quotations from the law it may plausibly be said, that, as the code of written Attic law was doubtless in existence at a late period, it was competent for any grammarian to extract and interpolate such portions as he considered to bear on the text. [On this subject see a monograph by Anton Westermann: Untersuchungen über die in Attischen Redner eingelegten Urkunden, p. 136, Leipzig, 1850 (Abhandl. d. Lpz. Gesellschaft der Wissenschaften 1). Pages 81—90 are devoted to an examination of the depositions in the present speech alone. Cf. A. Schaefer πρὸς 286, 3. See also Sappho, Philologenversammlung in Halle 1869. Blaas, Att. Ber. πρὸς 502, holds that the forgery of the documents in the present speech would be a task far beyond the skill of a later writer. They are repeatedly quoted by Harpocration s. v. Μένδη (§ 10), σύλας (13), διοκεσίων (20). S.]


[Σκιώνη] The alternative was given, probably in consideration of the state of the wind and the equal safety of the moorings. Scione (Thuc. τυ 120, ν 2, &c., Ar. Vesp. 210) was on the south coast of the promontory of Pallene, and Mende a little to the west of it, behind an elbow or headland sheltering it from the east.

eis Βόσπορον] To Pantica-paeum, perhaps. See on Or. 34 § 2. As however this town is mentioned by name in § 32, a doubt is thrown on the identity of the two terms in this place. Strabo, C. 309, calls Pantica-paeum ἡ μητρόπολις τῶν Βοσπορικών, but he speaks just before of οἱ τῶν Βοσπόρου δυνατά as if the word was not exactly a synonym. Boeckh (Publ. Econ. p. 90 ed. Lewis) observes that ‘by Bosporus and Pontus the same kingdom is signified.’

τῆς ἐπὶ ἀριστερὰ] ‘On the left coast,’ Kennedy. Rather, ‘for the voyage to the left (i.e. the northern, to a ship sailing eastward) parts of the Pontus as far as the river Borysthenes’ (Dnieper).

ἐπὶ διακοσίων] On terms of paying 225 per 1000, i.e. 22½ per cent. (lit. ‘the thousand for two hundred and twenty-five’).

μετ’ Ἀρκτούρον] After the rising of Arcturus [about Sept.
20] stormy weather was expected to set in, and the sailing season, ἄμα, was then practically at an end. So the danger of a voyage is magnified ἄμφι Πλειάδων δύσιν, in November, Aesch. Ag. 826. See Hes. Opp. 616—28. Virg. Georg. i 204. Plautus, Rudens, Prolog. 69, where Arcturus says, ἵνα ἵνα hibernum et fluctus movi maritimus. Nam Arcturus signum sum omnium acerrimum; vehemens sum exoriens, quum occido, vehementior.' [Or. 50, πρὸς Πολυκλέα, § 23, συνέβη τῆς νυκτὸς ὠρα ἑτοὺς ὕδωρ καὶ βρωτᾶς καὶ ἄμυνμον μέγαν γενέσθαι, ὥπε αὐτὸς γὰρ Πλειάδων δύσεις οἱ χρύνθοι ὕδωρ ὤπαν. S. ]—ἔφι Ῥεόν, to the town so called from the temple of Zeus Oynos, on a promontory near the entrance to the Euxine, on the Asiatic side of the Thracian Bosporus.

ἐπὶ τρικοσίας (δράχμαι) i.e. 30 per cent., the risk being greater and the voyage also longer.

ἐπὶ οἴνου, κ. τ. λ.] 'On security of 3000 jars (or crocks) of Mendeian wine.' Cf. § 35, n. Hesych. κεράμων. οἴνου ἡ ὕδατος στάμνων. Mr Penrose says it was two-thirds of an ἀμφορεύς, and held very nearly six gallons; but he does not give his authority. The whole value of the wine would be double the amount of the loan, according to the usual custom, i.e. each jar of wine was worth two drachmae (Penrose, from Boeckh).

δὲ πλεύσεται] 'Which shall be conveyed,' κυμαθήσεται.

Μένδης] Harpocr. s. v. Μένδη: "Ἀμοσθένης κατὰ Δαρκτόου. μιὰ τόλις ἐστὶ ὑπὸ Ἑλληνική Μένδη, ὑπὸ Ἑρατρείων φιλαδέλφην. S."

ἐν τῇ ἐκισσόφρῳ] 'in the twenty-oared boat of which Hybleiins is skipper' (Or. 34 arg. l. 4). From § 52 it appears that this man also was a native of Phaselis. The word εἰκόσορος contains the root of ἐρέσσων, and it is a curiously clipped compound. It occurs in Od. ix 322, δισον θ' λατν νῦς εἰκόσορῳ μελαίνης. The vessel, Mr Penrose observes, must have been of considerable size.

11. ὑποτίθεσι] 'They hypothecate these goods, not owing upon them any money to any other person, nor will they borrow anything further upon them.' Kennedy. For ἐπιδανείσεσται see Or. 34 § 6 n.

τὰ ἐκ, κ. τ. λ.] 'The goods put on board in Pontus as a return cargo.' The idiom is the same as in the well-known οἱ ἐκ τοῦ λεως ἐφευρον, &c.—ἐν τῷ αὐτῷ πλοῖῳ. This clause is designed to forbid the use of any less sea-worthy vessel.
'Αθήναζε πάλιν ἐν τῷ αὐτῷ πλοίῳ ἀπαντα. σωθέντων δὲ τῶν χρημάτων 'Αθήναζε ἀποδώσουσιν οἱ δανεισάμενοι τοῖς δανείσασι τὸ γυγρόμενον ἁργύριον κατὰ τὴν συγγραφὴν ἡμερῶν εἴκοσιν, ἀφ' ἣς ἀν ἐλθοσιν 'Αθήναζε, ἐντέλες πλὴν ἐκβολῆς, ἡν ἀν οἱ σύμπλοι ψηφισάμενοι κοινῇ ἐκβάλωνται, καὶ ἂν τι πολέμιος ἀποτίσωσιν τῶν 8 ἄλλων ἀπάντων ἐντελές. καὶ παρέξουσι τοῖς δανείσασι τὴν υποθήκην ἀνέπαφον κρατεῖν, ἐως ἂν ἀποδώσι τὸ γυγρόμενον ἁργύριον κατὰ τὴν συγγραφήν. ἐὰν δὲ μὴ ἀποδώσιν ἐν τῷ συγκεκ-12 μένῳ χρόνῳ, τὰ υποκείμενα τοῖς δανείσασιν ἐξέστω υποθείναι καὶ ἀποδόσθαι τῆς υπαρχούσης τιμῆς· καὶ ἐὰν τι ἐκλείπῃ τοῦ ἁργυρίου, ὅ δει γενέσθαι τοῖς δανεί- 

A et r. πάλιν Ἀθήνας Ζ.

tὸ γυγρόμενον] See on Or. 37 § 5. ἡμερῶν, κ.τ.λ.] 'within twenty days after' (lit. 'counting from that on which') 'they shall have returned to Athens.' It is convenient to call this a 'genitive of limitation of time' (past or future), as if ἐστὸς were in the writer's mind.

ἐκβολῆς] Jactura, 'jettison,' goods lost by being thrown overboard to lighten a ship in a storm. To prevent fraud, it is specified that none can be allowed as a drawback, except such as the passengers have agreed to be necessary for their common safety. This partial jettison Aeschylus calls βαλεῖν σφανδόνης ἀπ' εὑμέτρου, Αγαμ. 1010. Cf. Acts xxvii18, 38. M. Dareste refers to the Digest xiv 2, de leg. Rhodía de iactu.

ἀνέπαφον] A word properly applied to a cargo unmolested by pirates, came to mean integram, entire and without deduction. See on Aesch. Suppl.

809 (P.). Hesych. ἀνέπαφος· ἀψηλάπφης.

12. υποθείναι, κ.τ.λ.] 'To pledge or even to sell at the market value' ('for such price as can be obtained,' Kennedy). It seems here a synonym of καθεστώσης. καὶ ἐὰν τι, κ.τ.λ.] 'And if there is any deficiency in the money which is due to the lenders under the agreement, it shall be lawful for the lenders, both or either of them, to levy the amount by execution against Artemo and Apollodoros and against all their property, whether on land or sea, wheresoever they may be, in the same manner as if a judgment had been recovered against them, and they had committed default in payment.' Kennedy. This clause, of course, gives absolute right of seizure of any property to one or both, so that in the event of only one debtor being dishonest, the other is liable for the whole.
13. *eisbladwv*] ‘Make the entrance of Pontus.’ A nautical term, probably, familiar to navigators in that sea and to those coasts.—ἐπὶ κυνί, ‘after the rising of the dog-star.’ ‘Bad weather seems to have been generally expected in the dog-days [July 25 to August 5].’ Penrose.

δονων δὲ μὴ σύλαι ὅσων] ‘Wherever the Athenians have no rights of reprisal’ (letters of marque justifying the seizure of goods). It is evident, that if a ship from the Pontus put into any port where property was allowed to be seized by the Athenians, the cargo and crew would be endangered, even though they might afterwards be liberated if it should appear that they were bona fide Athenian traders. Inf. § 26, ὥσπερ δεδομένων συλῶν Φασιλίτικαι κατ' Ἀθηναίων.

[Harpocration s. v. σύλας: Δημοσθένης ἐν τῷ πέρι στεφάνου τῆς προφητίδος (page 1232, 4) καὶ τῷ ἀντὶ τήν Δικρίτου παραγράφῳ “ἐξελόμενος ὅπως ἄν (eis) μὴ σύλαι ἄσων Ἀθηναίοις...” S.]

tοὺς πέρυς γραφέντας] ‘The amount of interest (i.e. not more) inserted in the bond for last year.’ If the legal year should have expired, the interest is to remain the same. [‘L’année commençait au mois de juin, au solstice d’été. La saison de la navigation allait d’avril à octobre, et, par suite, les intérêts convenus au mois d’avril ne pouvaient être payés que l’année suivante, au retour du navire.’ Daretse. S.]

πάθη ἀνήκεστον] Like ἀφανιζομενα, ‘to be missing,’ this is a euphemistic formula for being lost, or wrecked.

σωτηρία] ‘Let there be salvage of the hypothecated goods for the benefit of the lenders.’ The simplest sense seems to be, that if the ship be wrecked, but any of the goods be recovered, they shall belong to the lenders, i.e. the wreck shall not exonerate the borrowers from all further obligation. Or we might read σωτηρία in the plural, ‘let costs be allowed for salvage.—τὰ περιγενέμενα, ‘any goods that may be saved be the property of both lenders alike.’ By κωά (in which Ken- nedy “can see no force”) is meant
τῶν ὑποκειμένων: τα δὲ περιγενόμενα κοινὰ ἔστω τοῖς δανεἰσασιν. κυριώτερον δὲ περὶ τούτων ἄλλο μηδὲν εἶναι τῆς συγγραφῆς.

Μάρτυρες Φορμύλων Πειραιεὺς, Κηφισόδωρος Βοιώτιος, Ἡλιόδωρος Πιτθεὺς.]

Λέγε τῇ καὶ τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑ.

[Ἀρχενομίδης Ἀρχεδάμαντος Ἀναγυράσιος μαρτυρεῖ συνθῆκας παρ’ εαυτῷ καταθέσαι Ἀνδροκλέα Σφήττιον, Ναυσικράτην Καρύστιον, Ἀρτέμωνα, Ἀπολλόδωρον, Φασηλίτας, καὶ εἶναι παρ’ εαυτῷ ἔτι κειμένης τῆς συγγραφῆς.]

Λέγε τῇ καὶ τῶν παραγενομένων μαρτυριῶν.

ΜΑΡΤΥΡΙΑ.

[Θεόδοτος ἰσωτελῆς, Χαρίνος Ἕπικαρους Λευκονοὺς, Φορμύλων Κηφισοφώντος Πειραιεὺς, Κηφισόδωρος Βοιώτιος, Ἡλιόδωρος Πιτθεὺς μαρτυροῦσι παρεῖναι, ὅτι ἔδανεισεν Ἀνδροκλῆς Ἀπολλόδωρος ἢ Ἀρτέμων ἄργυριον τρισχιλιαὶ δραχμαῖς, καὶ εἰδέναι τὴν συγγραφῆς καταθέμενος παρὰ Ἀρχενομίδη Ἀναγυρασίῳ.]

* (σωστρία δ’ ἐσται τῶν ὑποκειμένων), τὰ περιγενόμενα Ζ ςυμ Αξ; but Bekker agrees with Dindorf.

that neither lender shall claim it in discharge of his part of the loan, but both shall share the benefit of it.

The Zürich editors, by making σωστρία δ’ ἐσται part of the protasis, and commencing the apodosis with τὰ περιγενόμενα, adopt a solemnistic syntax, ἐκτὸς ἐσται, which could only be justified on the theory that this is a spurious and late document.

κυριώτερον] i.e. the terms of this bond shall be absolute, and not superseded by any law, conditions, or stipulations whatsoever to the contrary.

§ 14. Evidence is put in (1) to identify the document; (2) to attest that the parties to the transaction are the present litigants.

Anagyrus, Sphettus, Leneconoe or Leconium (Photius), Piræus and Pitthis, were all Attic demi. A Θεόδοτος ἰσωτελής is mentioned in Or. 84 § 18.
15 Κατὰ τὴν συγγραφὴν ταύτην, ὃ ἄνδρες δικασταλ, ἐδάνεισα τὰ χρήματα Ἀρτέμων τῷ τούτου ἀδελφῷ, κελεύσας τὸν τοῦτον καὶ ἀναδεχομένου ἄπαντ' ἔσεσθαι 928 μοι τὰ δίκαια κατὰ τὴν συγγραφήν, καθ' ἣν ἐδάνεισα τούτου αὐτοῦ γράφοντος καὶ συσσημεριμένου, ἐπειδὴ ἐγράφη. οἱ μὲν γὰρ ἀδελφοὶ οἱ τούτου ἐτὶ νεώτεροι ἦσαν καὶ μειράκια παντάπασιν, οὔτοσι δὲ Λάκριτος Ἐς συνηλίτης, μέγα πράγμα, Ἰσοκράτους μαθητής· οὗτος ἦν ὁ πάντα διοικῶν, καὶ ἐαυτῷ μὲ τὸν νοῦν προσ-

§§ 15—17. Continuation of the narrative. At the personal request and engagement of Lacritus that justice should be done, I sent Artemo the money, and Lacritus actually put his seal to the bond. I thought him a man of consideration, and was charmed by his plausible words. No sooner, however, had they got the money than they violated all the terms of the compact, and this at the instance of Lacritus himself.

συνησμημαμένου] 'Joining in the signature.' Or. 41 § 22 (πρὸς Σπουδίαν):—τι δὲ συνεσμημαμένο πάλιν τὰ μὲν ἑγεῖς διὰ τὰ μηδὲ ἀπλὴθ᾽ γράφοντα; We cannot say how far this made Lacritus legally liable. Perhaps it was only a plausible show of accept- ance; but it was not necessarily done fraudulently, as Androcles implies.

μέγα πράγμα] 'A great man,' δοκῶν εἶναι τις. Penrose compares Herod. 112, ὥς μέγιστοι πράγμα Δημοκρίτης τῷ βασιλεί. 'Ἰσοκράτους μαθητής] Cicero, Brutus, § 32, 'Isocrates, cuius domus cunctae Graeciae quasi ludus quidam patuit atque officina dicendi.' Quintilian π 8, 11, 'Clarissimus ille praecceptor Isocratum, quem non magis libri bene dixisse, quam discipuli bene docuisse testantur.' Amongst his best-known pupils were the orators Isaeus, Hype- rides, Lycurgus; the historians Theopompus and Ephorus; also Timotheus the celebrated general, and Androtion the orator and demagogue attacked by Demosthenes; who describes him as τεχνίτης τοῦ λέγεων καὶ πάντα τῶν βιῶν ἑγχόλακεν ἐν τοῖς (Dem. Androt. § 4), and who is said to have spent special pains on his speech because he had to confront an orator who had learned his art in the school of Isocrates. (See further Isocr. Paneg. § 189 n.)

More than 40 of his pupils are discussed by P. Sanneg (de Schola Isocratea, p. 60), who describes Lacritus as 'dema- gogus magis et callidus versus-tusque vir quam literis deditus, tamen in arte rhetorica—si fides habenda-Pseudo-Demostheni Or. in Lacer. 41—trades versatus. Ea enim oratio adeo disciplinae Isocrateae maledicit, ut e more Demosthenis fieri nequibat.' Cf. note on ύπόθεσις 13. 13.

16. ἐαυτῷ προσέχειν] 'To at- tend to him,' i.e. to trust him rather than Artemo for the fulfilment of the engagement. Here also the words seem vague,
and to fall short of any legal liability. As Artemo was to sail with (ἐπὶ) the goods, and Lacritus said he should be in town, it was natural to trust to him rather than to Artemo. There is some satire in the language, especially in the λόγοι θαυμασίως ἐπὶ πιθανόι. The passage is important as showing the same feeling against the Sophists which had prevailed so long before. See especially the opinion of Aristotle, Eth. Nic. x 9, 20.

17. ὅτι ἔδοκεν (χρησάται) 'for whatever purpose they chose.' The almost unvarying idiom is τι χρήσωμεν τῷ δὲ εἴποι or τρόσ τι.

18. ὧσ ὑπαρχόσησι ἀντικ. (Note the different pronunciation in Greek, which is ὧσ.) 'As if

P. S. D.
κοντα μινων, ὡστ' εἰς τάλαντον ἄργυριον τὴν τιμὴν εἶναι τοῦ ὀίνου καθισταμένην, σὺν τοῖς ἀναλώμασιν, ὅσα ἐδεί ἀναλογεσθαί εἰς τὴν κατασκευήν τὴν περὶ τοῦ ὀίνου τὰ δὲ τρισχίλια κεράμια ἀγεσθαί ταῦτα εἰς 929 τὸν Πόντον ἐν τῇ εἰκοσῷρῳ, ἦν 'Τβλήσιος ἐναυκλήρει.

19 γέγραπται μὲν ταῦτα ἐν τῇ συγγραφῇ, ὃ ἄνδρες δι- κασταὶ, ἢς ὑμείς ἀκηκόατε ὅποιοὶ δ' ἀντὶ τῶν τρισχι- λίων κεραμίων ὁδὲ πεινακόσια κεράμια εἰς τὸ πλοῖον ἐνέθεντο, ἄλλ' ἀντὶ τοῦ ἡγοράσθαι αὐτοῖς τὸν ὀίνον, ὅσον προσήκη, τοῖς χρήμασιν ἔχρωντο δ' τι ἔδοκει τοῦ- τοις, τὰ δὲ κεράμια τὰ τρισχίλια ὁδὲ ἐμέλλησαν ὁδὲ διενοήθησαν ἐνθέσθαι εἰς τὸ πλοῖον κατὰ τὴν συγγρα- φήν. ὅτι δ' ἀληθῆ ταῦτα λέγω, λαβὲ τὴν μαρτυρίαν τῶν συμπλεόντων ἐν τῷ αὐτῷ πλοίῳ τούτοις.

they had to offer (i.e. already possessed) security for other thirty minae' (3000 dr.). See Or. 34 § 16. They probably represented the wine as already theirs (purchased, perhaps, but not fully paid for), and lying at the port in Pallene; and this seems the point of ἡγοράσθαι in § 19, 'instead of the wine having been bought by them.'

eis τάλαντον] The goods were to be twice the value of the loan; 3000 dr. x 2 = 60 minae = 1 talent.

καθισταμένη] Perhaps here we should read τὴν καθισταμέ- νην, 'the price which was agreed for.' Otherwise, we must follow Mr Mayor (p. 244) and others in regarding εἰς καθιστα- μένην = καθιστάσθαι.—ἐὰν τοῖς, κ.τ.λ. 'including the expenses which had to be incurred for the vessealling and stowage of the wine.' Kennedy. Comp. Or. 34 § 7, σὺν τῷ ἐπιστιμαμό. It will be observed that the contract (10—14) contains no clause to this effect.

19. τὰ κεράμια τὰ τρ.] Note the force of the double article: 'all this pretended cargo of the 3000 jars,' &c. So above, § 17, ἡ συγγραφὴ ἡ ναυτική is 'this bond which they pretend to have been bound by (but have violated).’ Inf. § 30, δ’ ἀδελφός δ’ Ἀρτέμων, § 32, τὸ πλοῖον τὸ ναυαγήσαν, καὶ τὸ οὐράκου τὸ Κῆφον (where incredulity of the existence of a lost cargo is implied), § 52, τοῦ ναυκλήρου τοῦ Φασηλίτου. In these passages irony is perhaps intended to be conveyed. Mr Mayor however (p. 244) says the repetition of the article 'denotes nothing more than a wish to be exact.'

§ 20. Evidence of the pilot and quartermaster that only 450 jars of wine were taken in Hy- blesius' ship.
ΛΔΚΡΙΤΟΤ ΠΑΡΑΓΡΑΦΗΝ.

ΜΑΡΤΤΡΙΑ.

[厂区] ερασικής μαρτυρεῖ κυβερνάν τὴν ναῦν ἦν ΤΒΛΗ-20 σιός ἑναυκλήρει, καὶ εἰδέναι Ἀπολλόδωρον ἀγόμενον ἐν τῷ πλοῖῳ οἴνου Μενδαίου κεράμια τετρακόσια πεντή-
konta, καὶ οὔ πλεών ἀλλο δὲ μηδὲν ἀγώμιον ἀγεσθαι ἐν τῷ πλοῖῳ Ἀπολλόδωρον εἰς τὸν Πόντον.

Ἰππίας Ἀθηνίππου Ἀλικαρνασσεῖς μαρτυρεῖ συμπλείν ἐν τῇ ΤΒΛΗσίον ἀπὶ διοπτεῦων τὴν ναῦν, καὶ εἰδέναι Ἀπολλόδωρον τὸν Φασηλίτην ἀγόμενον ἐν τῷ πλοῖῳ ἐκ Μένδης εἰς τὸν Πόντον οἴνου Μενδαίου κερά-
μια τετρακόσια πεντήκοντα, ἀλλο δὲ μηδὲν φορτίον.

Πρὸς τοῦτο ἐξεμαρτύρησεν Ἀρχίδης Μησσωνί-
dou Ἀχαρνεῖς, Σώστρατος Φιλίππου Ἰστιάτιδος,
Ἐὐμάρχος Εὐβοῖοι Ἰστιάτιδον Ἐὐπετεῶν,
Διονύσιος Δημοκρατίδοιχος Χολλείδης.

k διοπτευω restored by Dindorf, Z and Donaldson (New Grat. § 483), Berek. st. διοπτεων Bekker 1824 cum libris.

'Ἀχρίδης Z cum F Ph. 'Ἀρχίδης Bekker.

m om. Z.

'Ἀπολλόδωρον] Sup. § 16, it was Artemo who was to sail with the goods.

διοπτευω] An overseer or super-cargo. A form of διο-
pitpeis, seen also in διππεινος.

Aeschylus has Βασίλης διοτειν in Pers. 44 (Hesych. ἐπικεληταί).

And Hesych. has διοπτευοις ἐπι-

κελεύονται νεώς.—διοταν ἐπικε-

κοτος, ἀρχον, ναάρχον, ἐπιτάτη, διότης.

—διοπτευοις κατασκο-

τειν. —[Scol. διοπτευοις ὀπι-

τεινος τα κατα τη ναῦν, ὁτοι διοταν τη

νων, ἄρχον κατασκοτεινος.

Harpocrat. διοπτευοις (sic) ἔ-

μοσθήνην ἐν τῷ κατα Δακρόνω.

διοταν λέγεται νεώς ο διέσεω καὶ

ἐπιτευων τα κατα τη ναῦν. See

Büchenschütz, Besitz u. Er-

worb, p 459 n. 8.]

ἐξεμαρτυρήσει] 'Put in a

written affidavit on absence at

the time,' i.e. when the other
depositions were drawn up. On

this word there is a note on

Aesch. Agam. 1167 (P.) [Or. 46
§ 7].—'Ιστιάτιδος, 'from His-
tiaea'(Oreus) in Euboea, of which

island Nausicrates, the partner

of Androcles, was a native, §

10.

Ξυπτεταιων] Photius, Ξυπ-

tetaiweis (sic), δῆμος τῆς Κεκρο-
pidos Φυλῆς. Ξυπτητεῖ, ἀφ' ἤς ὁ

δημώτης Ξυπτεταιων. Hesych.

Ξυπτεταία, δήμος τῆς Κ. φ. 'The

proper form is Ξυπτητα (Steph.

Byzant.)—Χολλείδης, Ar. Aoh.

406, of the deme Chollidae.

5—2
21  Περὶ μὲν οὖν τοῦ πλήθους τοῦ οἴνου, ὅσον ἔδει αὐτοῦς ἐνθέσθαι εἰς τὸ πλοῖον, ταῦτα διεπράξαντο, καὶ ἣρξαντο ἐυθὺς ἐντείθεν ἀπὸ τοῦ πρῶτου γεγραμ-930 μένου παραβαλένειν καὶ μὴ ποιεῖν τὰ γεγραμμένα. μετὰ δὲ ταύτ’ ἐστιν ἐν τῇ συγγραφῇ ὅτι ὑποτιθέσαι ταύτ’ ἐλεύθερα καὶ οὔδενι οὐδὲν ὁφεῖλοντες, καὶ ὅτι οὖν
22 ἐπιδανέσονται ἐπὶ τούτοις παρ’ οὔδενος. ταῦτα διαρ-
ρήδην γέγραπται, ὃς ἀνδρείς δικασταί. οὔτοι δὲ τι ἐποι-
ησαν; ἀμελήσαντες τῶν γεγραμμένων ἐν τῇ συγγρα-
φῇ δανείζονται παρά τινος νεανίσκου, ἔξαπατήσαντες
ὡς οὐδενὶ οὐδὲν ὁφεῖλοντες καὶ ἡμᾶς τε παρεκρο-
ςαντο καὶ ἔλαθον δανεισάμενοι ἐπὶ τοῖς ἡμετέροις,
ἐκεῖνον τὸ τοῦ νεανίσκου τὸν δανείσαντα ἐξητάτησαν
ὡς ἐπ’ ἐλεύθεροι τοῖς χρήμασι δανειζόμενοι τοιαύτα
τούτων ἐστὶ τὰ κακουργήματα. ταῦτα δὲ πάντ’ ἐστὶ τὰ
σοφίσματα Δακρίτου τουτοῦ. ὅτι δ’ ἀληθῆ λέγω καὶ
ἐπεδανείσαντο χρήματα παρὰ τὴν συγγραφήν, μαρτυ-

α τὰ Ζ cum Σ.—om. Bekker.

§§ 21, 22. A further violation of the contract was the raising a new loan on the goods pledged to us, by which transaction both we and the second lender were defrauded.

ἀπὸ τοῦ πρῶτου] ‘From the first clause,’ as given in § 10, ἐπὶ οὖν κεραμίου τρισχλιοῦ.

ὑποτιθέσαι...ἐλεύθερα] Theophrast. fragm. 97, παρ’ ὧς ἀνα-
γραφῇ τῶν κτημάτων ἐστὶ καὶ τῶν συμβολῶν, ἐξ ἐκείνων ἐστὶ
μαθεῖν, εἰ ἐλεύθερα καὶ ἀνέπαφα καὶ τὰ αὕτω πωλεῖ δικαιός. S.]

22. ἐπιδανέσονται] Or. 84 § 6.

καὶ ἡμᾶς τε κ.τ.λ.] ‘And by this proceeding they not only cheated us and borrowed, without our knowledge or consent, on the security of our property, but they also defrauded that poor youth who lent them the money, by pretending to borrow it on property on which there was no other claim.’ (‘Leading him to suppose that the property on which they borrowed his money was unencumbered.’ Kennedy.)

τοιαύτα κ.τ.λ.] So τοιαύτα is a predicate inf. § 24. For the use of the article compare Aesch. Theb. 646, τοιαύτ’ ἐκείνων ἐστὶ ταξιευρήματα. (The sentence in Demosthenes is also in iambic verse.) [On Iambic verses in prose cf. Isocr. Paneg. § 170, n. S.]

§ 23. Affidavit that the second loan was advanced in ignorance of a former loan having been made on the same security.
διν ἀναγρώσεται ὅμως αὐτοῦ τοῦ ἐπίδαινεισαντος. λέγε 23 τῆν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

[Ἀρατὸς' Ἀλικαρνασσεῦς μαρτυρεῖ δανείσατο Ἀπολλοδώρῳ ἐνδεκα μνᾶς ἀργυρίοιν ἐπὶ τῇ ἐμπορίᾳ ἥν ἦγεν ἐν τῇ Τελμησίῳ νη eis τῶν Πόντων καὶ τοῖς ἐκείθεν ἀνταγορασθείσα, καὶ μὴ εἰδέναι αὐτὸν δεδανεισμένον παρὰ Ἀνδροκλέους ἀργύρουν' οὐ γὰρ ἀν δανείσα εἰτὸς Ἀπολλοδώρῳ τὸ ἀργύριον.

Αἱ μὲν πανοργάζει τοιαῦτα τῶν ἀνθρώπων τούτων 24 εἰσὶν. ἵγεραταί δὲ μετὰ ταῦτα ἐν τῇ συγγραφῇ, ὁ ἀμφεῖδεν δικασταί, ἐπεὶ δὲν ἀποδόσηται ἐν τῷ Πόντῳ ἡ 931 ἡγεν, πάλιν ἀνταγοράζεσθαι χρήματα καὶ ἀντιφορτίζενο καὶ ἀπάγει Ἀθήνας τὰ ἀντιφορτισθέντα, καὶ ἐπεὶ δὲν ἀφίκονταί Ἀθήνας ἀποδοῦν ἐκκοσιν ἥμερῶν τὸ ἀργύριον ἡμῖν δόκιμον' ἐως δ' ἄν ἀποδώση, κρατεῖν τῶν χρημάτων ἥμας, καὶ ἀνέπαφα ταῦτα παρέχειν

ο ἅμεν ἀν δανείσα εἰτὸς] 'For that he would not himself' (i.e. whatever others might have done) 'have lent the money to Apollodorus.' It might be inferred from this that the lending on ἐπίδαινεισμὸς was as illegal as the borrowing. He may however only mean, that he would not have lent it unless he had been misinformed about the security.

§§ 24, 5. Other points in which the bond was broken. (1) The defendants did not take a counter-cargo from Pontus (§ 11); (2) They did not put us in possession of the ship or goods, for they did not return to the Piraeus at all (§ 28).

ἀ ἡγο] An historical clause, for the actual words of the contract, ἀν ἀγάγωσι. All subjunctives are futures; and the verb in the minor clause is not logically correct in the past tense, unless indeed (as inf. § 26) a transaction is described preceding the event expressed by the subjunctive. But the use under any circumstances is rare, as is the subjunctive itself with πρόσθεν or πρότερον (Thuc. i. 41, Ar. Vesp. 1074).

δόκιμον] (Predicate) 'in current coin.' Kennedy.

ἐως δ' Ἀν κ.τ.λ.] 'Pending the payment, we are to have possession of the goods, and they on their parts are to give them up to us uninjured (§ 11) till we have got our money back.'
25 τούτοις, ἐώς ἄν ἀπολάβωμεν. γέγραπται μὲν γὰρ
tαύτα οὕτως ἀκριβῶς ἐν τῇ συγγραφῇ οὗτοι δ', ὁ
ἀνδρες δικασταὶ, ἐνταῦθα καὶ ἐπεδείκατο μάλιστα τὴν
ὑβρίν καὶ τὴν ἀναίδειαν τὴν ἑαυτῶν, καὶ ὅτι οὐδὲ μι-
κρὸν προσεῖχον τοῖς γράμμασι τοῖς γεγραμμένοις ἐν τῇ
συγγραφῇ, ἀλλ' ἡγούμεν έίναι τῇ συγγραφῇ ἀλλως
ὑθλον καὶ φλαρίαν. οὔτε γὰρ ἀνθηγόρασαν οὕτων ἐν
tῇ Πόντῳ οὔτε ἀντεφορτίσαντο ὡστε ἀγεν 'Ἀθήναξ' ήμεῖς
tες τοι δανείσαντες τὰ χρήματα ἥκοντων αὐτῶν
tούτων ἐκ τοῦ Πόντου οὐκ εἴχομεν ὅτου ἐπιλαβοίμεθα
οὐδ' οὗτον κρατοῖμεν, ἐως κομισαίμεθα τὰ ήμέτερα αὐ-
tῶν οὐδ' ὅτι τῶν γὰρ εἰσήγαγον εἰς τὸν λιμένα τὸν
26 ήμέτερον οὗτον. ἀλλὰ πεπόθθηκαν καὶ κάνοντον, ὡς ἀν-
dres δικασταὶ: ἐν γὰρ τῇ πόλει τῇ ήμετέρα αὐτῶν,
oùden adikouνtes οὐδὲ δίκην οὕδεμιαν φύληκοτες τού-
tων, σευλήμεθα τὰ ήμέτερ' αὐτῶν ὑπὸ τούτων Φαση-
lιτῶν νυν, ὁσπερ δεδομένων συλῶν Φασηλίτων

p εώς [ὗτο] Bekk. 1824.
q ήμέτερα Ζ.

25. kal—μάλιστα] This seems the syntax intended. Mr Mayor, p. 245, thinks ἐνταῦθα kal, 'it was here also that they showed,' is the author's meaning. 

Δάλως υθλον] 'Mere trash and nonsense.' There was a proverb γραψων υθλον, 'old wives' fables,' Plat. Theaet. p. 176b. For Δαλως Penrose compares Eur. Troad. 476, ουκ ἀριθμον Δαλως, ἀλλ' ὑπερτάτους φυγών. 

Ἀτοῦ—ἐώς] In direct narrative, οὐκ ἔχομεν ὅτου κρατουμεν 
ἐώς ἰν κομισομεθα. In Latin, non habebamus quod prendere-
mus donec recepissemus quae esse ent nostris. The à would have been added to ἐώς had the event been still pending; and even with the optative in past narrative it is sometimes added, as explained at length on Aesch. Pers. 452 (P). Cf. Or. 33 § 8, ὥσθ 
τουμαι (i.e. ἐπούμεν) τῆς νεώς 
καὶ τῶν παιδών, ἐως ἀποδοθα τὰς 
ἀκα μᾶς ἢ δι' ἐμου ἔλαβε. 

§§ 26, 27. Thus we have been robbed of our property in our own city, as if forsooth these 
Phaselides had the right of reprisal on Athenians! For it is 
robery not to pay debts. Here 
was no dispute about facts, no 
ambiguity in the terms of the 
bond. It is simply roguery on 
their part. When both the con-
tracting parties have made a 
written agreement, there is an 
end of it; it only remains for 
them to act up to the letter of the 
contract. 

συλῶν] See § 13. Photius (in ν. σύλας) cites the sentence
κατ' Ἀθηναίων. ἐπειδὴν γὰρ μὴ ἔθελοσιν ἀποδοῦναι ἃ ἔλαβον, τί ἂν τις ἄλλο ὄνομ' ἔχοι θέσθαι τοῖς τοιούτοις ἢ ὅτι ἀφαιροῦνται βια τὰ ἄλλατρα; ἐγὼ μὲν οὖν ἄκηκοα πόποτε πράγμα μιαρότερον ἢ ὁ οὗτοι διαπε- πραγμένοι εἰς περὶ ἡμᾶς, καὶ ταῦθ' ὁμολογοῦντες λαβεῖν παρ' ἡμῶν τὰ χρήματα. ὅσα μὲν γὰρ ἀμφίσ- 27

932 βητήσιμα ἐστὶ τῶν συμβολαίων, κρίσεως δεῖται, ὁ ἄνδρες δικασταί: τὰ δὲ παρ' ἀμφοτέρων ὁμολογηθέντα τῶν συντιθεμένων, καὶ περὶ ἄν συγγραφαί κεῖται ναυτικαλ, τέλος ἔχειν ἀπαντεῖ νομίζουσι, καὶ χρῆσαται προσήκει τοῖς γεγραμμένοις. ὅτι δὲ κατὰ τὴν συγ-

γραφὴν οὐδ' ὁτιοῦν πεποίηκασιν, ἀλλ' εὐθὺς ἀπ' ἀρχῆς ἀρξάμενοι ἔκακοτέχνουν καὶ ἐπεβούλευον μηδὲν ύ γίς ποιεῖν, ύπὸ τοῦτο μαρτυρῶν καὶ αὐτοῦ υφ' ἐαυτῶν ἐλέγχονται οὕτωσι καταφανῶς.

"Ο δὲ πάντων δεινότατον διεπράξατο Δάκριτος 28

οὗτος, δεὶ ύμᾶς ἀκοῦσαί· οὗτος γὰρ ἂν ὁ πάντα ταῦ-

τα διοικῶν. ἐπειδὴ γὰρ ἀφίκοντο δεύορ, εἰς μὲν τὸ

συσυλήμεθα—ἀλλότρια, omitting some words, τούτων and ὅτι, ὅστερ before δεδομένων and βία after ἀναφερόνται (sic). He refers the passage to the De Corona, by an evident mistake. Cf. Lysias κατὰ Νικομ. Or. 30 § 22, δρῶν—Βουστωῦ σῦλα πιουμένου.

"οὐδ' ἄκηκοα] i.e. much less have I witnessed.

διαπεραγμένοι.] Observe the medial use of the perfect passive corresponding to the aorist διε-

πράξατα. Similarly ἐπιπέρακ-

τα in § 44.

27. ὅσα κ.τ.λ.] 'Those con-
tracts which are disputed.' Kennedy. Rather, perhaps, 'such clauses in contracts as are dis-

περ harbor into effect.'

§§ 28—31. On returning to Athens, they put the ship into 'Smugglers' Creek;' and there she remained at anchor for nearly a month, while the defend-

ants showed themselves frequently on 'Change. On being as-

sumed for payment, they said they were doing all they could to discharge our claims; but

finding no goods were forthcoming, I asked Lacritus the reason. He replied, that the ship had

been wrecked in the home voy-

age, and all the goods lost that

were to have been conveyed to

Athens.
υμέτερον ἐμπόριον οὐ καταπλέουσιν, εἰς φωρῶν δὲ λιμένα ὀρμῶνται, ὡς ἐστὶν ἐξω τῶν σημείων τοῦ ύμετέρου ἐμπορίου. καὶ ἐστὶν ὄμοιον εἰς φωρῶν λιμένα ὀρμῶνται, ὡσπερ ἂν εἰς εἰς Ἀθηναν ἢ εἰς Μέγαρα ὀρμῶσιν τὸ ἐξετάζον γὰρ ἀποτελεῖν ἐκ τοῦ λιμένος τούτου ὅποι ἄν τις βούληται καὶ ὅπηνικ ἄν δοκῇ αὐτῷ.

29 καὶ τὸ μὲν πλοίον ὄρμει ἐνταῦθα πλεούσι· ἡ πέντε καὶ ἐκισσόν ἡμέρας, ὦτοι δὲ περιπάτουν ἐν τῷ δείγματι τοῦ ύμετέρου, καὶ ἡμεῖς προσιόντες διελεγόμεθα, καὶ ἐκελεύομεν τούτους ἐπιμελείσθαι ὅπως ἄν ὃς τάχιστ' ἀπολάβοιμεν τὰ χρήματα. ὦτοι δ' ὁμολόγουν τε καὶ ἐλεγον ὃτι αὐτὰ ταῦτα περαινοιεῖν. καὶ ἡμεῖς τούτως

28. ἐξω τῶν σημείων] A flagstaff, perhaps, or some similar signal, was placed to show the limits of the Attic harbours. This was an insignificant creek probably nearly opposite the little island of Psyttaleia, having its nickname from its use to unprincipled traders in evading the custom-duties. It was as much out of the way (says the orator, using hyperbole), as if one should put in at Aegina or Megara (Nisaea). [Bekker's Anecd. 315. Φωρῶν λιμένα : ὥφερῶν λιμήν ἐστιν ἐν μεθορίῳ τῆς Ἀττικῆς, ἐνθα οἱ λιματι καὶ κακούργῳ ὀρμῶσιν. Strabo, p. 396, οἱ Κορυφαλεῖς, ἔθνος φωρῶν λιμήν καὶ η Ψυττάλεια. Leake (Athens ii 273) thinks that the words in the text are better suited to the bay of Keratzini than to the more easterly creek of Trapezona, which was perhaps within the outworks of the Peiraeus. S.]

29. δείγματι] A place where samples of goods (δείγματα) were shown. See Boeckh, Publ. Ec. p. 58. Or. 50 (πρὸς Πολυκλάδα), § 24, παραλαβῶν Δευτην τὸν κηδεσθέν τῶν ἐμῶν προσέρχεται αὐτῷ ἐν τῷ δείγματι. Ar. Equit. 979, ἐν τῷ δείγματι τῶν δικῶν. Hesych. δείγμα τότε ἐν Ἀθηναῖς ὀφθαλμόμενον. [Harpocrat. τότες αἱ ἐν τῷ Ἀθηναῖς ἐμπορίῳ. Leake's Athens, i 382. S.]

ὁπηνικ] 'At whatever hour he may choose,' i.e. to sneak away in the dark.

ἐπιμελείσθαι] 'To do all in their power.' The ἄν here, differently from the combination διὸς ἄν with the subjunctive (sup. § 7) belongs to the optative, and the order of the words might have been διὸς ὃς τάχιστ' ἀπολάβοιμεν, αὐτὰ, perhaps αὐτόν, i.e. themselves, without being urged.
προσήμεν, καὶ ἂν ἐπεσκοποῦμεν εἰ τι ἐξαιροῦνται τοθεν ἐκ τοῦ πλοίου ἡ πεντηκοστεύονται. ἐπειδὴ δέ 30 ἡμέραι τε ἦσαν συχναὶ ἐπιδημοῦσι τούτοις, ἡμεῖς τ' οὐδ' ὠτιοῦν εὑρίσκομεν οὐτ' ἐξηγημένον οὔτε πεπεν-933 τηκοστευμένον ἐπὶ τῷ ὀνόματι τῷ τούτων, ἐνταῦθ' ἡδη μᾶλλον προσεκέμεθα ἀπαιτοῦνσ. καὶ ἐπείδῃ ἡνωχλοῦμεν αὐτοῖς, ἀποκρίνεται Δάκριτος οὖτοις ὁ ἀδελφός ὁ Ἀρτέμωνος ὁτι οὐκ ἂν οἰολ οὐ εἴησεν ἀπο-δούνα, ἀλλ' ἀπόλωλεν ἀπαντα τὰ χρήματα· καὶ ἐφὲ Δάκριτος δίκαιων τι ἔχειν λέγειν περὶ τούτων. καὶ 31 ἡμεῖς, ὁ ἀνδρείς δικασταὶ, ἡγανακτοῦμεν μὲν ἐπὶ τοῖς λεγομένοις, πλέον δ' οὖδεν ἦν ἀγανακτούσιν ἡμῖν τούτοις γὰρ οὐδ' ὀτιοῦν ἐμελεν. οὐδὲν δ' ἦττον ἡρο-τῶμεν αὐτοὺς ὄντω να τρόπον ἀπολωλότ' εἰ ἡ τὰ χρή-ματα. Δάκριτος δ' οὖτοι ναυαγήσαι ἐφῃ τὸ πλοίον παραπλέον ἐκ Παυτικαπαλοῦ εἰς Θεοδοσίαν, ναυαγή-σαντος δὲ τοῦ πλοίου ἀπολωλέναι τὰ χρήματα τοῖς

* ἐπὶ πλοίου Z. τοῦ addidit Wolf.

* om. Z et Beck st. cum libris. μὲν cum Reiskio Beckk. 1824.

ἐπεσκοποῦμεν] 'We kept our eyes upon them.'

πεντηκοστεύονται] 'Are paying duty on.' Before the goods were landed, they had to pay 2 per cent. (Or. 34 § 7), and thus by the entries made in the books (ἀπογραφαῖ) all imports and exports could be known.

30. προσεκέμεθα] 'We became more urgent in our demand of payment.' Kennedy.

—ἡνωχλοῦμεν, ὁχληρὸς ἐγγυρό-μεθα, 'when we began to be very pressing.'

ὁ ἀδελφός ὁ Ἀ. ] See sup.§ 19.

dικαίων τι λέγειν] 'That he could say something to prove it was all right.' This is bitter satire on the Sophist and the Professor of eloquence. Kennedy hardly expresses this, 'and Lacritus said he could assign good ground of excuse.'

ἀδελφοῖς τοῖς ἑαυτοῖς, ἃ ἔτυχεν ἐν τῷ πλοῖῳ ἐνότα· ἐνείναι δέ τάριχός τε καὶ οἶνον Κρῶν καὶ ἄλλ’ ἄττα. καὶ ταῦτα ἐφάσαν πάντα ἀντιφορτισθέντα μέλλειν 32 αὐτὰ ἄγειν Ἁθηναζεῖ, εἰ μὴ ἀπώλετο ἐν τῷ πλοῖῳ. καὶ ἃ μὲν ἔληγε, ταῦτ’ ἤν ἄξιον δ’ ἀκούσαι τὴν βδελυριν τῶν ἀνθρώπων τούτων καὶ τὴν ψευδολογίαν. πρὸς τε γὰρ τὸ πλοῖον τὸ ναυαγῆσαν οὐδὲν ἦν αὐτοῖς συμβόλαιον, ἀλλ’ ἦν ἕτερος ὁ δεδανεικὸς Ἁθηνηθεν ἔπι τῷ ναῦλῳ τῷ εἰς τὸν Πόντον καὶ ἐπ’ αὐτῷ τῷ πλοίῳ (Ἀντίπατρος ὄνομα ἦν τῷ δεδανεικῷ, Κιτιεὺς τὸ γένος) τῷ οἰνάριον τὸ Κρῶν οἴκοικοντα στάμνωι

ά ἔτυχεν ἐνότα] ‘Which at that time were on board.’


αὐτὰ] This seems added redundantly, or by a change of syntax from καὶ ταῦτα πάντα αὐτ. ἔχειν, καὶ μελλεῖν αὐτά ἄγειν. Shiliteo (on Thuoc. i 91, not crit.) approves of Schaefer’s conjecture ἀπάγειν for αὐτὰ ἄγειν.

§ 32. Exposure of the pretence about the lost cargo. With the safety of the ship, apart from the cargo, they had no concern by the present bond, for it had been made over as security to another. As for the cargo, part of it was worthless, and part was being conveyed for and at the cost of a farmer at Theodosia.

τῷ πλοίῳ τῷ] See on § 19. He seems to mean, that if it really was wrecked (which he doubts), the loss could not be pleaded in excuse for non-pay-ment to the plaintiff, because the ship had been mortgaged to Antipater. By ναυαγήσαν (diaph-θάρη, § 33) he must mean such damage as would require the cargo to be taken out for repairing it; for the ship itself was bound by the contract to be the same (τῷ αὐτῷ πλοίῳ, § 11), and it had returned to Athens, § 28. From the contract, § 10, it seems that the security given to Androeles was not the ship, but only the cargo of wine to be taken in at Mende, and the return cargo from the Pontus. Here Antipater is said to have owned the ship as well as to have had the freightage (ναῦλον) made over to him, i.e. the profits of conveying any goods over and above the Mendean wine belonging to Artemo. It seems clear from § 33 that Hyblesius had hired the ship from Antipater, i.e. had borrowed money on it and taken it up for his own trading purposes.—συμβολαιον, see Or. 54 § 3.

Κιτιεὺς] Of Citium in Cyprus.
ΔΑΚΡΙΤΟΤ ΠΑΡΑΓΡΑΦΗΝ. 75

έξεστηκότος οὖν, καὶ τὸ τάριχος ἀνθρώπῳ τινὶ γεωργῷ παρεκομίζετο ἐν τῷ πλοῖῳ ἐκ Παντικαπαίου ἐις Θεοδοσίαν, τοῖς ἐργάταις τοῖς περὶ τὴν γεωργίαν χρήσι-θαι. τί οὖν ταύτας τὰς προφάσεις λέγοντω; οὐδὲν γὰρ προσήκει. καὶ μοι λαβὴ τὴν μαρτυρίαν, πρῶτον 33 μὲν τὴν Ἀπολλωνίδου. ὅτι Ἀντίπατρος ἤν ὁ δανείσας ἐπὶ τῷ πλοῖῳ, τούτως δ᾽ οὐδ᾽ ὁτιοῦν προσήκει τῆς ναυαγίας, ἔσείτα τὴν Ἐρασικλέους καὶ τὴν Ἰππίου, ὅτι ὁγδόσκοντα μόνον κεράμια παρήγετο ἐν τῷ πλοῖῳ.

ΜΑΡΤΥΡΙΑΙ.

[Ἀπολλωνίδης Ἀλικαρνασσεὺς μαρτυρεῖ εἰδέναι δανείσαντα Ἀντίπατρον, Κιτίεα τὸ γένος, χρήματα Ἰβλησίῳ εἰς τὸν Πόντου ἐπὶ τῇ νυῇ ἢν Ἰβλησίῳ ἐναυκλήρει, καὶ τῷ ναύλῳ τῷ εἰς τὸν Πόντου· κωμωνεὶ δὲ καὶ αὐτοῦ τῆς νεώς Ἰβλησίῳ, καὶ συμπλείν ἑαυτοῦ οἰκέτας ἐν τῇ νυῇ, καὶ ὅτε διεφθάρη ἢ νᾶς, παρεῖναι τοὺς οἰκέτας τοὺς ἑαυτοῦ καὶ ἀπαγγέλλειν ἑαυτῷ καὶ ὅτι ἡ νᾶς κενὴ διεφθάρη παραπλέουσα εἰς Θεοδοσίαν ἐκ Παντικαπαίου.

'Ερασικλής μαρτυρεῖ συμπλείν Ἰβλησίῳ κυβερ-34 νῶν τὴν νᾶς εἰς τὸν Πόντου, καὶ ὅτε παρέπλευς ἡ νᾶς εἰς Θεοδοσίαν ἐκ Παντικαπαίου, εἰδέναι κενὴν τῆν

ἐξεστηκότος] Vapidi, vappa; 'that had turned bad.' Hesych. εξεστηκώς οὖν, ὁ ἐξής, i.e. in which the acetous fermentation had taken place.—στάμνου, the same as κεράμια, as appears from §§ 33, 84.

χρήσασαι] Either 'to use for his workmen,' or 'for his workmen to use.'

§§ 33, 84. Evidence of the pilot and others to prove that the defendant had no cargo of his own on board when the ship was wrecked.

κωμωνεὶ καὶ αὐτῶν] 'That he was himself part-owner.'

παρεῖναι] 'That slaves of his own were present at the time and brought the further report to him that the ship had no cargo when she was wrecked.'

κενή] Not absolutely 'empty' (as it appears from the eighty jars of wine being on board), but 'without any regular cargo stowed in the hold.'

34. The clause αὐτοῦ τοῦ φεῖγοντος νῦν ἡ δικη is perhaps an interpolation. There
ναύν παραπλέουσαν, καὶ Ἀπόλλοδόρου αὐτοῦ τοῦ φεύγοντος νυν τὴν δίκην, μὴ εἶναι οἶνον ἐν τῷ πλοῖῳ, ἀλλὰ παράγεσθαι τῶν ἐκ τῆς Θεοδοσίας τινὶ οἶνον Κώρα κεράμα περὶ ὀδυσέων.

Ἰππίας Ἀθηναίων Ἀλκαρνασσεὺς μαρτυρεῖ συμπλείν Τῆρισιὼν διοπτεῦων τὴν ναύν, καὶ ὅτε παρέπλευ ἡ ναύς εἰς Θεοδοσίαν ἐκ Παντικαπαλὼν, ἐνθέσθαι Απόλλωνωρ εἰς τὴν ναύν ἐρίων ἀγγείων ἐν ἡ δύο καὶ ταρίχους κεράμια ἔνδεκα ἡ δώδεκα καὶ δέρματ’ αἰγεία, δύο δέσμας ἡ τρεῖς, ἀλλὰ δ’ οὐδέν.

Πρὸς τοίον ἐξεμαρτύρησεν Ἐυφίλητος Δαμοτίμου Ἀφιδναίος, Ἰππίας Τιμοξένου Θυματάδης, Σωστρατος Φιλίππου Ἰστιαίου, Ἀρχενομίδης Στράτωνος Ὁρίδ-935 σίος, Φιλτιάδης Κησικλέους Εὐντειαίων.[35] Η μὲν ἀναίδεια τουαίτη τῶν ἀνθρώπων τούτων ἐστῶν. ὡμέγες δ’, ὁ ἀνδρες δικασταλ, ἐνθυμεῖσθε πρὸς ὑμᾶς αὐτοὺς ἐν τινας πώποτ’ ἵστε ἡ ἠκούσατε οἶνον


is no other evidence in the speech, as Kennedy observes, that Apollodorus was joint defendant with Lacritus, nor does it seem likely that he should have been; for, as he alone was liable for Artemo's share (§ 12), Lacritus would hardly have been sued if Apollodorus had not been insolvent. And Kennedy observes "there could have been no great advantage in bringing an action against him, except, perhaps, for the purpose of holding him to bail." He suspects that for αὐτοῦ we should read ἀδελφοῦ.


διοπτεῦων] § 20. Ἀπόλλωνορ] Perhaps Ἀ-πόλλωνορ, 'belonging to Apol- lodorus.' In § 16 it is said that Artemo was to sail with the goods. See, however, § 20. The middle ἐνθέσθαι may mean that A. 'had it put on board' in his absence.

ἀγγεῖον] 'A hamper,' perhaps. So in Eur. Ion 1412, the ἀντίπης or round casket (vidulus) is called ἀγγος.

ἐξεμαρτύρησεν] § 20. §§ 85—7. The improbability of the defendant's statement is shown by the custom of exporting wine to, not importing it from, the Pontus. Lacritus' ac- count, that his brother Artemo had lent a friend of his in Pon-
'Athēnaζε ἐκ τοῦ Πόντου κατ’ ἐμπορίαν εἰς ἀγοντας, ἄλλως τε καὶ Κόφων. πάν γὰρ δήτου τοῦς τῶν τῶν τῶν των των περὶ ἡμῶς, ἐκ Πεπαρῤθοὺ καὶ Κῶ καὶ Θάσιος καὶ Μενδαῖος καὶ ξε ἄλλων τινῶν πόλεων παντοδαπῶς· ἐκ δὲ τοῦ Πόντου ἐτερά ἐστιν ἀ εἰς ἀγοντας δεύρο. κατεχόμενοι δ’ 36 ὕφ’ ἡμῶν καὶ ἔλεγχόμενοι εἰ τι περιγένειο των χρημάτων ἐν τῷ Πόντῳ, ἀπεκρίνατο Δάκριτος οὕτος ὅτι ἐκατόν στατήρες Κυζίκηνοι περιγένειον καὶ τοῦτο τὸ χρυσόν δεδανεικός εἰς ἄδελφος αὐτοῦν ἐν τῷ Πόντῳ ναυκλήρῳ τῷ Φασηλῆτῃ, πολίτῃ καὶ ἐπιτυθεῖ ἔαυτοῦ, καὶ οὐ δύνατο κομίσασθαι, ἄλλα σχέδον τι ἀπολλὼν εἰς καὶ τοῦτο. ταῦτ’ ἐστιν ἄ ἔλεγε Δάκριτος 37 οὕτοι. ὥ δὲ συγγραφῆ οὐ ταῦτα λέγει, ὅ ἀνδρεῖς

τοὺς 100 staters, contravenes the terms of the bond, that goods should be purchased with the money in Pontus, and brought back to Athens.

κατ’ ἐμπορίαν] 'In the way of trade.'

εἰς τὸν Πόντον ὁ οὖν—Θάσιος] Virg. G. π 91, 'Sunt Thasiae vitēs.' Fragments of earthenware wine-jars have been found near the harbours of the Northern Euxine, especially the ancient Olbia (at the mouth of the Dnieper), stamped with the names of Rhodes, Cnidus and Thasos (Büchenschütz, Be-sitz u. Erwerb, pp. 422—4. Cf. Strabo quoted on Or. 84 § 10). In the Leake Collection there are several coins of Papharethus, with the head of Bacchus, and on the reverse a diota or cantharus, with bunches of grapes. Those of Thasos often have the head of Bacchus or Silenus; those of Mende, Silenus on the obverse, and on the reverse a vine or a diota. See Plate of Coins. Ar. fragm. 301, οὖν δὲ πίνειν οὐκ ἐδῶ Πράσιον, οὐ Χίων, οὐχὶ Θάσιον, οὐ Πεπαρήθιον. S.]

ἐτερά ἐστι] Some of these are enumerated in Pers. Sat. v 134, 'aspedas advehe Ponto, Castoreum, stuppas, ebenum, thus, lubrica Coa,' where 'Coa' is interpreted to mean 'silk' or fine linen.

36. κατεχόμενοι] 'Being still detained by us and questioned whether any of the property had been saved in the Pontus.' Nominativus pendens, or a careless syntax with the singular Δάκριτος.

στατήρες Κυζίκηνοι] See note on Or. 84 § 28.

οὐ δύνατο] 'That he was not able to recover it, in fact, that this also might be considered as lost.' Kennedy.
δικασταὶ, ἀλλ` ἀντιφορτισαμένους ἀπάγειν κελεύει Ἀθήναζε, οὐ δανείζειν τοῦτον ὅτε ἀν βούλωται ἐν τῷ Πόντῳ τὰ ἡμέτερα ἀνεῖν ἡμῶν, ἀλλ` Ἀθήναζε παρέχειν ἀνέπαφα ἡμῖν, ἐως ἂν ἡμεῖς ἀπολάβωμεν τὰ χρήματα ὅσ` ἐδανείσαμεν. καὶ μοι ἀναγιγνωσκεῖ τὴν συγγραφὴν πάλιν.

ΣΤΙΓΓΡΑΦΗ.

38 Πότερον, ὃ ἄνδρες δικασταὶ, δανείζειν κελεύει 937 τοῦτον ἡ συγγραφὴ τὰ ἡμέτερα, καὶ ταῦτ` ἀνθρώπῳ ἢ ἡμεῖς οὐτε γυνηγόςκομεν οὐθ` ἐφάρκαμεν* τοῦτο, ἡ ἀντιφορτισαμένους κοιμάσαι Ἀθήναζε καὶ φανερὰ 39 ποιῆσαι ἡμῖν καὶ ἀνέπαφα παρέχειν; ἡ μὲν γάρ συγγραφὴ οὔδεν κυριότερον ἐὰν εἴναι τῶν ἐγγεγραμμένων, οὔτε προσφέρειν οὔτε νόμον οὕτε ψήφισμα οὐτ` ἀλλ` οὐδ` ὅτιον πρός τὴν συγγραφὴν τοῦτος δ` εὐθὺς ἐξ` ἀρχής οὔτε ἐμέλλει τῆς συγγραφῆς ταύτης, ἀλλ` τοῖς χρήμασιν ἔχοντο τοῖς ἡμέτεροι ὥστε ἑδοῖς οὕτων αὐτῶν` οὕτως εἰσὶν οὕτω κακούργοι σοφισταὶ καὶ 40 ἁδικοὶ ἀνθρώποι. ἐγὼ δ` ἐὰν τὸν Δία τὸν ἄνακτα καὶ

* ἐφάρκαμεν Ζ.

§§ 38—40. If the terms of the loan forbid lending the money in Pontus, that must be regarded as decisive. These Sophists are ‘a bad lot.’ I don’t say it because they have paid for learning eloquence (that is their affair); but if their eloquence is perverted to injustice, they ought to be punished.

39. ἡ μὲν γάρ, κ.τ.λ.] ‘I ask the question), for whatever the bond says on this point is final.’ See § 13.

προσφέρειν] ‘To bring to bear against, or as tending to cancel, the bond.’

κακούργοι] ‘Rogues as Sophists, and dishonest as men.’

In Or. 19 § 246 (παραπρ. p. 417) the Sophists are spoken of with contempt: — λογογραφοὺς καὶ σοφιστᾶς ἀποκαλοῦν τοὺς ἄλλους καὶ ἰβριζεῖν πεφωμένοι.

40. τὸν Δία τὸν ἄσκοτα] See Argum. ad fin. [ἀνα is a poetical word and is extremely rare in Greek Prose. Perhaps the only other passage where it occurs is Isoor. ix § 72, where Evagoras King of Cyprus is said to have given the name to the younger princes of the royal family, τῶν ἐξ αὐτῶν γεγονότων οὐδένα κατέλειπεν ἱδιωτικοῦ δύνατι προο- αγορευόμενον, ἀλλ` τὸν μὲν
τοὺς θεοὺς ἀπαντᾷς, οὕδεν* πῶσον' ἐφθάνησα οὖδ' ἐπετίμησα, οὗ ἄνδρες δικασταί, εἴ τις βούλεται σοφιστής εἶναι καὶ Ἰσοκράτει ἄργυριον ἀναλύσειν· μανωλίμην γὰρ ἄν, εἴ τι μοι τούτων ἐπιμελές εἴη. οὐ μέντοι μᾶλὰ ὁμαίνει γε δεῖν ἄνθρωποις καταφρονοῦντας καὶ οἰμωξομένους δεινούς εἶναι ἐφέσθαι τῶν ἄλλων, οὐδ' ἀφαιρεῖσθαι, τῷ λόγῳ πιστεύοντας· πονηρὸν γὰρ
938 ταῦτ' ἐστὶ σοφιστοῦ καὶ οἰμωξομένου. Δάκριτος δ' 41
οὕτοις, οὗ ἄνδρες δικασταί, οὐ τῷ δικαίῳ πιστεύον εἰσελήνυσθαι ταύτην τὴν δίκην, ἀλλ' ἀκριβῶς εἰδὼς τὰ πεπραγμένα έαυτοῖς περὶ τὸ δάνεισμα τοῦτο, καὶ ἤγοιμενος δεινὸς εἶναι καὶ ῥαδίώς λόγους ποριεῖσθαι περὶ ἀδίκων πραγμάτων, οἴεται παράξενοι ὡμάς ὅποι ἂν βούλησθαι. ταύτα γὰρ ἐπαγγέλλεται δεινὸς εἶναι, καὶ ἄργυριον αἴτει καὶ μαθητὰς συλλέγει, περὶ αὐτῶν τούτων

* οὕδεν Z cum Σ. οὕδεν Bokk.  
b οἴμαζι Z. Cf. Veitch, Gk. Vde. s.v.

βασιλέα καλομένου, τοῦ δὲ ἀνάκτας τὰς δὲ ἀνάσας. A somewhat similar oath is found in Or. 48 [Olymp.] § 2, μὰ τὸν Δία τῶν μέγιστῶν. S.]

τι τοῦτο] 'Any matters of that sort,' viz. so little concerning an ἐμπορος.

καταφρονοῦντας] 'Conceited.' Hesych. καταφρονέω ὑπερήφανεν. But it may be doubted if ἂλλων has not dropped out.

οἰμωξομένου] 'Who should be made to smart for it.' Kennedy.

Or, 'who will come to grief,' as we say. So Ar. Pac. 756 ἐκατόν κεφαλαί κολάκων οἰμωξομένων.

§§ 41, 42. Lacritus trusts in this case to his skill in eloquence, and his cleverness in making you take his own views of the matter. His brothers have been brought up in the same school, and are therefore equally dishonest.

41. εἰδὼς τὰ πεπραγμένα] 'With a full knowledge of (the dishonesty of) the transactions they were engaged in.'

ταύτα γὰρ] 'For this is just what he professes to be clever in; for this he asks for money and collects pupils, engaging to instruct them on these very points.' So in Or. 19 § 48 (παραπρεπ. p. 356), καὶ ἐπαινέσαι δὲ Φιλιππὸν δι᾽ ἐπαγγέλλεται τὰ δίκαια τούτα. Here is a distinct charge against the Sophists of teaching δίκαια, dishonesty.

μαθητὰς συλλέγει] Apart from his own brothers Artemo and Apollodorus, referred to in the next §, we find one other pupil of Lacritus in Archias of Thurii, ο κληθεὶς φυγαδόθηρας, 'nicknamed the hunter of exiles,' from being employed (under the
42 τῶν ἐπαγγελλόμενος παιδεύειν. καὶ πρῶτον μὲν τοὺς ἀδελφοὺς τοὺς αὐτοῦ ἐπαίδευε τὴν παιδείαν ταύτην, ἢν ύμεῖς αἰσθάνεσθε ποιηρὰν καὶ ἄδικον, ὡς ἀνδρὶς δικασταὶ, δανειζομαι ἐν τῷ ἐμπορίῳ ναυτικὴ χρήματα καὶ ταύτ' ἀποτείχες καὶ μὴ ἀποδιδῶναι. τῶς ἄν γενοῦντο ποιηρότεροι ἀνθρώποι ἢ τοὺς παιδεύοντος τὰ τοιάντα ἢ αὐτῶν τῶν παιδευομένων; ἐπεὶ οὖν δεινὸς ἔστι καὶ πιστεύει τῷ λέγειν καὶ ταῖς χιλίαις δραχμαῖς,

43 ὁ δὲ δέδωκε τῷ διδασκάλῳ, κελεύσατε αὐτὸν διδάξαι ὡς ἢ ἢ τὸ χρήματι ὡς ἢ ἢ τὸν παράγανον ἢ ἢ τὸν ἀναθήματος ἀποδεδώκασιν, ἢ ὡς τὰς ναυτικὰς συγγραφὰς οὔ ἢ κυρίας ἢ κυρίας, ὡς ἢ κυρίας ἢ κυρίας τοῖς χρήσιμοι ἢ ἐφ' οἷς ἢ κυρίας κατὰ τὴν συγγραφὴν. τούτων ὁ τι βούλεται πεισάτω ὡς ἢ καὶ ἐγώ γε καὶ αὐτὸς συγχωροῦσαν συγγραφῶν εἶναι τούτων, εἰς ὡς ἢ καὶ πείσῃ τοὺς περὶ τῶν συμβολαίων τῶν ἐμπορικῶν δικαίων.

ἀλλ' εὖ οὖν ὅτι οὐδὲν ἂν τούτων οἷος τ' εἴη οὕτως οὔτε διδάξαι οὔτε πείσαι.

ο 2. ἐπεδῆ Bekk. 1824; ἐπεὶ δ' οὖν Bekk. st.

orders of Antipater, in b.c. 322) to seize the orators who had fled from Athens — amongst others Hyperides and Demosthenes himself. Plutarch, Dem. 28, "Ἐρμηνεία τῶν Ἀρχαίων ἐν τοῖς Δακρίτου τοῦ Ῥήτορος μαθητῆς ἡμῶν. 8.]

42. ἀλεθάνεσθε] 'Are aware,' by the present example, perhaps.

didaskálw] Isocrates, cf. §§ 15, 40.

§ 43. As he is so clever, perhaps he will undertake to prove to you that black is white and that they did not borrow at all, or that they have paid, or that the bond is waste paper, or that they had a right to use our money as they pleased.

ἀλλ' τι] See on § 17.

τούτων δ' τι βοῦλεται κ.τ.λ.] Or. 43 (Macart.) § 41, τούτων δ' τι βοῦλεται τα μαρτυρήσατο αὐτῷ, quoted by Blase, Att. Ber. iii 505, who ascribes this speech to the same author as Or. 43. 8.]

τῶν συμ. τῶν ἐμ.] 'Who sit to try these cases of mercantile contracts.' A mere synonym of δικαίος ἐμπορικῷ, and distinct from those questions of international law, or right of appeal from the citizens of one state to the tribunals of another, known as δικαίος ἐμπορικός, and συμβολαίοι δικαίοι. The phrase again occurs in § 47.
Xωρίς δὲ τοῦτων, φέρε πρὸς τῶν θεῶν, ὁ ἀνδρὲς 44
939 δικασταὶ, εἰ τούναντίον συμβεβήκηε, µὴ ὁ τούτου ἀδελ-
φὸς ὁ τετελευτηκὼς ἐμοὶ ὁφείλε τὰ χρήματα, ἀλλ’ ἐγὼ
τῷ τοῦτον τάλαντον ἢ ὑγιοῦκοντα µνᾶς ἢ πλέον ἢ
ἐλαττοῦ, ἢ ἀν ὀδεσθεί Λάκριτου τούτοι, ὁ ἀνδρὲς δι-
κασταὶ, τοὺς αὐτοὺς λόγους λέγειν ὁσπερ νυν κατα-
κέχομαι, ἡ φάσκειν αὐτὸν οὐκ ἐπαινεῖ κληρονομοῦν καὶ
ἀφίστασθαι τῶν τοῦ ἀδελφοῦ, καὶ οὐκ ἂν πάνυ πικρῶς
εἰσπράττειν µε, ὁσπερ καὶ παρὰ τῶν ἄλλων εἰσπέπρα-
κται, εἰ τίς τί ἐκεῖνῳ τῷ τετελευτηκότι ὁφείλειν ἢ ἐν
Φασῆλιδι ἢ ἂλλῳ ποιοῦ; καὶ εἰ τις ἡμῶν φεύγων δίκην 45
ὑπὸ τοῦτο παραγράφην ἐτόλμησε παραγράφεσθαι,
µὴ εἰσαγωγὸν εἶναι τὴν δίκην, εὐ όἰδ᾽ ὅτι ἡγανάκτη
ἄν αὐτοῦ καὶ ἐσχετικάζει πρὸς ὑµᾶς, δεῦµα φάσκων
πάσχειν καὶ παρανοµεῖσθαι, εἰ µὴ τις αὐτῷ τὴν δίκην
ψηφιεῖται εἰσαγωγὸν εἶναι, ἐµπορικὴν οὐσίαν. ἔπει-
τα, ὁ Λάκριτε, σοὶ µὲν τούτῳ δίκαιον δοκεὶ εἶναι, ἐµοὶ
δὲ διὰ τί οὐκ ἔσται; οὐχ ἄπασιν ἡµῖν οἱ αὐτοὶ νόµοι

§§ 44, 45. Supposing the contrary had happened, that I had
owed Lacritus' deceased brother
the money which he owed to me;
would Lacritus then have relinqu-
ished the property, or omitted
to sue me? Or again if any
one of you had put in a special
plea in bar of his claims, would
he not have insisted that the
case was a mercantile suit, and
as such could be tried in this
court?
κατακέχομαι] 'Lavishly uses.'
The κατὰ in this verb, which
commonly means abutit, has the
same force as in καταχαρέσθαι,
καταπροδοῦναι, &c., and means
'to use up,' or, 'use away,'
advalkeus. But to use in ex-
cess is to abuse,
eispetpraktai] In the medial
sense. See on § 26.
45. αὐτῶς] so. ὁσπερ νῦν
ἡµεῖς ἁγανακτοῦµεν. — παρα-
νοµεῖσθαι, that he is being dealt
with in a manner not contem-
plated by the laws.
ἐπειτα, κ.τ.λ.] 'Then, La-
critus, if you consider this just
for yourself, why should it not
be just for me? Are not the
same laws enacted for all?
Have not all the same rights in
regard to mercantile actions?'
Kennedy.

P. S. D. 6
46. *ψηφίσασθαι*] This shows that the granting a *paragraphe* was by voting, as in an ordinary verdict.

*δικαζόντων υμῶν νυν τὰς ἐμπορικὰς δίκας*] The courts of Commerce held their sittings during the season of the year in which navigation was suspended. Cf. Or. 33 § 23, αἱ λήξεις τῶν δικαίων τοῦ ἐμπόρου ἐκ μυαλοῦ εἶναι απὸ τοῦ βοηθοῦμεν μέχρι τοῦ μουντσióνος (i.e. from about September to April), ἢν παραχρῆμα τῶν δικαίων τυχόντες ἀνάγχονται. The present passage helps to fix the date of the speech. We know that in B.C. 355, the date of Xenophon's treatise on the Revenue of Athens (ιII 3), this prompt settlement of commercial cases had not yet been introduced; for he proposes by way of remedy that a prize should be given to the officer of the harbour who gave the most expeditious and equitable decision. But in B.C. 348—2, the date of the speech on Halonnesus, the improved system had already come into force, as the speaker (Hegesippus) referring to the times of Amyntas says, ἐμπορικὰ δίκαι ὡσπερ νῦν ἀκριβεῖς αἱ κατὰ μήνα. (Dem.) Or. 7 § 12. Cf. Introd. p. 52, and note on Or. 37 § 2. S.] ἢν εἶναι] i.e. ἄρκειν, ἄλιθεν εἶναι.

*προσοφλύντας*] 'For having been condemned in costs, and if we fail to pay them.' The *ἐπωβελία* is meant, which was a penalty of a sixth part of the assessment of the suit (an obolus for every drachma), claimed by the defendant—in this case by Laeritus—if the plaintiff failed to obtain a fifth part of the votes. §§ 47—9. If we, exercising the profession of money-lenders in your mart, are to be not only robbed, but fined (with the *ἐπωβελία* and imprisoned, for not paying it, it would be a hard case. If our claim cannot be tried here, to what other court can we resort? Certainly not to the Archons, nor the strategi, who have nothing to do with mercantile suits, whereas both I and your brother Artemio are merchants.
στερούμενοι ὑπὸ τῶν δανεισμένων καὶ ἀποστεροῦντων ἀπάγοντο εἰς τὸ δεσμωτηρίον; ταῦτ’ ἐστὶν, ὁ Δάκριτος, ὃς τούτους πείθεις; ἄλλα ποῦ χρῆ λαβεῖν δῖκην, ὃ ἄνδρες δικασταί, περὶ τῶν ἐμπορικῶν συμβολαίων; παρὰ πολὰ ἀρχῇ ἢ ἐν τίνι χρόνῳ; παρὰ τοῖς ἐνδεκα; ἄλλα τοιχοφύλαξι καὶ κλέπτας καὶ τοὺς ἀλλούς κακούργους τοὺς ἐπὶ θανάτῳ οὐτοὶ εἰσάγοντες. ἄλλα παρὰ τῷ ἄρχοντι; οὐκοῦν ἐπικλήρων καὶ ὅρφα- 48 νῶν καὶ τῶν τοκέων τῷ ἄρχοντι προστέτακται ἐπιμελεῖται. ἄλλα νῇ Δίᾳ παρὰ τῷ βασιλεί. ἄλλ’ οὐκ ἐσμὲν γυμνασίαρχοι, οὐδὲ ἀσβείας οὐδένα γραφόμεθα.

47. ὑπὸ τῶν δαν., κ.τ.λ.] To be construed with ἀπάγοντο. ‘Should be carried to prison by the fraudulent debtors.’ Kennedy. Lit. ‘by those who have borrowed and then try to evade payment.’

ἐν τίνι χρόνῳ;] For mercantile suits were held only occasionally, “They were tried before the Thesmothetae during the six winter months, while the ships were laid up in harbour, and the judges were compelled to bring them to a final decision within a month.” (Kennedy, argum. against Zen. Or. 52.) Hence they were called ἐμμηνοὶ δίκαι Or. 33 § 23, quoted on § 46. See the commencement of Or. 33, πρὸς Ἀπατοῦρον:—τοῖς μὲν ἐμπόροις καὶ τοῖς ναυκληροῖς κελεύει δύναται ἡ δίκαι ἐκ τῶν δικαι πρὸς τοὺς θεσμοθέτας, εἰπ’ αὐτοῖς ὅτι ἐπικίνδυνοι εἰς τῷ ἐμπόρῳ ἢ ἐνθάνετε πλέοντες ἢ ἐπέρεον δεύον.—τοῖς ἐνδεκα, ‘the criminal court,’ the ‘eleven’ having the custody of as well as the jurisdiction of prisoners on capital charges, εἰπ’ θανάτῳ (ὑπαγόμενοι). [K. F. Hermann’s Public Antiquities § 189.]

48. τῷ ἄρχοντι] ‘The Archon,’ i.e. the ἐπώνυμος. See Or. 37 § 33, δοσα εἰς ἐπικλήρων, πρὸς τῷ ἄρχοντι. As guardian generally of orphans and heiresses, the chief Archon was the Lord Chancellor of Athens. [Hermann’s Public Ant. § 138, 6.] It may be questioned if the clause καὶ τῶν τοκέων is not here an interpolation, resulting from a gloss on ὅρφανως. Or must we suppose that claims of parents to be maintained by their children (γηροδοσιεύθαι) came into the court of the chief archon? [Blass objects to the word τοκείς as ‘undemoothenio,’ Att. Ber. πρ. 506. 8.]

tῷ βασιλεί] The ‘King-Archon’ represented the religious part of the duties of the king of old, as the Roman Pontifex and Rex Sacrificulus did. The games were a part of the public religion, and so any complaints on that head fell under his cognizance, as well as ἀσβεία, any kind of disrespect to the gods or the temples. Cf. Androt. p. 601 (Or. 22 § 27), τῆς ἀσβείας κατὰ ταύτα ἔστιν ἀπάγον, γραφεῖσθαι, δικάζεσθαι πρὸς Ἐνδυμαλθᾶς, φρά-
άλλ' ὁ πολέμαρχος εἰσάζει. ἀποστασίου γε καὶ ἀπρο-
στασίου. οὐκοῦν ὑπόλοιπον ἐστὶν οἱ στρατηγοὶ. ἀλλὰ
τοὺς τριτίρρχους καθιστάσιν, ἐμπορικὴν δὲ δίκην
49 οὐδεμίαν εἰσάγοντιν. ἔγα γ' εἰμὶ ἐμπορος, καὶ σὺ
ἀδελφὸς καὶ κληρονόμος ἐνὸς τῶν ἐμπόρων τοῦ λαβό-
τος παρ' ἡμῶν τὰ ἐμπορικὰ χρήματα. ποί οὖν δεῖ
ταύτην εἰσελθεῖν τὴν δίκην; δίδαξον, ὁ Δάκριτος, μόνον
δικαίων τι λέγων καὶ κατὰ τοὺς νόμους. ἀλλ' οἷκ ἔστω
οὗτω δεινὸς ἀνθρώπος οὐδεὶς, ὅτις ἄν περὶ τοιούτων
πραγμάτων ἔχω τι δίκαιον εἰπεῖν.

50. Οὐ τοιῶν ταύτα μόνον, ὡς ἄνδρες δικασταί, δεινὰ
ἔγα πάσχω ὑπὸ Δάκρίτου τουτοῦ, ἀλλὰ καὶ χωρίς

καθιστάσιν) Ἰτhet, “om. B, in margin. γρ. habent
+ εἰς τὸ δικαστήριον Σ.

ζεῦν πρὸς τὸν Βασίλεα. [Hermann's Public Ant. § 138, 8.]

ὁ πολέμαρχος] In early times, he was the Minister of War
and even the chief commander, like Callimachus of Aphidnae
at Marathon, Herod. vi 109 (τὸ παλαιὸν γὰρ Ἀθηναίοι ὁμψί
φορ τὸν πολέμαρχον ἐκεῖνον τοῖς στρατηγοῖς). [Hermann's
Public Ant. § 138, 10.]

ἀποστασίον and ἀπροστασίον were respectively applied to
the case of a μέτοχος leaving, or acting without the sanction of,
the προστάτης or patron under whom he had been enrolled (ἀν ἐπεγράφατο),
and the refusing to be enrolled. Hesych. ἀπρο-
στασίου δική κατὰ τῶν προστατη-
µὴ ἀπογραφαμένων (ἀ. ἐπιγρ.)

[Harpoct. εἶδος δικῆς κατὰ τῶν προστατη-

οἱ στρατηγοὶ] Briefly put

for eliēnai para touto stratet-

γοῦς.

καθιστάσιν] ‘They appoint,’
’settle disputes about,’ viz. by
taking cognizance of and hear-
ing claims respecting the ἀντι-
δόσεις, or offer of exchange of
property. Or. 42 § 5, τοῦ γὰρ
μεταγειτνώσως μην ὑπὲρ ἑαυτῶν
λατεμένου ἔτοι μοὶ στρατηγοὶ
to ἐμπόρους τὰς ἀντιδόσεως.
Hence the phrase ἀντιδίδωμι
προχλῆξιν, Mid. p. 539 (Or.
21 § 78).

49. The article before ἐμ-
πορικὰ seems at least unneces-
sary to the sense. Perhaps
however we should read ἐμπορικὰ
tὰ χρήματα, ‘who got from us
money to be used in trade.’

οὕτω δεινὸς] ‘So clever.’ Again
a stroke of satire against the
Sophists, whom Plato so often
calls δεινοὶ ἄνδρες.

§ 50. It is fortunate that
the bond expressly stated that
the money was lent ‘to Pontus
and back to Athens.’ For oth-
wise he might have carried his
τοῦ ἀποστερεῖσθαι τὰ χρήματα εἰς τοὺς ἐσχάτους ἀν κινδύνους ἀφικόμεν τὸ τοῦτο μέρος, εἰ μὴ μοι ἢ συγ-
γραφὴ ἐδοθῆ τῇ πρὸς τούτου, καὶ ἐμαρτύρει ὅτι εἰς τὸν Πόντον ἐδοκα τὰ χρήματα καὶ πάλιν Ἀθῆνας.
ἰστε γὰρ, ὃ ἰδρυμα δικασταὶ, τὸν νόμον ὡς χαλεπὸς ἠπτιμεν, ἐὰν τίς Ἀθηναίων ἀλλοσε τοι συνηγοσε ἢ Ἀθή-
νας, ἡ χρήματα δανείας εἰς ἄλλο τικ ἐμπόροιν ἢ τὸ Ἀθηναίων, οἴοι ζημίαν περὶ τούτων εἰςίν, ὡς μεγάλαι καὶ δεινα. μᾶλλον δὲ αὐτῶν ἀνάγουσθι αὐτῶι τῶν 51
νόμων, ἢν ἀκριβέστερον μάθωσιν.

ΝΟΜΟΣ.

[Ἀργύριον δὲ μὴ ἐξεῖναι ἐκδοῦναι Ἀθηναίων καὶ
tῶν μετοίκων τῶν Ἀθηναίων μετοικούντων μηδενυ, μηδὲ
ἀν οὐτοί κύριοι εἰσί, εἰς ναῦν ἦτις ἀν μὴ μέλλῃ ἄξειν
σύτων Ἀθηναίων, καὶ τάλλα τὰ γεγραμμένα περὶ ἐκάσ-

h + καὶ Ζ.

1 γὰρ δὴ ποι Bekk. 1824.

k om. Ζ et Bekk. et cum Σ.

application for a special plea against me, the law forbidding the lending of money for any other mart than Athens.

το τοῦτο μέρος]. 'As far as he was concerned,' i.e. as far as he could imperil me by making me pay the ἐπωβελία (§ 46) and succeeded in quashing my suit by a παραγραφή. Cf. Soph. Trach. 1215, οὐ καμὲ τοίμον μέρος, 'you shall not suffer through deficiency on my part.' [C'est là un artifice oratoire. La loi dont il s'agit ne pouvait pas s'appliquer aux cas de force majeure.' Dareste, S.]

ἐὰν τις, κ.τ.λ.] Cf. Or. 34 § 87, and Lycurg. adv. Leocr. § 27, αἱ ὑμέτεροι νόμοι τὰς ἐσχάτας τιμω-
ρίας ὑπῆρχον ἐὰν τίς Ἀθηναίων ἀλλοσε τοι συνηγοσε ἢ ὃς ὑμᾶς.


ἀλλοσε ἢ Ἀθηνας] This was the worst form of 'protection,' since it tended to make corn a monopoly at Athens.

51. ἢν οὐτοί κύριοι εἰσί] viz. any slave or agent in their employ.

καὶ τάλλα τὰ γ.] Equivalent to our form "and so on," "et cetera." Only one or two clauses are quoted. But the law, as remarked on § 10, is spurious. The phrase ἐκδοῦναι, for προέσθαι
or δανείας, is by no means common, though ἐκδοσις seems sometimes so used. (Boeckh, P. E. p. 182.)
XXXV. PROS THN [§§ 51—54

tou avton.1. ean de tis ekdph parag vaut, elnai tyn fasn kai tyn apograpf ton argyrovo prós tois epimelethas, kathá perí tis vewn kai to sítou eirnetai, kata taúta. kai dike avtr mh eston perí tov argy-

rion, ó an ekdph állos e pi o 'Athetake meh dé arxh eisagwéto perí toútovum meðemla.]

52 'O men nómos, ó andres dikastai, oupto xalepopos eston oustoi de oii miaróstatoi andrónoun ápanvou, ghegrámménon2 diarrhèn en tý syngráphf 'Athetake páliwn ēkeiv tás Khýmata, eis Xion èptérepan katanxhý-

nai ã eðanélasant 'Athetake san par' ēmón. danelizoménou gár en tý Póntov tov nauklhrou tov FascheIon tos xhýmata pará tivos Xion andrópon, ou fáskontos de tov Xion danelseuv, éan mh úpóthíkhen láthi ápanvódó, ódó ën perí tov nauklhrou, kai eptírposoi taúta ois próteron danelikótos, èptérepan taúta úpóthíkhen 

geneáthei tó Xlph tás ëmètera kai kúrió vou ekèinon gene-942 

53 ñbain ápanvou, kai ouptou apépleu ev to Póntov

1 kal tâllâ—avtron. 'Seiunximus haec verba a reliquis cum nobis viderentur non esse legis ipsius.' Z.

2 toúton Bekk. 1824.

n 'corr. ghegrámménon, diarrhèn, quum esset diserte scriptum.' Cobet, Miscellanea Critica p. 86; idem deduct Bekker 1824.

τῆς φάσιν] The action for contraband trading.—ἐπιμελη-

tás, sc. λιμένων, or ἐμπορίου, the 

overseers or harbour-masters. 
[They were ten in number. See 
Meier and Schömann, p. 86. ] —ἀπογραφή, see Or. 84 § 7.

§§ 52—4. Clear and explicit 
as the terms of the law are, they 
have been violated by taking the 
ship (from Thieves’ harbour) to 
Chios at the instance of a Chian 
merchant who had lent them 
money on our goods at the Pontus. 
And those who break the law do 
indirectly injure the citizens 
generally.

τοῦ ναυκλήρου τοῦ Φ.] See 
sup. § 19.

περί τῶν ναυκλήρων] 'With, 
and in custody of, the skipper.' 
The word ðawta is emphatic: 
he would have the whole cargo, 
and therefore the property of 
Androcles was included. Such 
a transaction appears to have 
been legal, provided the consent 
of the former lenders was ob-
tained.
μετὰ τὸν Φασχίλιον ναυκλήρου καὶ μετὰ τὸν Χίον τὸν δεδανεικότος, καὶ ὁρμίζονται ἐν φωρῶν λμένι, εἰς δὲ τὸ ὑμέτερον ἐμπόριον ὑμῶν ὁρμίζωντο. καὶ νυνὶ, ὁ ἄνδρες δικασταλ, τὰ Ἀθήνηθεν δανειοθέντα χρήματα εἰς τὸν Πόντον καὶ πάλιν ἐκ τοῦ Πόντου Ἀθήναζε εἰς Χίον κατηγμένα ἐστὶν ὑπὸ τούτων. ῥυπερ ὑπὸν ἐν ἀρχῇ 54 ὑπεθέμην τοῦ λόγου, ὅτι καὶ ὑμεῖς ἀδικείσθε οὐδὲν ἤττον τῶν δόντων ἡμῶν τὰ χρήματα. σκοπεῖτε δ’, ὁ ἄνδρες δικασταλ, πῶς συναδικείσθε, ἐπειδὰν τις τῶν νόμων τῶν ὑμέτερων κρείττων ἐγχείρη ἐναι καὶ τὰς συγγραφὰς τὰς ναυτικὰς ἀκύρους ποιῆ καὶ καταλύῃ, καὶ τὰ χρήματα τὰ παρ’ ἡμῶν εἰς Χίον θ’ ἀδίκεστολκῶς, πῶς οὐκ ἀδικεῖ ὁ τοιοῦτος ἀνθρωπος καὶ ὑμᾶς;


p τῶς οὐκ ἀδικεῖσθε Bekk. 1824.

53. ἐν φωρῶν λμένι] See § 28. κατηγμένα] Cf. § 52, καταχθῆναι. Aeschylus has προσημεῖον, 'brought up' (beached) by windlasses or capstans, said of a ship. Suppl. 441.

54. ῥυπερ—σκοπεῖτε δ'] 'This then is precisely what I took for granted at the beginning of my address.' Mr Mayor suggests the placing of a comma instead of a period at τοῦτων, 'goods have been taken by them to Chios, proving the truth of my remark that the city itself loses.' In this case it would surely be better to omit οὖν. There seems to be something wrong in this passage. Either δι’ should be omitted, or, if it be retained, we should read σκοπεῖτε ἐκ τῶν ὑμῶν for σκοπεῖτε δ’ ὁ κ.τ.λ. 'What I said at first, that you also are wronged, consider from this point of view (that ye may see) how you share in the wrong done; (for) when a man attempts to make himself superior to your laws, surely he does involve you in a common injury.' Even the clause πῶς συναδικείσθε might be omitted without detriment to the sense.

[With the whole passage cf. Or. 48 § 55 aταὶ (the speaker's wife and daughter) γὰρ εἶλαν αὐτὰ ἀδικοῦμενα οὐχ ἤττον ἡμῶν, ἅλλα καὶ μᾶλλον. πῶς γὰρ οὐκ ἀδικοῦνται ἡ πῶς οὐ δεινὰ πάσχονται, ἐπειδὴ δὲν ὥστε...ἀναταῖς, πῶς οὐκ ἀδικοῦνται μᾶλλον ἢ πλέον αὐτὰ ἡ ἐγώ; Blass (Att. Ber. n. 505), who quotes this parallel, attributes the present speech to the same author as Or. 48. 8.]

διαπεπταλκῶς] A happy term for 'dispatching goods to different destinations other than what the law allows.' Mr Fenrose fails to see the true force of the διὰ in composition.
55 Ἕμοι μὲν οὖν ἔστων, ὡς ἄνδρες δικασταὶ, πρὸς τούτους ὁ λόγος: τούτοις γὰρ ἔδωκα τὰ χρήματα. τούτοις δὲ ἔσται πρὸς τὸν ναύκληρον ἐκείνον τὸν Φασηλήτην, τὸν πολίτην τὸν αὐτῶν, δὴ φασὶ δανεῖσαι τὰ χρήματα ἄνευ ἡμῶν παρὰ τὴν συγγραφὴν. οὐδὲ γὰρ ἡμεῖς ἵσμεν τίνα ἔστι τὰ πεπραγμένα τούτους πρὸς τὸν ἑαυτῶν πο-56 λίθην, ἀλλὰ αὐτοὶ οὗτοι ἱσασίν. ταῦτα ἡγούμεθα δίκαια ἐναι, καὶ ἡμῶν δεόμεθα, δὴ ἄνδρες δικασταὶ, βοηθεῖς ἡμῶν τοῖς ἁδικουμένοις, καὶ κολάξειν τοὺς κακοτεχνῶν-τας καὶ σοφιζομένους, ὡσπερ οὗτοι σοφίζονται. καὶ ἔδω καὶ ταῦτα ποιήτε, ὡμῶν τε αὐτοῖς τὰ συμφέροντα ἔστη-σθε ἐγκριθομένοι, καὶ περιαρθήσασθε τῶν ποιητῶν ἀνθρώπων τὰς πανουργίας ἀπάσας, ὡς ἔνων πανουρ-943 γοῦσι περὶ τὰ συμβόλαια τὰ ναυτικά.

§§ 55, 6. The case now lies between me and the defendants: it is for them to deal with Hylas the skipper, who is their own countryman, and must be sued in their courts. We have no knowledge of any transactions between them. It is the duty of the judges to deal severely with fraud in defence of mercantile interests.

ψ φασὶ δανεῖσαι] § 86.
ἐσεῖθεν ἐγκριθομένοι] The Greeks have no tense corresponding to the Latin future perfect indicative, fuero, &c. They use therefore ἔσομαι with a past participle, as Aesch. Suppl. 454, λέειν, τιν’ αὐθίν τὴν δὲ γηρηθῆσα’ ἔσει; Soph. Ant. 1067, νέκυν νεκρῶν ἀμοιβὴν ἀντιδοὺς ἔσει. Oebel gives a great many examples in p. 321 of his Variae Lectiones.

περαιρήσασθε] ‘You will rid yourselves of all the villainous artifices of these unprincipled men.’ Kennedy translates ‘you will deprive the swindlers of those artifices,’ &c. But it is more probable that αἴρῃσομαι (like λέειναι, τιμῆσομαι &c.) is here passive = αἶρεθόσομαι. The idiom is here the same as in the more familiar ἀφαιρεθήναι τι.
ΠΑΡΑΓΡΑΦΗ ΠΡΟΣ ΠΑΝΤΑΙΝΕΤΟΝ.

This is an important and rather difficult speech. As conveying much and curious information about mining operations and the laws which regulated them, it is unique in the writings of the orators, though Χενόφων touches upon the subject, if the treatise περὶ πόρων, ‘on the Athenian Revenues,’ is rightly attributed to him. Dismissing for the present any discussion on this topic,

1 The student will find ample information upon it in Kennedy's long and careful Introduction, p. 219—24 (in Vol. iv of his Translation of Demosthenes), and in Boeckh's Dissertation on the silver mines of Laurion in p. 615—678 of the “Public Economy,” translated by Lewis, Ed. 2. [See also K. F. Hermann's Lehrbuch der Griechischen Privatalterthümer, § 14, 17, and Büchenschütz, Besitz und Erwerb im Griechischen Alterthume, pp. 98—108. In the time of Strabo (fl. B.C. 24) the silver mines were nearly exhausted: ix 28, p. 399, τα δ’ ἀργυρεῖα τὰ ἐν τῇ Ἀττικῇ κατ' ἀρχὰς μὲν ἂν ἀξιόλογα νῦν δ’ ἐκλεισει' καὶ δὴ καὶ οἱ ἐργαζόμενοι τῆς μεταλλείας ἀσθενῶς ὑπακούουσι τὴν παλαιὰν ἐξολόδα (unsmelted ores left by the old workers, the Cornish ‘attle’) καὶ σκωρλαν (‘slag’) ἀναχωνεῖοντες αὐρισκον ἐτε ἐς αὐτῆς ἀποκαθαρᾷσαιν ἄργυρον, τῶν ἀρχαίων ἀπειρως καμμενίκτων. The right to work this refuse ore (as well as the slag) was from 1869 to 1873 one of the points in dispute between the Greek government and a commercial company, MM. Roux et Serpieri. An interesting account of the origin of the quarrel, with some correspondence thereupon, may be found in the Times for 9th, 10th, 12th and 16th Oct. 1872, and 10th Aug. 1875; and a lively description of a visit to the works of one of the Greek companies is given in Mahaffy's Rambles and Studies in Greece, pp. 117—131, 1876. In April 1886, by the kindness of MM. Serpieri and Pellissier, Mr Sandys visited some of the more ancient portions of the extensive mines of the French company which sends its lead to Newcastle, and its zinc to Swansea and Antwerp. S.]
we shall endeavour to state the nature and grounds of the action as briefly and clearly as the somewhat complex and involved argument allows.

The plea is preferred by one Nicobulus for a παραγραφή against certain unreasonable claims made upon him, as he considers them, by Pantaenetus, who is in effect the plaintiff. He had charged Nicobulus with damaging his works, with taking away ore and smelted silver from his slaves, with taking possession of the mine for non-payment of money advanced to him by Nicobulus in conjunction with Evergus, and with other outrages (§ 33). The case is made more intricate by the numerous transfers of the mining property (or "sett," as it is now technically called) to various owners, who still retain a lien upon it. The successive proprietors of the mine were (1) Telemachus, § 5 ; (2) Pantaenetus, § 22 ; (3) Mnecicles, who holds the conveyance in his own name, as having lent money on security of it, § 5 ; (4) Nicobulus and Evergus, who obtained the transfer direct from Mnecicles, as the mortgagee; (5) Pantaenetus again, but under lease to the last-mentioned proprietors; (6) the nominees of Pantaenetus, who bought it at his urgent request from Nicobulus, § 16.

To pay for the mine, and perhaps to carry on operations, Pantaenetus had at the outset borrowed money from Mnesicles (§ 4) and other parties. On this account, the mine is transferred to Mnesicles, who is thenceforth the real vendor, παρήν. But, on Mnesicles requiring to be paid, Pantaenetus a second time borrows money, viz. from Nicobulus and Evergus, who consent to purchase the mine in their turn from Mnesicles, at the desire of the nominal owner Pantaenetus, on condition of getting their interest, in the form of rent, from the profits of the mine, of which he becomes the lessee under
them, § 5. At this juncture, of course, Nicobulus and Evergus are the real owners of the mine; but by a special clause, Pantaenetus has the power of redemption, or resuming actual ownership, within a certain time.

The transaction being concluded, Nicobulus goes abroad for a time, and during his absence Evergus, failing to obtain the promised rent as interest, takes possession on his own account, and apparently with undue rigour, of the mine, the slaves, and even of the ore raised. For this Pantaenetus eventually brings an action against him (probably on some technical ground of illegality\(^1\)), and obtains a verdict, with the heavy damages of two talents. (§ 46.)

Nicobulus, on his return to Athens, is surprised to find Evergus in possession of the mine, he being still unpaid, and additional creditors against the mine, i.e. against Pantaenetus (whether real or fictitious) now coming forward. It is at length arranged that both Evergus and Nicobulus shall be paid their claims in full, and the mine shall pass into other hands. Nicobulus takes the precaution to get a release and discharge from all further demands on the part of Pantaenetus (i.e. as the former lessee), and this release is made the principal ground of the present \(\pi\alpha\rho\alpha\gamma\rho\alpha\phi\f\). Not so Evergus, however, who (as above mentioned) was prosecuted and condemned for the seizure of the property on his own account. It is clear that if he also had obtained an acquittance, Pantaenetus could have had no legal ground for the suit against him. An action is now brought against Nicobulus, who is the defendant in the suit. Pantaenetus says that he aided and abetted Evergus in getting wrong-

\(^1\) Evergus ought to have acted, perhaps strictly in agreement with Nicobulus, or have waited for his return, or to have dis-
ful possession of the property, and he seeks to obtain damages from him. But Nicobulus resists the claim, relying on the release he had got under the hand of Pantaenetus. Another point of the παραγραφή is, that this is not properly a mining suit, and therefore cannot be tried among other δίκαι μεταλλυκαλ. (§ 35—6.)

Pantaenetus makes an unfair use of the popular dislike of money-lenders. He urges this point in § 52, μισοῦν Ἀθηναίοι τοὺς δανείζοντας, and declares that Nicobulus is arrogant and personally offensive. But Nicobulus says he is not a professional money-lender who cares only for profit, but "a private gentleman with capital at his disposal," who is willing to oblige his friends by a loan.

The chief difficulty, perhaps, lies in understanding how Pantaenetus contrived to get a verdict against Evergus; for it is clear that it is on the merits of this case, and the success that had attended it, that the further action is filed against Nicobulus.

The late Mr Kennedy’s Introduction should be in the hands of the student. As an eminent barrister, who was thoroughly versed in both the English and the Attic law, he has disentangled the case with great skill, though he considers it as still obscure on several points.

The date of the speech is approximately determined by the mention in § 6 of the Archonship of Theophilus, viz. B.C. 347. [The speech probably belongs to the year 345, A. Schaefer, Dem. u. s. Zeit, iii 2, pp. 206, 332; Blass, Att. Ber. iii 420. Both of these able critics accept it as a genuine work of Demosthenes. The contrary view is held by Sigg and G. Krueger (Halle), 1876, whose arguments have been refuted in detail by A. Hoeck (Berlin) 1878. S.]
ΠΑΡΑΓΡΑΦΗ ΠΡΟΣ ΠΑΝΤΑΙΝΕΤΟΝ.

ΥΠΟΘΕΣΙΣ.

Πανταίνετος παρὰ Τηλεμάχου τινὸς ἐργαστήριον μεταλλικόν ἐν Μαρωνείᾳ (τόπος δὲ οὗτος τῆς Ἀττικῆς) καὶ μετὰ τοῦ ἐργαστηρίου τριάκοντα τῶν ἄριθμον οἰκεῖος ὄνομανες, δανείζεται παρὰ μὲν Μνησυκλέος τάλαντον, παρὰ δὲ Φίλεον καὶ Πλείστορος πέντε καὶ 5 τετταράκοντα μιᾶς. καὶ ἤν ὁμητής ἐγγεγραμμένος ὃ

1. Argument ἐργαστήριον μεταλλικών 'Mining works.' We have ἐργαστήριον συκοφαντῶν, 'a gang of informers,' in Or. 39 § 2, and the word properly includes the slaves, though special mention of them follows, as below, τὸ ἐργαστήριον καὶ τὰ ἀνδράποδα. In § 4 it is ἐργαστήριον ἐν τοῖς ἔργοις, where Kennedy renders it 'a pit.' [At the present day, Ergasteria is in common use in Attica as an alternative name for the modern mining-village of Laurion. S.]

2. Μαρωνείᾳ] 'The mining district, besides the demi Anaphystus, Besa, Amphitrope, and Thoricus, contained several places which were not demi, as Laureium, Thrasyllium, Maroneia, Aulon' (Leake's Demi, p. 274).—The place may perhaps be identified with some ruins five miles N. of Sunium. S.]

Böckh, in his Dissertation on the Mines of Laurion (P. Econ. p. 619, trans. Lewis) notices the identity of this name with the Marones in Thrace, a colony of the Chians, said to be so called from the eponym hero (or wine-god) Μάρων. He thinks that through Chios the name may have passed from Attica into Thrace. See inf. § 4.

6. ὁμητής] 'The name of Mnecicles was written in the bond as the purchaser (viz. from Telemachus, § 5), and heretained the deeds of sale of the property himself.' In effect, the mine belonged to Pantaenetus, but it was conveyed to Mnecicles as security for the loan. Mnecicles therefore has the right of sale, and in fact does afterwards sell the property to Evergus and
Μησικλῆς, καὶ τὰς ὁνάς ἑλχεν αὐτὸς. ὕστερον δὲ ἀπαιτοῦμενος τὸ ἀργύριον ὁ Πανταινέτος δευτέρους λαμβάνει δανειστάς, τόν τε παραγράφομενον νῦν Νικό-ιο βουλόν καὶ Ἐνεργόν τινα, καὶ τούτοις ὑποθῆκην δίδωσι τὸ ἐργαστήριον καὶ τὰ ἀνδράποδα. γραμματεῖον δὲ οὕχ ὑποθήκης, ἀλλὰ πράσεως γράφεται. καὶ γίνεται πρατήρ καὶ βεβαιωτής τοῖς δευτέροις δανειστάις ὁ πρότερος δεδανεικῶς ὁ Μησικλῆς, δὲ τὰς ὁνάς ἔχων.

15 καὶ μισθοῦσι τῷ Πανταινέτῳ τὰ τέ ἀνδράποδα καὶ τὸ 964 ἐργαστήριον Ἐνεργός καὶ ὁ Νικόβουλος, ὥς δεσπόται δήθεν γεγονότες αὐτοῦ. τοσοῦτον δὲ μισθοῦσιν ὅσον τὸ δάνειον τόκον ἐπολείπεται ἐκδανεικεσαν μὲν γὰρ ἐκατόν πέντε μνῆς, ἔδει δὲ κατὰ μνᾶν τόκον εἶναι ἀρχιμήν 20 ἐκατόν ὄνν καὶ πέντε ἀρχιμάς λαμβάνειν συνέθεντο καὶ ὁ τὸ πρὸ μὲν ἔργῳ τόκος, τῷ δὲ ὄνοματι μίσθωσι. τούτων πραξθέντων ὁ μὲν Νικόβουλος ἀπεδήμησε, παρὰ δὲ τὴν ἀποστάσια τὴν ἐκείνον Ἀθήνησιν

Nicobulus, the latter of whom (as we have seen) is the defendant, and is now maintaining his right to a paraγραφή as against Pantaenetus.

8. ἀπαιτούμενος] Or. 34, arg. n. 16. On being required to repay the loan to Mnesicles, he has recourse to versura, or borrowing from another party; who, on Mnesicles being paid, purchase the mine from him, i.e. take over the mine in lieu of the loan, at the desire and with the consent of Pantaenetus.

11. γραμματεῖον κ.τ.λ.] ‘And thus the indenture is not a mortgage, but an actual conveyance.’ Now therefore Evergus and Nicobulus become the proprietors; and they in turn lease to Pantaenetus the property he had originally bought.

17. ὅσον τόκον] They lease it on terms which would pay the interest of the loan, a drachma per month for every mina lent, or 12 per cent. per annum. Thus, he add, it was a nominal lease, being in fact merely a way of paying the usual interest.

23. παρὰ] During or pending Nicobulus’ absence at Athens Evergus becoming dissatisfied with Pantaenetus for not paying the interest (or rent) regularly, goes to the mine to take possession (cf. Or. 33 § 6, οἱ χρησταὶ κατήγον οὖν αὐτῶν ἀπατοῦντες καὶ ἐνεβάτενον), and even seizes from a servant of Pantaenetus some money that was being conveyed for payment of the royalty to the state.
τάδε γίγνεται. ὁ Εὐεργός ὁ κοινώνος τοῦ δανείσματος, αὐτικώμενος τὸν Πανταίνετον ὡς οὐδὲν τῶν συγκεκριμένων 25 ἐθέλοντα ποιεῖν, ἐλθὼν ἐπὶ τὸ ἐργαστήριον κατείχεν αὐτοῦ, καὶ δὴ ἀργύριον φυλάξας ἐκ τῶν μετάλλων Πανταίνετον κομιζόμενον, ὑπερ ἐμελλέν εἰς τὸ δημόσιον καταβάλλειν, ἀφείλετο τὸν κομίζοντα οἰκήτην βία: παρὸ καὶ διπλὴν εἰς τὸ δημόσιον κατέβαλεν, ὡς ἔφη, 30 τὴν καταβολὴν ὁ Πανταίνετος, τῆς προσηκούσης προ- θεσμίας δὴ Εὐεργόν ἐκποτῶν. ἐπὶ τούτοις καὶ δίκην ἔλαχε τῷ Εὐεργῷ βλάβης, καὶ εἶλεν αὐτὸν. ὡς δὲ ἐπανήκε καὶ ὁ Νικόβουλος ἐκ τῆς ἀποδήμιας καὶ δανεισταὶ πολλοὶ των ἀνεφαίνοντο τοῦ Πανταίνετον 35 πρότερον ἀγνοοῦμενοι, λόγον πολλῶν λεγομένων πέρας συνέβησαν διότι Νικόβουλος μὲν καὶ Εὐεργόν ἀπο- λαμβάνοντας ἡκατὸν καὶ πέντε μνᾶς ἀποστήναι τοῦ ἐργαστηρίου καὶ τῶν ἀνδραπόδων, ταῦτα δὲ τοὺς ἔτε-
40 ρος δανείσαται ὁνείσθαι. πάλιν δὲ οὐκ ἐθελόντων
tῶν δανειστῶν ὁνείσθαι τὰ κτήματα, εἴ μη πρατήρες
αὐτοῖ καὶ βεβαιωταὶ γίγνοντο Νικόβουλος καὶ Εὐθ-
γος, πείθεται ὁ Νικόβουλος καὶ ὑπ' αὐτοῦ Πανταϊνέτου, 965
καθὰ φησιν, ἀξιούμενος, οὐ πρότερον δὲ ἀνεδέξατο,
45 πρὶν τὸν Πανταϊνέτον ἀφεσιν αὐτῷ παντὸς ἐγκλήματος
dοῦναι. ὁ δὲ Πανταϊνέτος ἔδωκε μὲν τὴν ἁφεσιν καὶ
ἐπράθη τὰ κτήματα, οὐδὲν δὲ ἤττον καὶ τοῦτῳ τὴν
αὐτὴν ἦκτερ Εὐθέργῳ δίκην εἰλήξῃ, μεταλλικὴν ἐπιγρά-
φων τὴν δίκην, ὡς δὴ τῶν τε τὰ μέταλλα ἐργαζομένων
50 εἰς δὴ καὶ περὶ μεταλλου ἡδικημένων. ἐγκαλεῖ δὲ τῷ
Νικόβουλῳ καὶ περὶ τῆς τῶν χρημάτων ἁφαιρέσεως
tῶν ὑπὸ τοῦ οἰκέτου κομιζομένων, καὶ περὶ τῆς τοῦ
ἐργαστηρίου καὶ τῶν ἀνδραπόδων πράσεως παρὰ τὰς
συνθήκας γεγενημένης, καὶ μέντοι καὶ περὶ ἐτέρων
55 τινῶν. ὁ δὲ Νικόβουλος παραγράφεται τὸν ἀγώνα
καθ' ἑνα μὲν ἐκείνου νόμον τὸν κελεύοντα, περὶ δὲν ἂν
ἀφεσιν καὶ ἀπαλλαγὴ γεννηται, περὶ τούτων μηκέτι
ἐξείναι δικάζεσθαι, καθ' ἐτερον δὲ ἐκείνου, ὑς διαρρήδην
καὶ σαφῶς ὁρίζει περὶ τίνων δὲι τὰς μεταλλικὰς δίκας

44. ἀνεδέξατο] Nicoobulus refused the responsibility of giving
a title till Pantaenetus gave
him a formal release from all
claims. For the title would not
have been good if there were
any former claims or mortgage
upon it. Inf. § 30, οὐδές γὰρ
ἡθελε δέχεσθαι τοῦτον πρατήρα.
47. οὐδὲν ἤττων] i.e. in spite
of the release having been given.
48. ἐπιγράφων] Indorsing the
action as a ‘mining cause’;
just as other suits were marked
ἐμπορικαί, &c. The defendant
pleads this, as one ground for
the παραγραφή, that it was im-
properly so indorsed.
53. πράσεως παρὰ τὰς συνθήκας

There must have been a clause
in the bond between Nicoobulus
the lender and Pantaenetus the
borrower, that Nicoobulus should
not have an absolute title to sell
the property. Pantaenetus, it
seems, desired to retain the
right of redemption.

54. περὶ ἐτέρων τινῶν] See §§
32, 33.
56. περὶ δὲν ἂν ἁφεσιν, κ.τ.λ.] See Or. 36 § 25.
59. περὶ τίνων δὲι] This antici-
pates the objection (64) that
the plaintiff, Pantaenetus, ‘had
joined in one plaint various
causes of action which could
not be tried together before the
same tribunal.’ Kennedy.
εἰσάγειν, δὲν οὐδὲν πεπονθότα Πανταῖνετον ἄτοπος ὅσο
φησὶ μεταλλικὴν δικάζεσθαι δίκην. καὶ μὴν καὶ τρίτον
παρέχεται νόμον, δὲ διαιρεῖ περὶ πολῶν ἐγκλημάτων
ποία χρὴ κρίνειν δικαστήρια καὶ ποιας ἀρχὰς εἰσάγειν
τὰς δίκας. Πανταῖνετον δὲ φησὶ παρὰ τούτων ποιεῖν
tὸν νόμον, ποικίλα ἐγκλήματα εἰς ταὐτὸν μίξαντα καὶ ὅσο
περὶ πάντων ἐν τῷ μεταλλικῷ δικαστηρίῳ τὴν κατη-
γορίαν ποιούμενον. τῷ μὲν οὖν περὶ τῆς ἀφέσεως
νόμον καὶ ἀρχὰς κέχρησα, τοῖς δὲ δύο τοὺς ἑτέροις ἐπὶ
tοῦ τέλους, καὶ ἄρχομενος ἀπὸ τῆς παραγραφῆς καὶ
λήγων εἰς ταύτην. ἐν δὲ μέσῳ τὴν εὐθυδικίαν πεποιθ-
ζῷῳ, ὃς μεγίστοι καὶ ἰσχυρότατον ἐστίν, ὃς μὴ δὲ ἐτη-
966 δημῶν ἐτύγχανε τὸν Νικόβουλος, ὃς Πανταῖνετος
ἐπασχεὶ ἐκεῖνα, ἐφ’ ὅς τὸτε Ἐνέργῳ καὶ τὴν Νικο-
βούλῳ τῇ δίκην εἴληξεν.

Δεδωκότων, δ’ ἄνδρες δικασταὶ, τῶν νόμων πα-
παραγράψατο περὶ δὲν ἄν τις ἀφείς καὶ ἀπαλλάξας δι-
κάζηται, γεγενημένων ἀμφοτέρων μοι τούτων πρὸς

* om. Z.  

60. ἄτοπως, κ.τ.λ.] That it is
quite out of the way to bring
these points into a mining suit.
‘That the subject of the dispute
did not authorise a mining
action.’ Kennedy.

68. κέχρησα] viz. as entitling
him to bar the action, and plead
‘not maintainable.’—ἐπὶ τοῦ τέ-
λου] See §§ 98—98.
70. τὴν εὐθυδικίαν] i.e. τὴν
eὐθείαν. ‘The merits of the case.’
Argum. Or. 34. The strongest
point in what would constitute
an ordinary defence, is the
pleading an alibi when the
alleged outrage took place.

71. ὃς μὴ δὲ] Observe the sole-
cism, very common in late Greek,
for ὃς οὐδὲ. The use of ἐκεῖνα
following, as a mere demonstra-
tive antecedent (ea quae, &c.), is
hardly classical.

p. 966. § 1. As the laws allow
a bar to a suit in all matters
in which a discharge and ac-
quittance have been given, I have
claimed this right against Pan-
taenetus. I shall show that he
gave me such a discharge; and
I shall not allow him to argue,
that, if he had really done so,
I ought to have put in the
paragraphe, but did not.

ἀμφοτέρων] Cf. Or. 36 § 25,
καὶ γὰρ ἀφῆκε καὶ ἀπῆλλαξεν, and

P. S. D.  

b. τούτων om. Z et Bekk. st.
the note there (of. § 19 infra). The latter verb implies the release under proper authority (κυρία) from all further trouble or obligation about any matter, as ἀπαλλαγὴ τῶν, Aesch. Ag. 1, ἐστὶν ἡ τῶν ἀπαλλαγὴ, εἰκών, Eum. 88. The two words are very often combined, as τῶν ἀφεθέει τῶν ἐγκλημάτων καὶ ἀπαλλαγές, § 16; ὡς ἂν ἄφη καὶ ἀπαλλάξῃ τίς, § 19; ἡμικένεμον ὑπὸ τοῦτον καὶ ἀπαλλατ-τόμων, § 17. The two acts are very frequently pleaded as the ground of a παραγραφή, e.g. πρὸς Ναυιμαχοῦ, Or. 38 § 5, ἀκούετε, ὡς ἄδειαν δικαιασταὶ, τοῦ κόμοις σαφῆς λέεν τοῦτο καὶ ὡς ἂν ἄφη καὶ ἀπαλλάξῃ, μὴ δικάζεσθαι. [Or. 38, πρὸς Ναυιμαχοῦ, contains several striking parallels to the present speech, e.g. 38, § 4, compared with § 18 infr.; also passages in 38, §§ 21 and 22, which are almost identical with §§ 58—60 infr. A. Schaefer, Dem. u. s. Zeit, πολιτικά, 210 n. S.]

ὀφοῦ ὁλόμενον] ‘Thinking I ought not to forego this right.’ There is probably a play on ἀφεῖς, ‘when he had discharged me from further claims, I was not to be discharged from my own claim against him.’

καὶ ἀπαλλαγμένον] ‘And that he had been got rid of.’ But it is likely that the two words are an interpolation. The first καὶ is used in reference to πρὸς ἄφησαι τοῖς ἄλλοις, but the interpolator was thinking of the formula καὶ ἄφη καὶ ἀπαλλάξας. The passive would require a change of subject from τοῦτον to ἔμε. Nor does it seem likely that the passive could here have been used in the median sense, which is wholly inappropriate.—ἐγγε-νέσθαι, ἐξεῖπαι ἂυθῆς.

τῇ τοιοῦτῳ] viz. τὸ ἀφεῖναι με.

ἀλλʼ—ἐπιδείξαι] To supply as the context rather requires, ὁλο-μενος δεῖ would involve εἰσέλ-θοντα for εἰσέλθων. Hence we should rather understand δύνασ-θαι ἐπιδείξαι, or perhaps read ἐπιδείξειν.—έτι, ‘relying on this plea,’ viz. that the action is an illegal one.

ὡς οὐδὲν ἡδικηκα] This, as often happens in παραγραφή, constitutes the ordinary defence in εἰσόδοια, or where there is no bar to the action. He enters the court, he says, to plead a παραγραφή, but besides doing this, he will assert his inno-
§ 2. If Pantaenetus had really been wronged, he would have brought the action long before this, and when I was at Athens along with Evergus. Men are usually most indignant when the sense of wrong is recent; and the courts meet for cases of this kind every month. The truth is, he was not wronged by me, but put up to this prosecution by having got a verdict against Evergus.

έμμηνων] Kennedy translates, 'as these actions last only for a month.' Or. 33 § 28, αἰ λήξεις τῶν δικών τοῖς ἐμμηνοῖς ἐλεοῦ ἀπὸ τοῦ βοηθομισμοῦς μέχρι τοῦ μονοκήρων, i.e. from September till April. Cf. Or. 35 § 46 n. Boeckh (P. Econ. ed. 1, pp. 50 and 667, trans. Lewis) renders it 'monthly suits,' and on p. 667 explains it to mean that "it was necessary that judgment should be given within a month, the object being that the mine-proprietor might not be too long detained from his business." [In his 2nd ed., however, the rendering 'monthly suits' disappears, and the epithet is understood to refer to the 'decision of certain processes within a month from their commencement' p. 72, Lamb]. In Soph. El. 281, έμμηνα ιερά are clearly "monthly offerings."

παρ' αὐτα κ.τ.λ.] 'At the very time of the wrongs.' In Or. 32 § 7, for παρὰ τάδικήματα we should perhaps read παρ' αὐτα τάδικήματα. For the sentiment compare Thuc. iii 88, ἀμόδισθαι τῷ παθεῖν ὑπὸ ἐγγυτάτου κείμενον ἀντιτάλον δὲ μάλιστα τῇ τιμωρίᾳ ἀναλαμβάνει (where perhaps δὲ is an interpolation: the taimoria is máliosta antitálos when it is recent). So Or. 36 § 58 οὐκέτων τῶν ἀδικημάτων ἐγκαλεῖ.

p. 967. ἐπηρμένος] 'Elastaid,' put up to it, 'by having carried to a successful issue the suit against Evergus.' Thucydides generally uses ἐπηρμένος. Or. 32 § 10, we have τῷ πορ' ἐπηρμένοις οὕτως κατελήθε. Eur. Andr. 705, μέχρισιν ἄλλως καὶ πώνιος ἐπηρμένοι.

παρ' ὅμων] 'In your court.'
§ 3. I only ask for a fair and attentive hearing in showing grounds for a bar to this action: for all the audacious charges ever tried in an Athenian court this is about the worst.

δείσομαι κ.τ.λ.] Or. 38 § 2 δείσομαι δὲ καὶ δίκαια καὶ μέτρια ὑμῶν ἀπάντων, πρώτον μὲν εὐνοικὸς ἀκούειν καὶ λέγοντας κ.τ.λ.

ιππολόων γὰρ, κ.τ.λ.] Isæus, the traditional teacher of Demosthenes, has a similar sentence in Or. 8 § 5, ἰππολόων δὲ δικών ἐν τῇ πόλει γεγομένων, οὐδὲνας ἀναδεστέρων τοῦτων οὐδὲ καταφανέστερον ἀντιποιησάμενον φανήσονται τῶν ἀλλοτρίων. Cf. Dem. in Aph. 1 § 7. S.

φανήσονταις φανήσαντοι στὶς οὐδέστιν, κ.τ.λ.—δεδικασμένον, in the medial sense, 'has had tried,' 'has brought into court.' The construction of the sentence is rather artificial. More usual would be οἴματι μηδένα ἐν φανήσαι, but οίκο οἴματι οὐδένα is meant.

§§ 4—6. History of the transaction: I, Nicobulus, with my partner Evergus, lent the defendant 105 minae on the works at Maronea, in order that he might pay off the sum due to Mnesicles and others. Mnesicles, as the mortgagee, accordingly conveyed the mine and the slaves to us. The defendant then, in place of paying interest on the loan, agrees to hire the mine of us at a rent amounting to the interest. This agreement being signed, I went off to the Pontus, Evergus staying at home.

ἐργαστήριῳ] This word meant any place where works were carried on (see Arg. 1. 1); but here the ἐργα, or mining operations, are distinguished from the sheds for dressing or the factory for smelting, &c. Probably we should read ἐργαστήριῳ τῷ ἐν τοῖς ἔργοις, the τε being both needless and not in accordance with the orator's usual style.

Μαρωνεῖ[See note on Arg. 1. 2. 

τετταράκοντα κ.τ.λ.] From § 21 it would seem that Nico-
bulus had lent the smaller sum on the security of the slaves, Evergus the larger sum on that of the mine. Boeckh’s account of the transaction (Dissert. p. 655) seems confused: Pantaenetus, he says, had purchased another mine besides that from Mnesicles (§ 22), and “had borrowed on it, viz. 45 minas on the slaves of Nicobulus and a talent on the mine of Evergus.” (From Nicobulus, &c., he should have said.)

Ibid. Note that the Greeks say indifferently πέντε καὶ τετταράκοντα or τετταράκοντα καὶ πέντε, &c.

§ 29, that it was by the express desire of the latter that it was sold to Nicobulus and Evergus. τόκου] ‘For the interest accruing on the money.’ The word γλυκεθαι is used in conformity with the proper sense of τόκος, which gives rise to a joke in Ar. Thesm. 845, ἡμι υδρ η τόκου τεκοῦσα τοιούτου τόκον. Cf. Shakespear’s ‘breed of barren metal.’ For the genitive see on Or. 34 § 40. The dative also follows the usual construction γλυκεθαι υδρ των ἐκ των...

λύσι] ‘A power of redemption,’ i.e. a right to take back the mine within a certain time on payment of our loan in full.

§ 10.
τὰ πραξθέντα—πρὸς [See inf. § 19.]

έκπεσείν ὑπ’ ἐκείνου ἶνα ἦταν ἐκείνου ἰδίως ἵνα ἦταν ὑπ’ ἐκείνου ἰδίως ἵνα ἦταν ἰδίως ἵνα ἦταν. 

§ 7. Evergus pleads that, as the defendant did not fulfil his engagement, he went and took possession without protest or opposition from Pantaenetus; but that afterwards (as an expedient for getting the mine out of his hands) Pantaenetus brought other persons who said they had a prior claim on it. These he, Evergus, resisted, while he professed his willingness that Pantaenetus should re-enter his tenancy, provided he acted according to the contract.

§ 8. If Pantaenetus was really wronged, as he says, he has got damages as assessed by himself against Evergus. But that is no reason why he should prosecute me who was then absent. 

* Μέν φησι Βεκκ. 1824.
σιν, ὑπὸ τοῦ Ἑὔεργου, ἔχει δίκην ἢς ἐτιμήσατο αὐτὸς·
ἐλε γὰρ αὐτῶν εἰσελθὼν ὡς ὑμᾶς, καὶ οὖ δήπον τῶν
αὐτῶν παρὰ τοῦ πεποιηκότος δίκαιος ἐστὶ δίκην
λαβεῖν καὶ παρ᾽ ἐμοῦ τοῦ μηδ᾽ ἐπιδημοῦντος· εἰ δὲ ὁ
Ἑὔεργος ἀληθῆ λέγει, σεσυκοφάντηται μὲν, ὡς ἐνδεικνύει,
ἐκεῖνος, ἔγω δὲ οὐδ᾽ οὖτω τῶν αὐτῶν φεύγομεν· ἀν δὲ
κην εἰκότως· ὡς οὖν ταῦτα πρῶτων ἀληθῆ λέγω, τοῦ-
των τούς μάρτυρας ὑμῖν παρέξωμαι.

ΜΑΡΤΥΡΕΣ.

969 "Ὅτι μὲν τοῖνυν καὶ πρατήρ ἢμῖν τῶν κτημάτων ὅπερ ἔχει ἀρχήν αὐτὸς ἐκάνοντο, καὶ κατὰ τὰς συνθήκας οὕτως ἐμισθώσατο ἡμέτερον ἐν τὸ ἐργαστήριον καὶ τάνυσθανοῦσα, καὶ οὕτε παρῆν ἐγὼ τοῖς κατὰ ταῦτα
πρὸς Ἑὔεργον τοῦτω πρακτικῶς ὑπὲρ ἐπέδημον ὠλος,
ἰλαχέ τε δίκην ἐκείνην καὶ οὐδὲν παρ᾽ οὗτος ἠμῖν ἐνεκάλει,
ἀκούετε τῶν μαρτύρων, ὥς άνδρες δικασταὶ. ἐπειδὴ τοῖς
τοίνυν ἀφικόμενοι σχεδόν τι πάντι ἀπολογεῖται ὡς ἐχον ἔξεπιλευσα, ἀκούσας καὶ καταλαβὼν τοῦτον μὲν

If Evergus was tried for the offence, (though wrongly, as he
says,) I ought not to be tried also for the same.

ἔχει δίκην ὃς κ.τ.λ.] 'He has recovered the sum at which he
laid his damages,' Kennedy. The plaintiff is said τιμᾶσθαι,
the jury τιμᾶν τινι των, and this is the constant use in Demo-
sthenes. But the force of αὖτα is, that as Pantaenetus himself
fixed the damages, he cannot fairly say they were insufficient.
τοῦ πεποιηκότος viz. Ἑὔερ-
γου.

ἐκεῖνος] viz. Ἑὔεργος.
τοῖν αὐτῶν] The law said that a case once decided should
not be tried over again (inf. § 18).

§ 9. Testimony has been given to the facts (1) that Mnesicles
sold us the mine; (2) that Pantaenetus hired it of us; (3) that
I was absent when he prosecuted Evergus; (4) that he then laid
no charge against me.

ἐκώντο] παρὰ Θηλεμάχου, § 5.

§ 10. On my return, finding
Evergus in possession of our joint
property, I was annoyed; for either I must take a part in the
management with him, or have
Evergus my debtor instead of
Pantaenetus, and so draw up a
new contract with him.

ἀκούσας καὶ κ.τ.λ.] 'After hear-
ing, and actually finding, that
the defendant had given up, and
Evergus was in possession of,
the property.' The word ἀφικο-

This is a page from a Greek text discussing a legal case involving the defendant Evergus, who was tried for a wrongdoing. The plaintiff argues that Evergus should not be tried again for the same offense, as he has already recovered the damages laid by Evergus. The testimony given by witnesses includes Evergus selling the mine to Mnesicles, Pantaenetus hiring it from them, and Evergus being absent when he prosecuted. The author returns and finds Evergus in possession of the joint property, which led to a dispute. The defendant was found to be in possession of the property with Evergus as the new debtor instead of Pantaenetus. The author discusses the legal ramifications of this situation.
ἀφεστηκότα, τὸν δ’ Εὐεργον ἔχοντα καὶ κρατοῦντα δὲν ἐωνήμεθα, θαναματῶς ὥς ἐλυπήθησιν, ὥσπερ τὸ πρᾶ
gμα μοι περιεστηκός εἷς ἀτότοις ἦ γὰρ κοινωνεῖν ἔδει τῆς ἐργασίας καὶ τῶν ἐπιμελεῖν τῷ Εὐεργῷ, ἡ κρῆ
στην ἀντὶ τούτοι τὸν Εὐεργον ἔχειν, καὶ πρὸς ἐκείνον πάλιν μεθομοῦν γράφειν καὶ συμβόλαιον ποιεῖσθαι.

II τούτοις δ’ οὐδετέρον προηρούμην. ἀνδῶς δ’ ἔχων οἷς λέγω τούτοις, ἱδον.τὸν Μνησικλέα τὸν πρατήρα τούτων ἕμιν γεγενηµένου, προσελθὼν ἐµεµφόμην αὐτῷ, λέγων οἶνον ἀνθρωπόν προῦξενος µοι, καὶ τὸς ἀµ-
φισβητοῦντας καὶ τί ταῦτ’ ἐστὶν ἡρότων. ἀκούσας δ’ ἐκείνος τῶν µὲν ἀµφισβητοῦντων κατεγέλα, συνελ-

τασθαι is often used (e.g. in Or. 35 § 4) for giving up, or de-
clining to take any property, especially a legacy. Cf. Or. 38
§ 7, φασὶ γὰρ οὐκ ἀποδόθαι τὰ πατρίδα ὡς ἐκοµίζοντο χρήµάτων, οὐδ’ ἀποστῆναι τῶν δῶν. Or. 21 (Midd.) p. 573 init., ὥν εἶλεν ἀποστᾶν, 'having to give up what
he had got from another by a verdict.'

ἐχοντα καὶ κρατοῦντα] It would seem from this that Ever-
gus had commenced to carry on the works himself; and this ex-
plains what follows.

ἐωνήμεθα] sc. from Mnese-
cles, § 5.

περιεστηκός εἷς ἀτότοιν] 'Had come to a pretty pass,' Kenne-

δὴ κρῆστῃν] If I preferred to be a 'sleeping partner,' I must
look to Evergus for paying my share of the loan (45 minae, § 4).

§ 11. Accordingly, I went to Mnecicles and asked what it all
meant, and who these pretended' claimants to the mine were. But
he only laughed, and said he

would take care we should meet

them. As for Pantaenetus, he
would also see that justice was
done by him.

ὅς λέγω τούτοις] The dative
depends on the sense 'being
displeased by,' and may there-
fore be regarded as causal. Cf.
Midd. § 108, ἐγὼ γὰρ ἐννοεῖς χαλεπῶς ἐφ’ ὅις—ἐβρεῖθην, ἔτι τολλῷ χαλεπῶτερον τούτους τοὺς µετὰ ταῦτα ἐννοεῖ, where how-
ever ἔτι may be supplied from the
first clause. See Shilleto
on Thuc. i 77 § 3.

τὸν πρατήρα κ.τ.λ.] See § 5.
(The τῶν, of course, belongs to

γεγενηµένου.)

προὐξενος] 'That he had in-
troduced such a person to me,'
Kennedy. To be προξενος to a
man is to act as his patron and

guarantee, and therefore to
bring him forward in some re-
lation to others. The accusative
depends on the sense, like συν-
φανταίνω τινα, συνευτεροίν τινα, int.
§ 49. Euripides has προξενεῖν
τινα, to introduce a subject for an
oracular response, Ion 335, Hel.
146. In Or. 53 (πρὸς Νικόστρ.),
§ 13, προξενεῖν τινα is used as
above.
θεῖν δ' ἔφη τούτους βούλεσθαι πρὸς ἡμᾶς, καὶ συνά-
ζειν αὐτὸς ἡμᾶς, καὶ παραμένεσιν τούτῳ πάντα ποιεῖν τὰ δίκαια ἐμοὶ, καὶ οἴεσθαι πελεσεῖν. ὡς δὲ συνήλθομεν, 12
tὰ μὲν πολλὰ τί δεῖ λέγειν; ἦκον δ' οἱ δεδανεικέναι
φάσκοντες τούτῳ ἐπὶ τῷ ἐργαστηρίῳ καὶ τοῖς ἀνδρα-
πόδοις, ἡ ἡμεῖς ἐπριάμεθα παρὰ Μνησικλέους, καὶ
οὐδεὶς ἦν ἄπλοιν οὐδὲ ὑγίες τούτων. πάντα δ' ἐξελε-
χόμενοι ψευδὴ λέγοντες, καὶ τοῦ Μνησικλέους βεβαι-
970 οὕτως ἡμῖν, προκαλοῦνται πρόκλησιν ἡμᾶς ὡς οὐ δε-
ξομένους, ἡ κομισασθαί πάντα τὰ χρήματα παρ' αὐ-
tῶν καὶ ἀπελθεῖν, ἡ διαλύσαι σφάς ύπὲρ ὧν ἐνεκάλουν,
αἰτιώμενοι πολλῷ πλεῖονος ἄξια ἔχειν ὧν ἐδεδώκειμεν
χρημάτων. ἀκοῦσας δ' ἐγὼ παραξρήμα, οὐδὲ βουλευ-
13 σάμενος, κομισασθαί συνεχώρησα, καὶ τὸν Εὐεργον
ἐπευσα. ἐπεὶ δ' ἔδει τὰ χρήματα ἡ ἡμῖς ἀπολαμβάνειν
καὶ τὸ πρᾶγμ' εἰς τὸ τούτο προήκτο, οὐκ ἔφασαν μετὰ

τούτους] ἢ. οὐ τοι οἱ ἀμφι-
σβητοῦντες, οὐσ σὺ δεδεκικας, βου-
λοκαί, ἔφη, συνέλαθεν ὑμῖν (πρὸς ὑμᾶς). Otherwise αὐτοὶ rather
than τούτους would have been
used.

§ 12. Well, these claimants came, and affirmed they had lent
money to Pantaenetus on the
mine. As this was shown to be
false, and Mnesicles confirmed
us in the possession, they then
proposed that we should get back
our money from them (on cession
of our rights to the mine), or
(retaining the mine) pay them
their claims on it; for the secur-
ity was worth more than the
money due on it (so that we
might wish to retain it).

διαλύσαι σφάς] 'To settle with
one,' is properly to 'untie him
from his obligation.' Or. 80 §

§ 8, διαλύσαι μὲν ἡμᾶς 'Οὐχὶ 
τὸ πρῶτον 
ἐπεξεργασάμεν. — ἐδεδώκειμεν, 80.
ἐδειλεσαμεν Παντανετος.

§ 13. Upon our assenting to
receive our money, the claimants
refused to pay it unless we sold
them the mine; in which they
shewed their sense, for they knew
we were being vexatiously prose-
cuted by Pantaenetus.

παραξρήμα] 'On the spur of
the moment, without even con-
sidering the matter.' It is clear
that the claiming party, οἱ ἀμφισβητοῦντες, did not expect
this result; their offer was not
made bona fide, for they did
not intend to pay Nicobulus his
dues: in fact, their pretended
claims seem to have been made
only in collusion with Pantaen-
etus.
tauta dosew oi toto' ekeina epaggeiLamevoi', ein mu' pratiphas gnuvoi me' 'hmilei twv kttmaton autous, noiv ekontes, au' andres 'Athenaioi, kat' autou ge touto' evo- rhan gar 'hmas ola esukofanvoi me' upo touton1. ois oiv kai tauid' althi' legw, lasbe moi kai tautas tas martrias.

MARTTPRIA.

14 'Epeidh toinun to pragmu' entauid' eisthkei, kai ta mev xromata ou' proento ou' epitihagenv ou'tos, hmeiws de' eikotonos efanomeba ou' eounimeba krateiws, Iketein, edeito, 'nuntikoes pratiphas 'hmas gignesai2. axi- ountos de' touton kai polla deythentos emou, kai tlo ou

1 epaggeiLamevoi Bekk. 1824. 1 touton Bekk. 1824.

oi toto k.t.l.] so. oi amphi- sebhtounves, § 7.

kat' autou ge touto] 'And on this very point assuredly they showed their wisdom,' viz. in not paying us the money without purchasing from us the absolute property in the mine, since a claim for damages was now being made, which might seriously affect the value of it. Inf. § 30 he says that 'no one would accept Pantaenetus as the vendor.' Of course, the hmeis preceding is emphatic.

upo touton] This is rather obscure. The claimants saw that an action was brought against us (Evergus and Nicobulus) by Pantaenetus, and thought that if it went against us we might not have security to offer them. From § 30 it would seem that the purchasers thought they had a full power of sale; and the claiming party accordingly demand that the mine shall be sold to them if they advance the money due. Perhaps we should read upo touton, for Mnesicles can hardly be included. Kennedy seems to have been nearly right in translating 'for they saw the pettyfogging tricks which this man was playing up.' Sup. § 8. Evergus is said seukofanthebas.

§§ 14—16. When the persons introduced by Pantaenetus (§ 11) refused to part with their money, i.e. to pay us, unless we sold the mine, he, the plaintiff, begged us to sell it to them; and at last I assented, wishing to get clear from one who showed by all his conduct that he cared for nothing but his own interests.

epanomeba k.t.l.] When it was clear that we were rightfully in possession of what we had bought from Mnesicles.

emou] The genitive after deythentos. It seems clear from all this that the oi amphi sebhtoun- tes were mere 'pretenders,' and that Pantaenetus wished to get
a transference of the mine to them that he might regain possession of it. See on § 81.

16. ταλίω δ', κ.τ.λ. Examples are given to show that further dealings with Pantaenetus were undesirable, and to account for the giving up the mine in order to get rid of him.

[proskekrónkóta]. Or. 89 § 18, τολλοῖς προσκρούει. In 54 § 8, προσκρούσματα are ‘closures.’

16. πρατήρ] ‘If I became a vendor to them in behalf of the plaintiff’s property.’ Kennedy, ‘if I withdrew and assumed the character of vendor in respect of his property.’ The property really and bona fide belonged to Nicobulus and Evergus. But, as Mnemosiles had originally bought it from Telemachus for Pantaenetus (§ 5), the claimants seem to have preferred to buy it as from the plaintiff, but conveyed to them by Nicobulus.—ηξίου—διαλύσθαι, ‘I required that I should come to a settlement with him.’ (So Kennedy. Rather, ‘I thought it best to come,’ &c.)—ἐγκλημάτων, not that Pantaenetus had any real claims against Nicobulus, though he vexatiously prosecuted him. But Nicobulus knew his man, and guarded himself by this instrument against any future claims that Pantaenetus might make in respect of his former occupancy of the mine, even though, as he says just below, he never dreamed that a suit would be filed against him. The legal form, ‘a discharge
οὐδ' ἀν ἐν τί γένοιτο", φήθηνο δικήν μοι λαχείν ποτὲ τούτων.

17 Τὰ μὲν δὴ γεγενημένα, καὶ περὶ ὅν οἶς ἔτεκε τὴν ψήφων, καὶ δι' ἀ τὴν δικήν συκοφαντούμενος παρεγραψάμην μὴ εἰσαγώγιμον εἶναι, ταῦτ' ἐστιν, ὃ ἄνδρες δικασταί. παρασχόμενος δὲ μάρτυρας, οἱ παρῆσαν ἥνικα ἀφιέμην ὑπὸ τούτου καὶ ἀπηλλαττόμην, ὡς οὐκ ἐισαγώγιμος ἐκ τῶν νόμων ἐστὶν ἡ δίκη, μετὰ ταῦτ' ἐπιδείξω. καὶ μοι λέγε ταύτην τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

Δέγε δὴ μοι καὶ τὴν τῶν ἔωνημένων μαρτυρίαν, ἵν' εἰδήθη ὅτι τούτου κελεύοντος αὐτὰ ἀπεδόμην οἷς οὐδός ἐκέλευσέν.

ΜΑΡΤΥΡΙΑ.

18 Οὗ τούνων μόνων ἡμῖν εἰσὶν οὗτοι μάρτυρες ὡς ἀφείμεθα καὶ νῦν συκοφαντούμεθα, ἄλλα καὶ Πανταί-

n γίγνετο Z cum Σ.
p + τούτ Z cum ΣχA.

from all claims, 'was one ground of the παραγραφή (§ 1), and it is here mentioned as such. οὐδ' ἀν εἰ τί γένοιτο] 'I never imagined that, happen what might, he would bring an action against me' (Kennedy). The negative, οὐκ φήθην, is separated from the verb by the strengthening clause or condition. So Eur. Hipp. 654, πῶς ἄν ὃν εἶναι κακός, ὃς οὐδ' ἀκόσμους τοιάδ' ἀγρείεν δοκῶ; The ἄν, of course, belongs to λαχείν, but it is attracted, as usual, to the negative. See Shilleto on Thuc. ἕ 76 § 4, who remarks, 'the desire of the Greeks to show as early as possible that a sentence is intended to be contingent in-

quotes them not only to construct such sentences as οὐκ ἄν οἴμαι (δοκεῖ) εἶναι, οὐκ ἄν ἐφα-

The Greeks greatly prefer οὐκ ἄν γένοιτο τούτο το οὖ γένοιτ' ἄν τούτο, &c.

17. οἰς οὗτοι ἐκέλευσέν] viz. in § 14.

§ 18. The plaintiff himself, by omitting my name in his ac-

tus that he has no claim against me. The charge is the same;

and if both had been guilty, both would have been prosecuted. But, the case having been tried once, the law forbids it to be tried again.
προς πανταίνετον. Οτέ γὰρ λαγχάνων Ενέργησο τὴν δίκην εἰσαςεν ἐμὲ, τὸν ἐμαρτύρει οὐτὸς πρὸς ἐμὲ αὐτῷ μηδὲν ἔγκλημα ὑπόλοιπον εἶναι οὐ γὰρ ἄν δῆπον τῶν αὐτῶν ἀδικημάτων παρόντων ἄμφοτα ὡμολογούμεν τὸν μὲν εἰσαςε, τὸ δ᾿ ἐδικάζετο. ἄλλα μὴν ὅτι γ᾿ οὐκ εὗσθω οἱ νόμοι περὶ τῶν οὕτω πραξθέντων πάλιν λαγχάνων, οἷμα μὲν ὑμᾶς καὶ μηδὲν εἰσφόντος ἐμοὶ γνώσκειν ὡμως δὲ λέγει αὐτοῖς καὶ τὸν νόμον τουτον.

ΝΟΜΟΣ.

Ἀκούετε, ὁ ἀνδρεὶς Ἀθηναῖοι, καὶ τοῦ νόμου λέγεται ἁγιασμός, ὅτι ἀν ἀφεῖκαν ἀπαλλάξη τις, μηκέτε ὅσα δίκαια εἶναι καὶ μὴν ὅτι γ᾿ ἀμφότερο εἴστην πεπρα- 

* ἀμφότερο δ᾿ Ζ cim Σ.

οὐ γὰρ ἂν κ.τ.λ.] 'For surely, when the same wrongs were before the court, if he had the same charge to bring against both, he would not have passed over the one, and gone to law with the other.'

τῶν οὕτω πραξθέντων] When a legal discharge and acquittal has been given.

ἄλλα μήν—τον τοῦ] Or. 38 § 4 ὅτι δ᾿ οὐκ ἔσων οἱ νόμοι περὶ τῶν οὕτω πραξθέντων αὖθις διάκρισθαι, νομίζω μὲν ἀπαινας ὡμᾶς εἰδέναι, κἂν μηδὲν εἰτο περὶ αὐτῶν ἐγώ, βουλομαι δ᾿ ὡς καὶ τὸν νόμον ὡμων αὐτὸν ἀναγνώσαει, καὶ μηδὲν εἰσφόντως] i.e. κἂν ἐγώ μηδὲν εἰτο περὶ τοῦ νόμου] Either 'beside my assertion of the fact,' or 'beside the evidence read before.'

§§ 19, 20. The law then forbids a second trial when the case has once been settled. This prohibition holds good especially in claims settled by consent; for to try these over again is not to abide by one's own decision, whereas in a verdict on public matters, or actions brought by others, there may be some ground for alleging misdirection. (For the argument compare the whole of § 25 in Or. 96.)

19. ἀκούετε—εἰναι] Or. 88 § 5 ἀκούετε, ἃν δὲ, τοῦ νόμου σαφῶς λέγοντος ἐκάστα, ὅτι μὴ εἰναι δίκαια, ὅν ἐν ἔτοιμ, ὡμως τοῖς ἄλλοις κύριον, περὶ δὴ ἄν τις ἄφειν καὶ ἀπαλλάξῃ, μὴ διδάσκεσαι.

ἀντικρούν] For διαρρήκθην, ἀ- πλῶς, in a plain and straightforward way.

ἀμφότερα] Though a distinction here seems made between ἀφεῖναι and ἀπαλλάξαι, it is probable, as Kennedy remarks, that they are virtually synonyms, and that this formula, which constantly occurs, arose from the surplus verbiage incidental to legal documents. [See, however, note on Or. 86 § 25, referred to supra § 1. S.]
γεμένα ταύτα τούτω πρὸς ἡμᾶς, ἥκουσατε τῶν μαρτύρων. ἀπάντων μὲν τῶν τῶν ἐν τοῖς νόμοις ἀπειρημένων οὐ προσήκει δικάζεσθαι, ἡκιστα" δὲ τούτων. ἀ μὲν γὰρ τὸ δημόσιον πέτρακεν*, ἥχοι τις ἂν εἰπεῖν ὡς 20 ἀδίκως ή" οὐ προσήκοντα πέτρακεν*. καὶ περὶ δὲν ἔγιν ὁ δικαστήριος, ἐστιν εἰπεῖν ὡς ἔξαπτηθὲν τοῦτ' ἐποίησε, καὶ περὶ τῶν ἄλλων τῶν ἐν τῷ νόμῳ καθ' ἐκάστου γένους ἄν τις εἰκότως λόγος. ἀ δ' αὐτὸς ἐπείσθη καὶ ἄφηκεν, οὐκ ἦν δηποθέν εἰπεῖν οὐδ' αὐτὸν αἰτιάσασθαι ἦσ' οὐ δικαίως ταύτ' ἐποίησεν. οἱ μὲν οὖν παρὰ τι τῶν ἄλλων τούτων δικαζόμενοι τοῖς ὕψ' ἐτέρων δικαίως ὁρισμένους οὐκ ἐμμένουσιν, ὁ δ' ἰδν ἄν ἄφθασιν λαχάνων τοῖς ὕψ' ἑαυτοῦ. διὸ πάντων μάλιστ' ἥξιον τούτων χαλεπαλευεῖν.

* όχι ἡκιστα Bekk. 1824.

v Z et Dindf. cum Σ (Cf. Or. 24 § 51 τὸ δημόσιον ἀκέδοτο). πέτρακεν Bekk. * om. Z cum Σ.

tούτω πρὸς ἡμᾶς] See Or. 84 § 36, Sup. § 6.
ἀπάντων, κ.τ.λ. * 'In no cases where the laws have forbidden it, ought people to sue, but especially not in these. Of things done by public authority it may be said, that they have been done unjustly or improperly; Kennedy;—who seems to have followed Bekker's reading πέτρακεν. Of course πέτρακεν is from πιπράκοι, and means that perhaps the state 'has sold what did not really belong to it.'
20. καὶ περὶ τῶν ἄλλων ἄν τοῖς ὕψ' ἐτέρων] 'And, with respect to the other cases mentioned in the law, a plausible objection may be raised to every one of them.' Kennedy.
aὐτός] i.e. τις in ἥχοι τις ἂν εἰπεῖν.—οὐκ ἦν, οὐκ ἐθετοῦν ἐν τῷ πράγματι, 'the very nature of the case does not allow him to charge himself with injustice.' For this would be ὁ χλαβά τοι ἀδικεῖσθαι, which Aristotle (in Eth. Nic. v) shows to be barely possible. Kennedy rather quaintly renders it, 'it does not lie in his mouth surely, to object to his own act, and charge himself with injustice.'—παρὰ τι, contrary to what is prescribed in other matters than such as are settled by himself. (Or perhaps, 'For any of these other reasons.') The sentiment here is similarly expressed in Or. 36 § 25.

τοῖς ὑψ' ἑαυτῷ] sc. ὁρισμένου οὐκ ἐμμένει, 'He who brings an action again for claims of which he has given a discharge, fails to abide by his own act.'
Ούκοιν ώς μὲν ἀφήκε με πάντων, ὅτε ἐγνώμην τῶν ἀνδραπόδων πρατήρι, ἐπέδειξε· ὅτι δ’ οὐκ ἔσων οἱ νόμοι τούτων εἶναι δίκας, ἀκηκόατε ἄρτιως ἀναγιγνωσκόμενον τοῦ νόμου. ἵνα δ’, ὁ ἄνδρας Ἀθηναῖος, μή τις οἶηται τοῖς περὶ τῶν πραγμάτων αὐτῶν δικαίως ἀληκτομένων με ἐπὶ τούτο ἀποχωρεῖν, καὶ καθ’ ἐκαστὸν ὁ ἐγκαλεῖ βουλομαι δείξασα αὐτὸν θεωρόμενον. λέγε δ’ αὐτὸ τὸ ἐγκλημα, δ’ μοι δικαζέται.

ΕΙΓΚΛΗΜΑ.

Ἐπίσχεσ. ταύτι πάντα, ὧν ἐγκέκληκεν ἐμοῖ, 23

Ἐβλαψέ με Νικόβουλος ἐπιβουλεύσας ἐμοὶ καὶ τῇ οὐσίᾳ τῇ ἔμη, ἀφελέσθαι κελεύσας Ἀντιγένην οὐκ ἔσωσα τὸν ἐαντόν οἰκέτην τὸν ἀργύριον τοῦ ἐμοῦ οἰκέτου, δ’ ἐφευρε καταβολὴν τῇ πόλει τοῦ μετάλλου, δ’ ἐγὼ ἐπηρείμην ἐνεφύκοντα μνών, καὶ αἴτιος ἐμοὶ γενόμενος ἐγεραφήναι τὸ διπλῶν τῷ δημοσίῳ]

Ἐπίσχεσ. ταύτι πάντα, ᾧ ἐν ἐγκέκληκεν ἐμοῖ, 23

21. ἵνα δὲ κ.τ.λ.] 'That none of you may suppose that I have recourse to this plea because I have the worst of it on the merits of the case.' Kennedy. Cf. Plat. Theaet. p. 179 b, ἐκείνη μοι δοκεῖ, ἕνα κύρος ὑπαρξάμεθάν, ἀλλοπροσοπείμασθαι διὰ λόγον, ἀλλοκόμενος καὶ τιτᾶτη.

22. δ’ ἐγὼ] 'which I the plaintiff had bought for ninety minae.' Kennedy thinks that this sum was due to the state from Telemachus, the original purchaser of the mine (§ 5), but not paid till after the transfer, and perhaps from the profits of working the mine. Boeckh (Dissert., &c. p. 645) remarks on this, 'The state granted to private individuals the mines in the Athenian territory on perpetual leases, which might be transferred to a third person by inheritance or sale, and in short by every kind of legal conveyance. The possession was therefore obtained by the payment of a sum of money once for all, as purchase or entrance money.' On τὸ διπλῶν, see Andocides quoted in the note on 1. 30 of the ὑπόθεσις. Or. 21 § 48 διπλῶν τὸ βλάβος ἐκτίνεα, καὶ διπλῶ τὰ ᾧμάρια Aesch. Ag. 520 (P.). Boeckh, π. viii p. 838 = 449 trans. Lamb.

§ 23. The very same charges he before brought against Evergus, and obtained a verdict. That I was absent when the plaintiff quarrelled with him, I have already proved, and the fact is clear from the charge itself; for he does not say that I did it, only that I ordered a
slave to do it. But how could even that be, when I could not possibly have foretold what would happen when I left Athens?


υπογράψας] 'After premis-ing.' Kennedy. Rather, perhaps, 'having made it a minor, or inferential charge.' Liddell and Scott explain it here 'in-dorsing it with the title of plot against him and his effects.'


§ 24. He says I laid a plot to disfranchise him. Why, that is more than one citizen can do to another; much less therefore can a slave. The fact is, as I was myself absent, he was obliged, to make out any case at all, to lay it on my slave.

ἀτιμώσαν] viz. by making him a debtor to the treasury, § 6. Besides ἀτιμῶ, 'to make ἀτιμῶ, formed from the adjective, like the Platonic ἀνομοιοῖς, there is ἀτιματω, and the anomalous epic form ἀτιμῶ, used by Soph. Aj. 1129, as ἀτειω in the sense of ἀτιμεω is used by Theognis and Aeschylus (Eum. 540).

γεγραφέναι] 'To have written in the indictment that I bade my slave,' &c.

δίναι' δὲ] viz. since this could only be done by the state. There is a sort of quibble be-tween the direct and the in-direct agency. Kennedy does not well render it, 'which even a citizen would not ven-ture to do to another citizen.'
οὐκ ἔχων, οἷμαι, κατ' οὗδεν διὰ τὴν ἀποδημίαν εἰς ἐμὲ 
τούτων ἀνευγκεῖν τι, συνοφαντείν δὲ βουλῶμεν, ὡς 
προσέταξα ἐνέγραψεν οὗδε γὰρ λόγος ἦν, εἰ μὴ τούτ' 
ἐποίησεν. λέγε τάκκολουθον.

ΕΓΚΛΗΜΑ.

[Kai ἐπειδῆ ὁφλον ἔγω τῷ δημοσίῳ, καταστήσας 25 
'Αντιγένην* τὸν ἑαυτοῦ οἰκήτην εἰς τὸ ἐργαστήριον τὸ 
ἐμόν τὸ ἐπὶ Ὁρασύλλωφ b κύριον τῶν ἐμῶν, ἀπαγορεύουν-

toς ἐμὸν.]

974 Ἑπίσχεις. πάλιν ταύτε πάντα ὑπ' αὐτοῦ τοῦ 
πράγματος ἐξελεγχθῆσηται ψευδόμενος' γέγραφε γὰρ 
καταστήσαι μὲν ἐμὲ, ἀπαγορεύειν δὲ αὐτόν o. 
ταύτα δ' 
οὐχ οἶνον τε τὸν μὴ παρόντα. οὔτε γὰρ καθιστὴν ἐγὼ 
ὁ γε ὅν ἐν τῷ Πόντῳ, οὔτε ἀπηγόρευεν οὔτος τῷ μὴ 
παρόντι τῶς γὰρ; τῶς οὖν εἰς ἀνάγκην ἠλθὲ ταῦθ' 26 
οὗτο γράφαι; ὁ Ἐυθρεγος τὸτ', ὁμαί, ἐπήμελων ὁν 
δέδωκε Ὕκην, συνήθως ἔχων ἐμοὶ καὶ γνώριμος ὃν 
κατέστησε τὸν οἰκήτην οἰκοθέν λαβῶν παρ' ἐμοὶ φυ-

* 'Ἀντιγένη Ζ.
* αὐτόν Ζ.

els ἐμὲ] Emphatic.
oὐδὲ λόγος] 'Not the shadow of a case.' Kennedy.

25. ἐπὶ Ὁρασύλλω] 'At 
Thrasyllus.' See Boeckh, Dissert. p. 619. A site so called 
from a monument of Thrasyllus, in the district of Maroneia. 
Harporcian quotes this pas-
sage, and adds Ἀρτικιν φόρο 
αὐτὶ τοῦ ἐπὶ τῷ Ὁρασύλλων 
μνηματί.[

[Aeschin. κατὰ Τιμάρχου § 101, 
ἐργαστήρια δίω εν τοῖς ἄργυρεως, 
ἐν μὲν εν Λύκων ἔτερον δ' ἐπὶ 
Θρασύλλω. The site is also 
mentioned in an inscription in 
the British Museum (Elgin 
P. S. D. 

b Ὁρασύλλων Bekk. 1824.

d ἐδωκε Ζ cum Σ.

162). S.]

κύριον] 'To take possession 
of my (the plaintiff's) effects.' 
ἐμὲ] The subject; 'That I 
set him there, and he protested 
against it.' 
τὸν μὴ παρόντα] See on 34, 
26, and inf. 28.

26. πλημμελῶν—δίκην] 'When 
he was committing those tres-
passes for which he has given 
satisfaction.' Kennedy. See 
§ 7. This seems an admission 
that Evergus did exceed his 
rights in taking possession.

λαβὼν] 'Took my servant 
from my house, and placed him
λάττεον ὡς αὐτόν. εἰ μὲν οὖν ἔγραψε τάληθες, γέλους ἀν ἦν τὴ γὰρ, εἰ κατέστησεν Εὐδρυγος, ἐγὼ σε αἰθικῶ; φεύγων δὲ τούτο τοιαῦτ’ ἡνάγκασται γράφειν, ἵν’ ἂ
πρὸς ἐμὲ αὐτῷ τὸ ἔγκλημα. λέγε τὰ ἐφεξής.

ΕΓΚΛΗΜΑ.

[Κάπετα πελασα τούς οἰκέτας τοὺς ἐμοὺς καθίζε-
σθαι εἰς τὸν κεγχρεῷα ἐπὶ βλάβη τῇ ἐμῇ.

27 Τούτων παντελῶς ἥδη καὶ ἀναίδες ἐστιν’ οὐ γὰρ

* ἐπισχές. τοῦτι Bekk. 1824.

at his own works to keep guard.’
Kennedy.

πρὸς ἐμὲ] That he may so frame the indictment as to
render me responsible.

eis τὸν κεγχρεῶν] This probably means ‘the granulating
mould’ (furnace or pit), i.e. the place into which the silver
is run when smelted. It appears to have been dropped into
water, which gives it a granulated appearance. (So it is
often to be seen in the windows of our bullion-shops, and so, in
fact, leaden shot is made.) Hence, probably, ἀργυρῶν ψα-
kᾶς in Ar. Pac. 121. In Eur.
Phoen. 1816, ἀσίδους κεγχρῶ-

ματα seem to be small round
eye-holes in the margin of a
shield, so-called from their
supposed resemblance to millet-
seed. Photius: κεγχρεῶν, τό-

τος Ἀθήνης (he means ‘in
Αττική’), έν ὡς ἐκ γενήται ἐκα-
θάρσει κέγχρος (i. ὡς κέγχρος).
καὶ ἥ ἰδέ τῶν ἀργυρείων ἀναφε-

ρωμένη ἄμμος. Ibid. Κεγχρεῶν.

Δημοσθένης ἐν τῇ πρὸς Παντα-

νετον γραφῇ, Κάπετα ἔπισε,

(st) τοῦ οἰκέτας τούς ἐμοὺς
καθέσθαι εἰς τὸν κεγχρεῶν.
Harpocr. τὸ καλαμισθήματι διὸν

τὴν ἐκ τῶν μετάλλων κέγχρον
diēγυχων. Boeckh, however (p.
638), thinks κέγχρος was a kind
of dross or efflorescence, con-
sisting chiefly of glazed lead
that was got rid of in the
refining furnace, thence called
cεγχρεῶν. He identifies it with
spuma argenti or lithargyrum
and compares χαλκοῦ ἀν-
θος (an efflorescence formed
on copper when fused after the
smelting) described by Diosco-
rides as κεγχροειδες τῳ ροῦμῳ.
Publ. Econ. p. 640—6, trans.
Lewis. “The κεγχρεῶν at the
silver foundries was in fact the
foundry where the silver which
had been already fused was
refined: the impurity detached
in this stage was called κέγχρος,
and perhaps chiefly consisted
of glazed lead; and here the
silver was again cooled with
water.” There seems however
little force in his remark (p.
641), “it is not at all probable
that silver should have been
fused in a granulated form,”
since this is certainly the
practice now. We see some-
thing like it in what is known
as “frosted silver.”

§ 27. The notion of my per-
suading (or bribing) the plain-
tiff’s servants is absurd. Why
μόνον ἐκ τοῦ προκαλείσθαι τούτους παραδούναι, τοῦ-
τον δὲ μὴ ἔθελεν, ἀλλὰ καὶ ἐκ πάντων δῆλον ἔστι
ψεῦδος ὅν. τίνος γὰρ ἔνεκ' ἐπειθοῦν; ἢν καὶ ἄν-
τοις κτήσωμαι. ἀλλ' αἴρεσεός μοι δοθεῖσας ἢ ἔχειν
ἡ κομίσασθαι τὰ ἔμαντα, εἰλόμην κομίσασθαι, καὶ
tαύτα μεμαρτύρηται. λέγε ἐκ τὴν πρόκλησιν ὅμως.

ΠΡΟΚΛΗΣΙΣ.

Ταύτην τοῦν οὐχὶ δεξάμενος τὴν πρόκλησιν, 28
ἀλλὰ φυγῶν, σκέψασθε οἷον εὐθέως μετὰ τοῦτ' ἐγκα-
λεῖ. λέγε τὸ ἐχόμενον.

ΕΓΚΛΗΜΑ.

[Καὶ κατεργασάμενος τὴν ἄργυριν, ἢν οἱ ἔμοι
οἰκέται εἰργᾶσαντο, καὶ ἔχων τὸ ἄργυριν τὸ 28
ἐκ ταύ-
της τῆς ἄργυρινος.]

975 Πάλιν¹ ταύτα πῶς ἔνεστ' ἐμοὶ πεπράχθαι τῷ μὴ

² 'edendum est...καὶ ἐπειθοῦν; ut in tali re usitatum est diore.'

Cobet, nov. lect. 606.

³ ἰδή Ζ cum FΣΦΒ. δὲ Bekk.

⁴ om. Ζ.

¹ ἐπισχεῖ. τὰλιν Bekk. 1824.

should I? When the offer was
made to me either to be paid or
to take the slaves, I preferred to
be paid (§ 12).

ἐκ τοῦ προκαλείσθαι] 'From
my having proposed to him to
give over to me these slaves of
his, and his being unwilling to
do so.' Nicobulus would seem
to have proposed that Pantae-
netus' slaves should be inter-
rogated by torture whether
Nicobulus had given them any
orders on the subject. See on
§ 40, where the surrender of a
slave by Nicobulus is proposed
on the other side.


28. κατεργασάμενος] 'By re-
ducing (for his own use) the
silver-ore which my servants
had dug, and keeping the
bullion smelted from it.' He-
sychius confounds ἄργυριν with
ἄργυρις when he explains the
latter by ἢ ἐκ τῶν ἀναργύρων
μετὰλων γῆ. Whether it was
sand, or soft earth, or (as
Kennedy thinks) stony ore,
seems uncertain. The word is
used rather often in Xenon-
phon's treatise on Revenues.
See Boeckh, Publ. Econ. p.
637, 624, &c. trans. Lewis².

τάλιν] 'I ask again, how
is it possible that these things
should have been done by me,
and also (or, any more than)
those for which you got a ver-
dict against Evergus?' The
παρόντι, καὶ περὶ ἐν Εὔεργον κατεδικάσω; λέγει δὲ αὐτὸ τὸ ἔγκλημα ἐξής.

ΕΓΚΛΗΜΑ.

29 [Καὶ ἀποδόμενος τὸ ἐργαστήριον τὸ ἔμον καὶ τοὺς οἰκήτας παρὰ τὰς συνθήκας, ἃς ἔθετο πρὸς ἐμὲ].

Ἔπιστευς. τοῦτο πολὺ πάνθε ὑπερβέβηληκε τάλλα. πρῶτον μὲν γὰρ παρὰ τὰς συνθήκας φησίν, ἃς ἔθετο πρὸς ἐμὲ. αὐτὰ δ᾽ εἰσὶ τῖνες; ἐμπροσθόσαμεν τῶν τόκων τῶν γυναικέων τούτῳ τὰ ἡμέτερα ἡμεῖς, καὶ ἄλλο οὐδέν πρατήρ μὲν γὰρ ὁ Μυσικής ἡμῶν ἐγγύνει τούτου παρόντος καὶ κελεύοντος. μετὰ ταῦτα δὲ τῶν αὐτῶν πρῶτον ἡμεῖς ἐτέροις ἀπεδόμεθα, ἐφ᾽ οἷσπερ αὐτοὶ ἐπράμεθα, οὐ μόνον κελεύοντος ἐπὶ τούτου, ἀλλὰ καὶ ἱκετεύοντος; οὐδές γὰρ ἦθελε δέχεσθαι τούτον πρατήρα. τῷ οὖν αἱ τῆς μισθώσεως

1 om. Z et Bekk. st.

sense seems to be, 'how can I be guilty of acts of which Evergus was found guilty, when he was present while I was absent?'

τοῦ μητρὸς παρόντι may be rendered 'if I was not present.' See Or. 34 § 26, and Shilleto, not. crit. on Thucyd. i 118 § 2. So sup. 25, τὸν μὴ παρόντα, τῷ μητρὸς παρόντι, where the person is definite, but the event or the circumstances are regarded as contingent,—'how could I, when I was not there?' &c. With regard to καὶ, Mr Mayor remarks (p. 246), 'it seems to join the two reasons why the speaker was not responsible for the proceedings complained of: 1st, he was absent; 2ndly, Evergus had been already found guilty.'

§§ 29, 30. The nature of the contract entered into between Nicobulus and Evergus on the one hand, and Pantaenetus on the other:—Pantaenetus was to have a lease of the mine at a rent equalling the interest of the money lent (§ 3); the property being ours by purchase at the express desire of the plaintiff. We sold it again to others, also at the plaintiff's request (§§ 14, 16), consequently the "agreement" is not with us, but with the owners of the property.


30. ἐφ᾽ οἷσπερ] 'On the same terms and conditions on which we had bought it.' But these terms are nowhere specified.—καὶ ἱκετεύοντος, see § 14.


τῷ οὖν κ.τ.λ.] 'What then has the agreement of lease to do with the question?' Kennedy.—ἐνέγραψα, sc. τῷ ἔγκληματι.
ἐνταῦθα συνθήκαι; τι τότε, ὁ φαυλότατ’ ἀνθρώπων, ἐνέγραψας; ἀλλὰ μὴν ὅτι σοῦ κελεύοντος καὶ ἐφ’ οὐσ-περ ἐσφήμεθα αὐτὸι πάλιν ἀπεδόμεθα, λέγε τήν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ.

Μαρτυρεῖς τοίνυν καὶ σὺ· ἀ γὰρ ἡμεῖς πέντε καὶ 31 ἑκατὸν μὐῶν ἐσφήμεθα, ταῦθ’ ὑστερον τριῶν ταλάν-των καὶ δισχίλιων καὶ ἐξακοσιῶν ἀπέδου σὺ· καλτοι τίς ἂν καθάπαξ πρατήρα σ’ ἔχουν σοι δραχμὴν ἔδωκε μίαν; ἀλλὰ μὴν ὅτι ταύτ’ ἀληθῆ λέγω, κάλει μοι τού-των τοὺς μάρτυρας.

ΜΑΡΤΥΡΕΣ.

"Ἔχουν μὲν τοίνυν ἥν ἐπέλαθα τῶν αὐτῶν τιμῆν, 32 δεηθεῖς δ’ ἐμοῦ τότε γενέσθαι πρατήρα καθ’ δ’ συνε-976 βαλον ἀργύριον, αὐτὸς δυοῖν ταλάντων προσδικάξε-ται. καὶ τα λοιπὰ τῶν ἐγκλημάτων ἐτ’ ἐστὶ δεινότερα. λέγε δὴ μοι τὸ λοιπὸν τοῦ ἐγκλήματος.

31. πέντε καὶ ἑκατὸν μὐῶν] § 4. They had bought the mine for the sum they had lent the defendant. Here the defendant is said to have sold it again for more. The mine had been conveyed at his request to other parties (§ 14), but it is evident that Pantaenetus himself really had an interest in it, and that they were only what is called "cats’-paws," or nominal purchasers. (Boeckh, P. E. p. 671, thinks this was a legal, or not unusual, transaction.) The price he got, 206 mineae, was as nearly as possible double what Nicobulus and Evergus had bought it for. It was therefore rightly called πολλῷ πλεόνος ἄξια in § 12.

καθάπαξ] ‘For the sale once for all,’ ‘for the single offence,’ Mid. p. 524, § 32. Cf. inf. § 50. The sense is, the plaintiff would have no legal title to property which was mortgaged to others. Perhaps we should read in full, and with the accent of emphasis, πρατήρα σ’ ἔχων.

32. ἥν ἐπέλαθα] Which he was persuaded or induced to take, i.e. with no compulsion put upon him.

καθ’ δ’ συνεβαλον] ‘For the sum which I had lent.’ Kennedy. Lit. ‘according to the amount (45 mineae) that I had advanced.’—δυοῖν ταλάντων, i.e. besides the large profits he had made by the sale, § 31. These two talents were for damages alleged, and the same sum in which he had convicted Evergus. §§ 25—8. Cf. § 50.
§ 33. He also mixes up in his plaint charges that can only be properly tried in other courts. (See on this subject the important passage in Or. 35, ἀνῶ 
Δαμρ. § 47.) At this point of the speech a distinct ground for allowing the παραγραφή is discussed, viz. the mixed nature of the complaint.

ἀκιάν καὶ ὑβρίν] Cf. Or. 54 § 1, δικη ἀκιάς...ὑβρεως γραφαί. The difference seems to consist in the latter meaning an outrage of any kind against goods or person (Mid. p. 529), the former being assault with battery, or intent to commit personal injury. For ἀκιάς is properly 'to disfigure' by any kind of mauling or ill-treatment (Aesch. Prom. 467, 178, Soph. Ant. 206). Though ὑβρίν also means 'rape,' it may be doubted if Kennedy is right in giving it that meaning here. Generically, it means 'levendness,' e.g. Aesch. Suppl. 80, 102, but it is applied indefinitely to any brutal outrage. The allusion here is to the charge mentioned infra. § 45.

ὑπερ] 'For the recovery of the same penalties.'

tοὺς τετταράκοντα] The Forty are not often mentioned. Pho-
λαγχάνειν, περί ὁν οὐκ εἰσὶν εἰσαγωγεῖς. λέγε δ’ αὐτοῖς τούτοις τοῦ νόμον.

ΝΟΜΟΣ.

Τούτῳ τούντω ἐμοῦ παραγεγραμμένον πρὸς τῇ 34 ἀλλη παραγραφῇ, καὶ οὐκ ὅντων εἰσαγωγεῶν τῶν θεσμοθετῶν ὑπὲρ δὲν λαγχάνειν Πανταϊνες, ἐξαλήγηται καὶ οὐ πρόσεται τῇ παραγραφῇ. τὸ δ’ ὅπως ὑμεῖς σκοπεῖτε, ἐμοὶ μὲν γὰρ, ἦς δὲν ἔχω τὸν νόμον αὐτῶν διεγνώσαται, οὐδ’ ὅτι οὖν διαφέρει, οὐ γὰρ τὸ γνωσθεῖσθαι καὶ συνίησαι τὰ δίκαια ὑμῶν ἐξαλείψαι δυνηθεῖσαι.

Δαβὲ δὴ καὶ τὸν μεταλλικὸν νόμον· καὶ γὰρ ἐκ τούτου δεξεῖν οἰμαὶ, οὐκ ὁσαν εἰσαγωγίμου τῆν δίκην, χάριτος τε ὧν μᾶλλον ἄξιος ἢ τοῦ συκοφαντεῖσθαι. λέγε.

ΝΟΜΟΣ.

Οὗτος σαφῶς ὁ νόμος διήρηκεν δὲν ἐναι δίκαιος 35 προσήκει μεταλλικάς. οὐκοὖν ὁ μὲν νόμος, ἐάν τις ὁμοίως.

or magistrates who give formal leave to bring a suit before them; which in this case had not been done.

§ 34. The plaintiff has contrived to strike out the plea just mentioned, which I had put in among others. Never mind; the law remains in my favour, and the jury, acting on it, will not fail to do me justice.

τῇ ἀληθῇ νόμῳ χρ. δὲν ἄρῃ τις, &c., 19.

τῶν θεσμοθετῶν] The six junior archons, who appear to have generally presided in the chief civil court, the ἡλικεία.

τὸ δ’ ὅπως] He seems to inti-
εξίλλη τινά τῆς ἐργασίας ύπόδικον ποιεῖ· ἕγω δ' οὐχ 977 ὅπως αὐτὸς εξίλλων, ἀλλ' ὁν ἄλλος τούτον ἀπεστέρει, τούτων ἐγκρατή κατέστησα καὶ παρέδωκα, καὶ πραγμάτ 36 τούτον δεθήντος ἐγενόμην. ναῦ, φησίν· ἀλλὰ κἀν ἄλλα τι ἄδικη τις περὶ τὰ μέταλλα, καὶ τούτων εἰσὶ δι- καί. ὄρθως γ', ὁ Πανταίνετε· ἀλλὰ ταῦτα τι ἐστιν; ἃν τύφη τις, ἃν ὑπλα ἐπιφέρῃ, ἃν ἐπικατατέμνῃ τῶν

change of subject: ‘and that I am deserving of thanks rather than persecution.’ Kennedy.

35. εξίλλη See Or. 89 § 16. —οχ' δ' περ., Or. 56 § 45. 
ἀλλας sc. Evergus, § 7.

§ 36. The defendant has no right to bringing a mining suit against me, and therefore I plead a bar to his action. The law has defined what charges fall under that head, and to none of these have I made myself liable in any way.

ἀν τύφη τις] From Ar. Vesp. 1079, where Xerxes is described as burning Athens to ‘smoke out’ the citizens as if they were so many hornets, ὑφ' κακεω τύφων ἀπασαν τὴν πόλιν καὶ πυρ- τόλων, it would seem that the misdemeanor here mentioned is either sending smoke into a neighbour’s pit to retard or annoy his workmen, or stopping up the ventilation so as to cause bad air. In Mid. p. 568, § 167, we have mention of θυρώ- ματα καὶ εἶλα εἰς τὰ ἔργα τὰ ἄργυρα, which may refer to doors such as might be blocked or fastened up in the mines. Bocekh, who has another reading before him (ἐὰν ψάψῃ τις), says “we might either understand the burning of the wood used for supporting the mine, or the setting fire to the ores, for the purpose of undermining the pillars which supported the overlying mass, after they had become infirm.” Publ. Econ., (p. 672, trans. Lewis). But ψάψῃ seems due to a conjectural correction of the false reading ψάψ in Σ. [In a Derbyshire mine in 1833, a quarrel about the right of working a lode of lead ended in several miners being stifled to death with lighted straw. Annual Register 1834, p. 296. S.]

ὑπλα ἐπιφέρων can only mean the making an armed attack; and it is likely that ‘claims’ were often made the subject of violent dispute. It cannot refer to the seizure of tools and instruments, as some appear to have thought (See Bocekh, Dissert. p. 667). [Among the customs of the Manor of Crich in Derbyshire is the following: ‘No miner is to bring an unlawful weapon to the mines, and if it chance that a miner (or any other person whatsoever) quarrels upon the mine and fights and draws blood upon the mine, he shall pay the sum of three shillings and fourpence before the sun set.’ Bainbridge’s Law of Mines and Minerals, p. 569. S.]

ἐπικατατέμνειν, like ἐπικατε-
μέτρων ἐντός. ταύτ' ἔστι τάλλα, διν οὐδὲν δὴπον πέ- πρακται πρὸς ὑμᾶς ἐμοί, πλῆν εἰ τοὺς κομιζομένους, ἄ προείντο σοι, μεθ' ὄπλων ἥκειν νομίζεις. εἰ δὲ ταύθ' ἥγει, πρὸς ἀπαντᾷς τοὺς προιεμένους τὰ ἐαυτῶν εἰσὶν σοι δίκαι μεταλλικαί. ἀλλ' οὖ δίκαιον. βέβαια γὰρ, ὅστις 37 ἀν μέταλλον παρὰ τός πόλεως πρέπηται, τοὺς κοινοὺς παρελθῶν νόμους, καθ' οὓς καὶ διδόναι καὶ λαμβά- νειν πᾶσι προσήκει δίκας, ἐν ταῖς μεταλλικαῖς δικάσε- ται, ἐὰν' δανειστήτα μπαρά τοῦ τί; ἐὰν' κακῶς ἀκούσῃ; ἀν πληγᾶς λάβῃ; ἀν κλοπῆν ἐγκαλῆ; ἀν προεισφο-ρά

σθαί, without much doubt re- refers to encroaching on the ore- ground or ‘sett’ of another, μέτρου. A similar word is ἐπι- καταλαγή in Theophrast. Char. 80, αἰσχροκερδείας. Xenophon (de Vectig. § 27) contrasts τὰ κατασταματένα with ἀμμοῦ με- τάλλα. [Hyperid. Euxenip. col. 44, 17, φίναντον Λυσάνδρου τὸ Ἐπικράτους μετάλλον τὸν Παλ- λινέων ἐντός τῶν μέτρων τετμη- μένων...οἱ δικασταὶ...ἐγνωσαν ζίων εἶναι τὸ μεταλλον, where the boundaries appear to be the limits of the portion unallotted by the state to private individ- uals. Cf. also Pseudo-Plut- arch, vit. Lycurg. ἐκρνε δὲ καὶ Δίφλων ἐκ τῶν ἀργυρών μεταλλῶν τοὺς μεσοκρινεῖς (80, κλονά, the supporting pillars which also served as boundaries) οἱ ἐβδόμα- τιον τὰ ὑπερκείμενα βάρη υφελάντα καὶ εἰς αὐτῶν πεπλοτηκότα παρὰ τῶν νόμων καὶ βασάνου δῖτος ἐπειτίμου ἀλώναι ἐποίησε. In the local customs of Derbyshire various fines are imposed for working out of limits, unlawful filling up of shafts, &c. Bain- bridge’s Law of Mines, p. 461. In the ancient mines at Laurium there have been found ‘limit columns of the various allot- ments, with the names of their proprietors, and the prices paid for each; tools of the workmen, chiefly pickaxes; the niches in which they set their lamps, and the lamps themselves’ (Murray’s Greece, ed. 1884, p. 367). § 87] ἀ προεισφορὰ] ‘Which they had lent you on the risk of getting it back.’ See § 14, and also 22. πρὸς ἀπαντᾶς] For all men wish κομιζομένα τὰ ἐαυτῶν. § 87. It is absurd to suppose that, because a dispute has some remote relation to a mine, there- fore a mining-suit alone will meet it. No, the ordinary courts will settle it; and ‘mining-suits’ are reserved for special and com- paratively rare contingencies.

παρελθῶν] ‘Shall he pass by, or fail to appeal to, the general laws, and have his plaint settled among (or as one of the) mining suits?’ προεισφορὰ] See Or. 89 § 9.
38 ράν μὴ κομίζηται; ἀν ὅλως ὁλλο τι; ἐγὼ μὲν οὐκ ὁλλο, ἀλλὰ τὰς μεταλλικὰς εἶναι δίκας τοῖς κοινωνοῦσι μεταλλὸν καὶ τοῖς εἰς οὔτερον συντρήσασθαι καὶ ὅλως τοῖς ἑργαζόμενοι τὰ μετάλλα καὶ τῶν ἐν τῷ νόμῳ τι ποιοῦσι, τῷ δὲ δανείσαντι Παντανέτῳ, καὶ ταῦτ' αὐτείληφοι γῆλοχροσ καὶ μόλις παρὰ τούτοι, οὐκ εἶναι δίκης μεταλλικὴν προσφευκτέον, οὔτε ἐγγὺς.

39 Ὡς μὲν οὖν οὔτ' ἡδίκησα τοῦτον οὔτ' εἰςαγώγιμος ἐκ τῶν νόμων ἔστιν ἡ δίκη, ταῦτ' ἂν τις σκοπῶν ῥαδίως γροῦη. οὔτεν τοὐν οὐκαίνον ἔχον οὔτε καθ' ἑν λέγειν ὑπὲρ ἀν ἐγκαλεῖ, ἀλλὰ καὶ ψευδής γεγραφὸς εἰς τὸ ἔγκλημα καὶ περὶ ὧν ἀφήκε δικαζόμενος, τοῦ ἐξελθόντος μηνός, ὡς ἄνδρας Ἀθηναίοι, ἐπειδὴ ἐμελλὼν εἰσιναι τὴν δίκην, ἡδὸ τῶν δικαστηρίων ἐπικεκληρωμένων, προσελθὼν καὶ περιστήσας τοὺς

* ὅλως Z cum Σ. δίκης Bekk.
* om. Z.
* eli τὰ τῶν πλησίων Ζ.
* aui T cum Σ.
* ἂν πρὸς δίκην Cobet, nov. lect. 609.

38. συντρήσασθαι] Properly, συντρῆσαναις is to make a hole into another hole, i.e. to make two holes meet. So in Aesch. Cho. 451, δι' ὅτων δὲ συντρῆσαναι μᾶθαι may refer to words entering the double aperture of both ears; and thus the emendation δι' ὅτων δὲ ἐσωτρῆσαναι, however probable, can hardly be regarded as necessary. See also Herod. ii. 11, σχεδὸν ἀλλὰ δι's συντρῆσαναιν τοις μυχοῖς, used of two arms of the Red Sea that converge and join in one.

τῷ δὲ κ.τ.λ. But a man who has lent money to Pantaenetus, and has had the utmost difficulty and trouble to get it back from him, is not to have the further infliction of being made defendant in a mining cause; most decidedly not.' Kennedy.

γῆλοχρος] Lit. 'with greediness on his part,' i.e. wish to retain it if possible. The adjective properly means 'sticky,' κολλώδης, Hesych., hence 'important,' as in Ar. A.och. 452, νῦν δὴ γενοῦ γῆλοχρος, προσαυτῶν, λιπαρῶν τ'.

§ 39. One proof that the plaintiff was conscious of the weakness of his case against me, is a trick which he put upon me respecting the torture of one of my slaves, almost the moment before the trial was about to commence.

ἐπικεκληρωμένων] Like the Roman custom sortiendi judices,
ΠΡΟΣ ΠΑΝΤΑΙΝΕΤΟΝ

μεθ’ έαυτοῦ, τοι ἐργασθήριον τῶν συνεστώτων, πραγμα ποιεῖ πάνδευνου ἀναγγιγνώσκει μοι πρόκλησιν 40 μακρὰν, ἄξιόν, ὅν φησὶν οἰκέτην ταῦτα συνειδέναι, βασανίζοντι, κἂν μὲν ἢ ταύτ’ ἄληθή, τήν δὲκὴν ἄτιμον ὀφλεῖν αὐτῷ, ἐὰν δὲ̑ ψευδῆ, τὸν βασανιστὴν

τ ἀυτῷ Ζ.

and our phrase ‘impanelling a jury,’ the jury seem, in the age of Demosthenes, to have been selected by lot from the 6000 who were the constituted members of the law-courts. In the time of Aristophanes they drew a letter, A or B, &c., to indicate the court where they were to sit for the day; κληρονομὸς πάντας, Ar. Eccl. 682, who is speaking of public, not of special or private causes. In Mid. § 13, τὸν ἄρχοντα ἐπιλεγομένον ὅ νόμος τῶν χαρών τοὺς αὐθητὰς κελεύει. Whether δικαστήριον here means precisely the same as δικαστῶν, or whether some courts were open while others were closed, appears uncertain. See Boeckh, Π. E. pp. 235—6.


ταῦταις] For he committed a fraud in altering the terms of a πρόκλησις that had been hastily and rather carelessly drawn up, § 42.

40. μακρὰν] i.e. the very length of it was confusing, and designed to deceive me.—ἀξιόν, ‘requiring that a certain slave who, he said, was acquainted with the facts, should be put to the question, and that, if the facts which he (i.e. the plain-
tiff) alleged were true, I should be bound to pay his damages without assessment; if they were false, the questioner, Mnesicles, should estimate the value of the slave.’ Kennedy—who says ‘the account of this transaction is exceedingly obscure.’ It is plain however that Pantaenetus, who claims a large sum (§ 32) for damages done by or through the order of Nicobulus, here makes an offer to settle the case by torturing a slave belonging to Nicobulus, to find out if such orders were really given. If it should appear they were not, then damages are to be paid (assessed by Mnesicles, who is to conduct the inquiry) for any loss of time or bodily hurt resulting from the torture. This proposal might have been fair enough if a third party, Mnesicles, was allowed to conduct it; but it became unfair when Pantaenetus himself conducted it on purpose to extort evidence in his own favour. [See also Meier and Schömann, Att. Proc. p. 188, note 69 ed. Lipsius.]

ἀτιμοτος, opposed to τιμητός, means ‘unassessable,’ or where the penalty or amount is fixed by law. In the other case it can be laid at the discretion of the jury. See Mid. p. 548, § 90.—ὁφλεῖν, ‘that I should have to pay to him the sum charged in the suit’ (two talents).
Μνησικλέα ἐπιγνώμονα εἶναι τῆς τιμῆς τοῦ παιδὸς. λαβῶν δ' ἐγνωτᾶς τούτων παρ' ἐμοὶ, καὶ σημηναμέ-41 νοῦ τήν πρόκλησιν ἐμοὶ, οὐχ ὡς δίκαιον ὧν τοῦ γάρ ἐστι δίκαιον ἐν οἰκετόν σωμάτι καὶ ψυχῇ ἢ δύο ἀφλη-κέναι τάλαντα ἢ μηδὲν τοῦ συκοφαντοῦντα ζημιοῦ-σθαι; ἀλλ' ἕγα πολλῷ τῷ δικαίῳ περείμα λέοντος συνεχώρουν. καὶ μετὰ ταύτα προσκαλεῖται μένε τῆν δίκην πάλιν, ἐπειδὴ θαττον ἀνείλετο τὰς παρακα-ταβολὰς· οὕτως εὐθὺς ἦν δήλος οὐδ' ὃς αὐτὸς ὅρι-42 σατο ἐμένοιν δικαίος. ἐπειδὴ δ' ἦκομεν πρὸς τὸν βασανιστήν, ἀντὶ τοῦ τῆν πρόκλησιν ἀνοίξας δεῖξαι τὰ

επιγνώμονα] Aeschylus has γράμμων ἀκρο, and προβατογνώ-ωμων, Ag. 768, 1099. Hesych. επιγνώμων, ἐπίνους. The term was applied to the inspectors of the sacred olives (Boeckh, P. E. p. 305).

ἐγνωτᾶς] Sureties that I would abide by the terms of the challenge.

§ 41. I signed the challenge though I thought it unfair that I should have to pay so much for damages on the testimony of a slave, who might be tortured to death, and made to say anything. But no sooner was this done, than he makes another challenge, again to bring the matter before the jury, though it had in fact been quashed by the former challenge.

ποῦ γάρ] 'It cannot be right that.' So Eur. Ion 528, ποῦ δὲ μοι πατὴρ σὺ; Heracl. 369, ποῦ ταύτα καλὸς ἀν εἰκ παρὰ γ' εἰδοφονοῦν;

Ἥ μηδὲν κ.τ.λ.] It was unfair that his risk should be nothing at all, supposing the result of the torture was in my favour. It would seem from this that in the case of a πρόκλησις, or chal-

lenge voluntarily accepted, no fine attended a failure in the case, like the ἐπωβελεῖ in ordinary trials.

πολλῷ τῷ δικαίῳ] i.e. to have on my side a περιουσία, or more than the bare justice necessary for supporting my plea.

ἀνείλετο] It seems that, on cancelling or withdrawing an action, not for a frivolous reason, but by a πρόκλησις or some other way of settling it, the plaintiff was entitled to 'take up' or recover the deposit he had paid into court, the general term for such court fees being πρυτανεία. Ar. Nub. 1136. Vesp. 659. Boeckh, p. 345.

§ 42. The challenge had been drawn up so hastily that I had made no copy of it on my part; and thus he substituted the words 'that I put to the torture' for 'that Mnesicles put to the tort-

dεῖξαι] It seems to have been the custom to produce the document before the proceedings commenced, that both parties might consent to the course pursued.
PROS PANTAINETON.

γεγραμμένα καὶ κατὰ ταῦτα πράττειν ὅ τι δέξαι (διὰ γὰρ τὸν θόρυβον τοῦ τοῦ ὑπὸ τοῦ καλείσθαι τὴν δίκην τοιοῦτον ἦν· προκαλοῦμαι σε ταύτη· δέχομαι· φέρε δή τὸν δακτύλιον· λαβέ· τὸς δὲ ἐγγυτής; οὕτωσι· οὐδὲν οὐτ' ἀντίγραφον οὔτ' ἀλλο οὐδὲν ἐποιησάμην τοιοῦτον)—ἀυτὸ δὲ τοῦ ταῦθ' οὕτως ὡστερ 979 λέγω πράττειν ἐτέραν ἢκεν ἤχων πρόκλησιν, ἀξίων αὐτοῦ βασανίζειν τὸν ἀνθρώπον, καὶ ἐπιλαβόμενος εἶλκε, καὶ ἀνέλειπεν οὐδὲν ἀσελγείας. καὶ ἐγώ' ἐνεθυμή- 43 θην, ὡ ἀνδρες δικασταί, ἡλίκον ἔστι πλεονέκτημα τὸ μὴ καταπεπλήχθαι τὸν βίον. ἐγὼ γὰρ ἐμαυτῷ ταῦτα πάσχειν ἐδόκου καταφρονοούμενος τῷ ἀπλῶς καὶ ὡς πέφυκα ζῆν, καὶ δίκην διδόναι παμμεγέθη ταῦτ' ἀνε-

* om. Z et Bekk. st. cum FΣΦΒ. τὸν τότε Bekk. 1824.

* om. Z et Bekk. καταπεπλάθαι Emperius laudatus in Bekk. st. b ἐμαυτῶν Ζ.

τὸ μέλλειν καλεῖσθαι] ec. ἑπι- κεκλ. τῶν δικ. § 39. The broken sentences following imply the haste and suddenness of the act, the time pressing, as the plaintiff very well knew. Plautus, Rudens, 171; 'at in vado est: iam facile enabí: eugepae: salva est: evasit ex aqua: iam in litore est.'

τὸν δακτύλιον] The ring for sealing the challenge.

ἐτέραν] Not, perhaps, literally another; but the terms agreed on had been so altered that virtually it became another.

ἀσελγείας] He perhaps acted or spoke to Nicobulus, on his protesting, in a rough or blackguardly way.

§ 43. I now felt that it does not pay in life for a man to be too humble; it was from my own want of spirit and self-assertion that I suffered this wrong. However, there was no help for it now, so I surrendered the slave to be tortured by the plaintiff himself.

τὸ μὴ καταπεπλήχθαι τὸ μὴ κατακλήσῃ εἶναι (Arist. Eth. N. ii 7). 'The not being shy.' Kennedy quite alters the sense in translating 'what an immense advantage it is to intimidate people by your style of conduct,' and omitting the μη, which indeed is not found in the mss. The manuscript reading is retained by Bekker, G. H. Schaefer and the Zürich editors. 'Quae sic opinor, vertenda: quantum sit lucrum syco- phantæ ita vivere, ut alii metu eius percellantur; ut sarcas- tica sit notatiorum calum- niatoris.' G. H. Schaefer. Or. 21 (Mid.) § 194, ὡστε κακῶς λέγων —καταπλήξειν ἥτο τὸν δήμον ἀραγία.—μη is a conjecture due to F. A. Wolf, accepted by Reiske and Dindorf.
χόμενος· δ' οὖν ἡγαγκαζόμην, παρ' ἡ γούμην δίκαια εἶναι, ἀντιπροκαλεῖσθαι, καὶ τὸν οἰκέτην παρεδίδουν. καὶ δ' ταῦτ' ἀληθῆ λέγω, λέγε τὴν πρὸκλησιν.

ΠΡΟΚΛΗΣΙΣ.

44 Φυγὼν μὲν τοῖνυν ταῦτα, φυγὼν δ' ἀ τὸ πρῶτον αὐτὸς προικαλέσατο ἐγγεί, ὅ τι ποτ' ἐρεῖ πρὸς ύμᾶς, θαυμᾶζο. ἵνα δ' εἴδητε ύφ' ὦθ φησί καὶ τὰ δεινὰ πεπονθέναι, θεάσασθε. οὕτως ἔστω δ' Πανταλευτον ἐκ- βαλὼν, οὕτως ἐσθ' ὁ κρείττων τῶν φιλῶν τῶν Παντα- νέτου καὶ τῶν νόμων. οὗ γὰρ ἔγονεν ἐπεδήμουν, οὐδ' αὐτὸς ἐγκαλεί.

45 Βούλομαι δ' ύμιν καὶ δι' ὅν τοὺς πρότερον δικα- στὰς ἐξαιτήσας εἰλὲ τὸν Εὐεργόν εἰπεῖν, ἵν' εἰδήθ' ὅτι καὶ νῦν οὕδεν οὖτ' ἀναιδείας οὕτε τοῦ θεύδεσθαι

ο ἐστιν Ζ.

ἀνεχόμενος] ὑπομένων. By patiently enduring all this impu- dence from him. He wished to be thought μέτρος and ἐπικεῖσθα, but found himself despised as ἄψυχος.

δ' οὖν] 'However, as I should have been compelled (lit. as I was being forced by the circumstances) to give a counter-challenge contrary to what I thought was right and fair, I did even offer to give up my slave.' If he had de- clined to act on this πρακλη- σις, duly signed and sealed as it was, he would have had to make another on his part, and one which would have been equally against his own sense of right (ὦθ δ' ἐπικείσθαι, sup. 41). For δ' ὦθ, 'be that as it may,' see Aesch. Agam. 54, 217 (Ἐ.) Or. 56 § 10, πίπας δ' ὦθ—ἐξαι- ρεῖται τῶν σῖτων, where δ' ὦθ means, as usual, 'be that as it may,' leaving the truth of a pre- vious statement undetermined.

44. ἀ τὸ πρῶτον] viz. that Mnesicles, not the plaintiff him- self should preside over the torture.—δ' τι ποτ' ἐρεί, I wonder what he will say for himself after being proved to have thus broken his own agreement.

θεάσασθε] 'He exhibits to the jury the slave, Antigones, a feeble old man, not likely to have committed the outrages complained of.' Kennedy.


§ 45. To illustrate the man's recklessness in making charges, I will relate how he contrived to convict Evergus at the former trial. He accused him of com- ing to his house in the country and insulting his daughters who were heiresses, and who, had the story been true at all, would have got redress by appealing to the chief archon.
παραλείψει. πρόσ δε τούτως καὶ περὶ διν ἐμοὶ δικάζεται νυν τὰς αὐτὰς οὕτως ἀπολογήσας εὐφήσετε ὅσπερ ἐλεγχὸς ἀκριβεστάτος ἐστιν ὑπὲρ τοῦ τότε ἐκεῖνον σεισμοφαντῆσαι. οὕτως γὰρ ἦτιμαστο ἐκεῖνον πρὸς ἀπασι τοῖς ἄλλοις ἐλθόντ’ εἰς ἄγρον ὡς αὐτὸν ἐπὶ τὰς ἐπικλήρους εἰσελθεῖν καὶ τὴν μητέρα τὴν αὐτοῦ, καὶ τοὺς νόμους ἤκειν ἐχων τοὺς τῶν ἐπικλήρων πρὸς τὸ 980 δικαστήριον. καὶ πρὸς μὲν τὸν ἄρχοντα, ἐν τῶν τοιοῦ-46 τῶν οἱ νόμοι κελεύονσιν ἐπιμελεῖσθαι καὶ παρ’ ὑπὲρ μὲν ἡδικηκότε κίνδυνος περὶ τοῦ τὸ χρῆ παθεῖν ἢ ἀποτίσαι, τῷ δ’ ἐπεξεύγοιτε μετ’ οὐδεμιᾶς ζημίας ἢ βοήθεια, οὕτω καὶ τὴν ἐπέρευστ’ ἐξήτασται, οὐδ’ εἰσήγγυελεν οὔτ’ ἐμὲ ὡς τὸν Ἐυεργόν ἢ ἀδικοῦντας, ἐν δὲ τῷ δικαστήριῳ ταῦτα κατηγόρει καὶ δυοὶ ταλάντων ἐδείκνυ. ἦν γὰρ, οἷμαι, κατὰ μὲν τοὺς νόμους προειδότα

47 τὰς αὐτὰς ἀπολογήσας] vis. the charge of akia and ὅβρις, § 33. ἐκεῖνον] seil. Evergus. εἰσελθεῖν] This is illustrated by Mid. p. 540, § 79, εἴτε τῆς ἁδελφῆς ἐτ’ ἐνδον οὔσης τοῦτ’ ἐκεῖνον οὕσης κόρης ἐναντίον ἐφθάνοντο αὐτῷ, κ.τ.λ. By the term ἐπικλήρος is meant an unmarried girl who becomes with her fortune the property of her nearest marriageable male relative. To open the door of the γυναικώνις to admit a man, was to take an unwonted liberty; and this seems the point of the charge in the mock-trial Ar. Vesp. 768, ὅτι τὸν ὄραν ἀνέφεξεν ἡ σηκιά λάθρα. Euripides pretends that he would exclude even women-servants, χρῆ δ’ ἐς γυναῖκα πρόσπολον μὲν οὖ τεραῖς, Hippol. 645. 46. We gain from this passage the important information, that the process before the archon in such cases was by ἔσαγγελία (Or. 34 § 50), and that no penalty attended the failure of the prosecution, like the χλιαὶ δράχμαι in the ordinary courts. The meaning is, that if he could have sustained the charge, the plaintiff would certainly have preferred a court where there was no risk. See Boeckh, P. E. p. 357. ἐξήταστα] This may mean, 'he has had the matter investigated,' in the medial sense. 'Not to this day has he ever appeared before the Archon.' Kennedy. (Mr Mayor, p. 246, regards the passive meaning to be the correct one.) δυοὶ ταλάντων] This shows why he hoped to get the same amount out of Nicobulus, § 32. § 47. Evergus would have easily got off if he had known
τὴν αἰτίαν, ἑφ' ὅ κρίνεται, ῥάδιον τἀληθῆ καὶ τὰ δι-καία ἐπιδεξαντ' ἀποφεύγειν, ἐν δὲ μεταλλικῇ δίκῃ, περὶ δὲ οὖν ἢ ἢλπισεν αὐτοῦ κατηγορηθῆσθαι, χα-λεπὸν παραχρῆμα ἔχειν ἀπολύσασθαι τὴν διαβολήν ἡ δ' ὀργή παρὰ τῶν ἑξηπατημένων ὑπὸ τούτου δικα-στῶν, ἑφ' ὅ τὴν ψήφον εἶχον πράγματι, τούτου καταψή-48 φίσατο. καὶ τοῖς τῶν ἐκείνους ἑξηπατηκότα τοὺς δικα-στὰς ἀρ' ὀκνήσειν ὑμᾶς ἔχαπαταν οἴεσθε; ἢ πεπιστευ-κότα εἰσίνει τοῖς πράγμασιν, ἀλλ' οὐ τοῖς λόγοις καὶ τοῖς συνεστῶσι μὲθ' αὐτοῦ μάρτυσι, τῷ τ' ἀκαθάρτῳ καὶ μαρφ' Προκλεῖ, τῷ μεγάλῳ τούτῳ, καὶ Στρατοκλεῖ τῷ πιθανοτάτῳ πάντων ἀνθρώπων καὶ πονηροτάτῳ, καὶ τῷ μηδὲν ὑποστελλόμενον μηδ' ἀσχινόμενον

* ἐαυτῷ Ζ.

the precise charge he would have to defend himself against. But a ‘mining-suit’ was trumped up against him; and as other counts (§ 45) were added to rouse the indignation of the jury, he was thus unfairly condemned.

[خطأ في النص: \( \varepsilon \chi\varepsilon \varepsilon \)] Here for δύνασθαι. With χαλεπὸν, ἥν is to be repeated from above.

[خطأ في النص: \( \eta \ DV \varepsilon \)] The resentment they felt about the ἐπικληροι,—ἔφ' ἃ, κ.τ.λ. ‘found him guilty of the charge upon which they set in judgment.’ Kennedy.

§ 48. If then the plaintiff succeeded in deceiving the jury before, will he scruple to deceive you now? Will he not rely for success on the false evidence of his good-for-nothing friends?

[tois πράγμασιν] The facts of the case rather than the mere assertions of himself and his witnesses.—συνεστῶσι, ‘packed;’ see § 39.

[خطأ في النص: \( \tau \varepsilon - \varepsilon \lambda \varepsilon \sigma \varepsilon \varepsilon \varepsilon \)] ‘In his being ready to cry.’ This use of the future (τὸ ποιήσεσθαι factum esse, &c.) belongs to the later Attic, the Ionic form in -ήσος of κλαίω, or κλάω, common in the earlier dialect (ὑπετήσος, χαρῆσο, βαλ-λήσο, &c.), being retained.—μηδέν, κ.τ.λ. Cf. Mid. p. 587, § 70, τῷ μηδὲν ὑποστελλόμενῳ πρὸς ὑβρις. The term is perhaps military or nautical; probably the former, in reference to the withdrawal of troops. The origin of the phrase is however rather obscure. Hesych. ὑποστελλόμενος· ὑποκρυφόμενος, φοβηθεὶς.—ὑποστελλεῖσθαι ἀνα-δύεσθαι, δολευέσθαι, ὑποκρυ-ψθαι.—ὑποστελλεῖται φοβεῖται, καὶ τὰ δόματα. In De Fals. Log. p. 415, ἐμὸν παραγίεσσα διαλε-κάθηκε μηδέν ὑποστελλόμενον clearly means “without any reserve.” Cf. Eur. Orest. 607, ἐπεὶ ἰδράσεις κοῦρ ὑποστελλεί λόγῳ. Possibly the primary idea was the ‘tucking under’ or ‘cloaking over,’ and so hiding
κλαίσειν καὶ ὀδυρεῖσαι; καὶ τοιο τοσοῦτο δεῖς ἔλειον 49
τινὸς ἄξιος εἶναι ὥστε μισηθείς ἀν δικαιοτάτη ἀν-
θρώπων εὖ ὁ πεπραγμάτευσαι ὅς γε ὁφέιλον μνᾶς
ἐκάτω καὶ πέντε καὶ ὀχὶ οἷς τε ὁ ποιησάσαι, τοὺς
τὰ τὰ συνυπορήσαντας καὶ γενομένους αἰτίους σοι
981 τὸ τὰ δίκαια ποιῆσαι τοῖς συμβαλοῦσιν εὖ ἀρχής, χω-
ρίς ὅν περὶ αὐτὰ τὰ συμβόλαια ἡδικήκεις, καὶ πρὸς
ἀτιμῶσαι ξητείς. καὶ τοὺς μὲν ἄλλους τοὺς δανειζόμε-
νους ἵδοι τις ἂν ξισταμένους τῶν ὄντων σοὶ δὲ ὁ
συμβεβληκὼς τοῦτο πέπονθε, καὶ δανείσας τάλαντον
δύο ὁφλήκει συκοφαντηθεῖς. ἐγὼ δὲ τετπαράκοντα 50

‡ προσατιμῶσαι Z. Or. 89 § 23.

something worn on the person.
'Relying on the whining face
and the tears that he can as-
sume so recklessly and so im-
pudently.' Kennedy.

§ 49. You, however, must not
expect to move any by your
tears, for you have acted most
basely and fraudulently towards
those who lent you money in
your distress. You have not only
cheated them by not paying, but
you want to make them debtors
to the treasury.

δεῖς] The second person is
rare, though the Greeks often
say τοσοῦτον δεῖ, &c. See on
Or. 40 § 22.

πεπραγμάτευσαι] 'From the
shameful actions you have con-
cerned yourself with,' or 'have
contrived to bring about.'

ὁφέιλον] See § 4.—διαλῦσαι,
so. τοὺς δανείαντας. See § 12.

τοῦ ταύτα κ.τ.λ.] 'Those
who helped you to raise the
ready money and enabled you to
satisfy your original creditors.'

ἡδικήκεις] See § 7, τῶν ἐν ταῖς
συμβάλλοντες τοιοῦτοις ὁδὲν τοῦτον.

ἀτιμῶσαι] so. ὃς ὁφειλότατα.
'To disfranchise him besides.'

If, with the Zürich editors, we
print this as one word προσα-
tιμῶσαι, we must still translate
the preposition as a separate
word, as in Or. 89 § 23, πρὸς
μασίν, 22 § 75, τοσοῦ ἀπέχει
tοι τιμῆς τινὸς τυχεῖν ὅτ' ἀπειρόκαλος πρὸς ἑδοξεῖ,
and Aristot. Eth. iv iii 24, πρὸς
ὁφλήκει. Inf. § 56, we have
ἄκην προσφωβεῖν. S.]

καὶ τοῦ κ.τ.λ.] 'And whereas
one may generally see those
who borrow having to give up
their property, now it is the
lender to you who has to suffer
this: he lent you a talent, and
for that he has been condemned
to pay two by an unjust and
vexatious action.'

ὁ συμβεβληκὼς] 'The lender,'
'the maker of the contract.'

So Or. 84 § 1, συμβάλλαντον ὁλοκλη
συμβάλλοντες, and inf. § 54.

He is now speaking of Evergus
(τάλαντον Ἂδεργοῦ, § 4).—δύο,
see § 46.

P. S. D. 9
μνάς δανείσας δυοῖν ταλάντων ταυτηνί φεύγω δίκην. καὶ ἐφ' οἷς δανείσαθαί μὲν οὐδεπώτοτ' ἔδυνήθης ἐκα-
τὸν μνῶν πλέον, πέπρακας δὲ καθάπαξ τριῶν ταλάν-
tῶν καὶ δισχηλίων, εἰς ταῦτα τέτταρα, ὡς ἔοικεν, ἤδι-
κησαί τάλαντα. ὑπὸ τοῦ ταύτα; ὑπὸ τοῦ οἰκέτου νὴ Ἰάη
τοῦ ἔμου. τὶς δ' ἄν οἰκέτη παραχωρήσεις πολίτης
tῶν αὐτοῦ; ἦ τίς ἄν φήσεις, δω δικήν λαχῶν ἥρηκεν
οὕτος Εὔεργον, τούτων καὶ τὸν ἔμοι παῖδα ὑπείθυν-
51 νον εἶναι προσήκεις; χωρὶς δὲ τούτων αὐτὸς αὐτῶν
οὕτος ἀφῆκε τῶν τοιούτων αἰτίων ἀπασῶν' οὐ γὰρ
νῦν ἔδει λέγειν, οὐδ' εἰς τὴν πρόκλησιν γράφειν ἐν ἦ
βασανίζεων ἐξήτει, ἀλλὰ λαχόντα ἐκείνῳ τῇ δίκῃ τῶν
κύριον διώκεις ἐμέ. νῦν δ' εἶληχε μὲν ἔμοι, κατηγορεῖ
δ' ἐκείνου. ταῦτα δ' οὐκ ἔδωσιν οἱ νόμοι; τίς γὰρ
πώποτε τῷ δεσπότῃ λαχῶν τοῦ δοῦλον τὰ πράγματα,
ὢστερ κυρίου, κατηγορήσειν;

h νὴ τῶν Δία Ζ.

50. δυοῖν ταλάντων] viz. for damages, § 92.—καθάπαξ, § 31. The sum mentioned in § 31 is 3 talents and 26 minae. Here he uses a round sum; see Or. 34 §§ 25, 41.

els ταύτα κ.π.λ.] 'Upon this property you have sustained damage, as it appears, to the amount of four talents.' Two talents had already been got out of Evergus, and the plaintif is trying to get two more out of Nicoebulus.

παραχωρήσει] 'Give up.' So in Mid. p. 528, § 28, el δ' ἐγὼ—τῇ πόλει παραχωρῶ τῆς τιμωρίας. This seems little better than a quibble; according to the plaintiff, violence was used by Antigones in taking the money (§ 22); but perhaps he refers to the occupation of the mine under protest, § 25.

51 ἦ τίς ἄν κ.π.λ.] 'Who would say that, when Evergus has already been condemned for them, my slave was also guilty of the same acts?'

§ 51. Besides, the plaintiff himself has defeated his own purpose by reversing the process he should have adopted; he should have charged the slave with the act direct, and made me indirectly responsible, as his master. But now he has charged me first, and then the slave through me.

ἐξήτει] Sup. § 40, ἀξῖῶν δὲ φησιν οἰκέτῃ ταῦτα συνεισέναι, βασανίζεσθαι.


ὢστερ κυρίου] As if he had
any authority of his own, and was not entirely the tool and property of his master, who is responsible for his actions. ‘Who ever commenced an action against the master, and charged the facts against the slave, as if he were his own guardian?’ Kennedy.

§§ 52—4. Unable to substantiate any real charge against me, he will descend to general platitudes against money-lenders; as if that were not in itself a proof that he has nothing better to say.

ταχέως βαδίζει κ.τ.λ.] Or. 45 § 77, τής μὲν δύσεως τῆς φοιτεῖ καὶ τῷ ταχέως βαδίζειν καὶ λαλεῖν μέγα, οὐ τῶν εὐτυχῶς πεφυκτῶν ἔμαυτον κρίνων ἐφ’ οἷς γὰρ οὐδὲν ὕφελομένου λυπῶ τίνι, ἔπειτ’ ἔχω πολλάχως. Cf. infr. § 55.— Aristotle, in one of the touches that remind us of the Characters of his pupil Theophrastus, ascribes to the μεγαλύποχος (Eth. ν. ix—xiii) κήνοις βραδεία καὶ φωνῇ βαρείᾳ καὶ λέξις σταδίων. S.]

βακτηρίαν φορεῖ] Theophrast. Char. 21 (Μικροφωλετιμας), δει...
Τοιοῦτος, δὲ Παντάνετε, ἐγὼ δὲ ταχὺ βαδίζων καὶ τοιοῦτος σὺ δὲ ἀτρέμας. ἀλλὰ μὴν περὶ τοῦ ἐμοῦ γε βαδίσματος ἢ τῆς διαλέκτου τάληθ᾽ πάντ᾽ ἐρῶ πρὸς ύμᾶς, ὃ ἀνδρὲς δικασταί, μετὰ παρρησίας. ἐγὼ 1 + αὐτῶς Ζ cum Σχ. Α. 2

veniam. μουσείσαται—πλέονον ό. Sallustius in Fugurthino: homines multarum imaginum ac nullius stipendii (86, 10). S.]

The sense of μῆτε (as different from οὕτω) would, as usual, be given by the Latin nihil current instead of curant.—δεδανείσασθαί, i.e. δανείσασθαί.

ἀποστερῶ.] As Shilleto remarks on Thuc. i 69, and as indeed is well known, this is not ‘to deprive,’ but ‘to keep back from another what is due.’ Our monosyllable ‘to rob’ renders it fairly well.

54. πλέων] See Or. 84 § 30.—ἐπορθήσας δὲ, ‘and who has lent at interest his small profits in order to accommodate his friends, and that his money may not be imperceptibly frit-

ered away.’ Kennedy. (More closely, ‘from a wish not only to oblige, but to prevent his money from slipping through his fingers without being aware of it.’)—eis ἐκείνους, why should he be classed with those others who τέχνην πετοληραία; σοὶ δανείσῃ κ.τ.λ.] A very hard hit indeed.

visor Εγὼ κ.τ.λ.] Here, as in Or. 39 § 25, ἐς = ποιος.

§§ 55, 6. The evidence just read has shown that I am not a hard or dishonest man, though it happens that I walk quickly and you walk gently. I am sorry I cause annoyance to others, but I am what nature made me, and no man can alter that.
γὰρ οὐχὶ λέληθα ἐμαυτὸν, οὐδ’ ἄγνωσι οὐ τῶν εὖ πεφυκότων κατὰ ταύτα ἄν ἀνθρώπων, οὔδὲ τῶν λυσιτελοῦντων ἑαυτοῖς
t. εἰ γὰρ ἐν οἷς μηδὲν ὁ ἄφελοῦμαι ποιῶν, λυπῶ τινὰς, πῶς οὐκ ἄτυχὼς κατὰ τούτο τὸ μέρος; ἀλλὰ τῇ 56
χρῆ παθεῖν; ἀν τῷ δεῖνι δανεῖσθω, διὰ ταύτα δίκην
προσφίλειν; μηδαμῶς. κακιὰ δὲ γὰρ ἔμοι καὶ πονηρὰν
οὔθ’ οὖσα προσοῦσαν οὐδὲμιλαν δείξει οὐθ’ ὑμῶν τοσούτων ὄντων οὔδὲ εἰς ὁ σύνοιδεν. τάλλα δὲ ταῦθ’ ἐκαστοὺς ἡμῶν, ὅπως ἔτυχε, πέφυκεν, οἶμαι. καὶ φύσει μᾶχε-
983 σθαι μὲν ἔχοντα οὐκ εὐτορόν ἐστιν (οὐ γὰρ ἀν ἀλλή-
lων διεφέρομεν οὔδὲν), γνῶναι δ’ ἰδόντα ἔτερων καὶ
ἐπιπλήξεις ράδιον. ἀλλὰ τῇ τούτων ἐμοὶ πρὸς σέ, Παυ-
57 ταίνετε; πολλὰ καὶ δεινὰ πέτουσας; οὐκοῦν εἰληφας
δίκην. οὐ παρ’ ἔμοι γε; οὔδὲ γὰρ ἡδικήθης οὐδὲν ὑπ’

"ἐμαυτῷ Z et Bekk. st. cum libris. ἑαυτοῖς Bekk. (1824) et
Dindf. cum Reiskio.
ο οὔδεν Bekk. 1824.

τῶν εὖ πεφυκότων] ‘One of
those favoured in these respects
by nature.’ For a parallel to the
whole of this passage, see Or. 45
§ 77 quoted above, § 52 n. So
strong was the Greek appreciation
of τὸ καλὸν that they asso-
ciated moral with merely phy-
sical qualities.—ἑαυτῶς seems a
necessary correction for ἐμαυτῷ,
which would require τῶν λυ-
t. to be a genitive of quality in
the neuter.
56. τάλλα ταύτα] These
other qualities which are bodily
and not mental.
ἔχοντα] ‘Since one has it,’
i.e. a particular form and shape
assigned to him. [Ar. Vesp.1467
τὸ γὰρ ἀνοστὶ καὶ χαλεπὸν φόεσιν,
ἱπερ᾽ ἔχοι τεῖν δελ. Θ.]—οὐ γὰρ ἀν
c.τ.λ. ‘(and that he should have
such is a necessity); for,’ ὄν.
γνῶαι δ’ ἰδόντα] ‘Though it
is easy enough to remark and
criticise them in another.’ Ken-
nedy. Hesych. ἐπιπλήξεως ἐπελ-
θεῖν, ἐπιπλήξεις, υβρίσαν. He is
supposed to refer to Π. 22.111.
580, καὶ μ’ οὕτων φημι ἄλλον
ἐπιπλήξεως Δαμαύων. As however
the explanations are given in
the aorist and not in the future,
it is probable that the present
passage is referred to. The use
is rare. In Eur. Or. 922, ἀνε-
πιπληκτὸν ἥκηκώς βλέπει, the
variant ἀνεπιπληκτῶν is derived
from Hesychius.
57. τῇ τούτων] ‘Which of
these personal failings of mine
affects the question between you
and me?’
οὐ παρ’ ἔμοι γε] ‘Not from
me, do you say? Of course
not; you were not wronged by
me, or you would not have
given me the release, nor pass-
εμοῦ. οὐ γὰρ ἂν ποτ’ ἄφηκας, οὐδ’, ὃτ’ Ἐυέργης προηροῦ λαγχάνειν, εἴσας εἰμὲ, οὐδὲ πρατήρα ἤξιοσας ὑποστήναι τὸν γε δεινά σε καὶ πολλά εἰργασμένον. εἰτα καὶ πῶς ἂν ὁ μὴ παρὼν μηδ’ ἔπιθημον ἔγο τί σε ἥδι-58 κρίσα; εἰ τοίνυν ὡς οὖν τε μέγιστ’ ἡδικήσαι δολὴ ταύτῃ καὶ ἐρεύναι πάντας ἂν ἴματ’ ὁμολογήσαι, ὅτι πολλὰ συμβέβηκεν ἡδικήσαι των ἢδη μείζων τών εἰς χρήματα γυγομεμένων ἁδικημάτων καὶ γὰρ ἄκουσιοι φόνοι καὶ ὑβρεῖς εἰς ὃ μὴ δεῖ καὶ πολλὰ ἄλλα τοιαῦτα γίγνεται. Ὁλ’ ὑμοί ἀπάντων τούτων θρός καὶ λύσις τοῖς 59 παθοῦσι τέτακται τὸ πεισθέντας ἄφεναι. καὶ τοῦθ’ οὕτω τὸ δίκαιον ἐν πάσιν ἵσχυε ὅστε, ἄν ἔλων τις ἄκουσιον φόνον καὶ σαφῶς ἐπιδείξας μὴ καθαρὸν με-

ο μέγαλα Bekk. 1824.

§ 59. The strongest case of this is seen in the law which acquits even a homicide if the dying man forgives him.

ἄκουσιον] This, the manuscript reading, is more probable than Reiske’s conjecture ἄκου-

σιον, which is adopted by Bek-
kker, followed by Kennedy; for it is not likely that deliberate and intentional murder would be pardoned.—μὴ καθαρὸν, that he is ἐναγη, or has contracted a guilt requiring formal expiation.—ἀλδεύσει, ‘to show mercy to a suppliant,’ is almost a technical term. [The whole of this passage εὶ τολυν—τῶν αὐτῶν ἔστιν, and § 60 εἰθ’ ὑπερ—κατα-

λυθήσεται, is repeated almost verbatim—a practice not very uncommon with Demothenes, in Or. 38 §§ 21 and 22, where the words ἀν ἔλων τις ἄκουσιον φόνον, κ.τ.λ. (though one ms the codex Bavarius has ἄκουσιον)
PROΣ PANTAINETON.

τὰ ταύτ’ αἰδέσθαι καὶ ἀφῆ, οὐκέτ’ ἐκβαλεῖν κύριος τὸν αὐτὸν ἔστιν. οὐδὲ γ’, ἂν ὁ παθῶν αὐτὸς ἄφη τοῦ φόνου, πρὶν τελευτῆσαι, τὸν δράσαντα, οὐδένι τῶν λοιπῶν συγγενῶν ἐξεστιν ἑπεξεῖναι, ἀλλ’ οὔς ἐκπιπτεῖν καὶ φεύγειν, ἂν ἀλίσκοιται, καὶ τεθνάει προστάτησιν οἱ νόμοι, τούτους, ἂν ἀφεθῶσιν, ἀπαξ ἀπάν- 
των ἐκλύει τῶν δεινῶν τοῦτο τὸ ῥῆμα. εἰδ’ ὑπὲρ μὲν 60 ἡμῆς καὶ τῶν μεγίστουν οὕτως ἵσχυει καὶ μένει τὸ ἀφεῖναι, ὑπὲρ δὲ χρημάτων καὶ ἐξπτών ἐγκλημά- 
των ἀκυρον ἔσται; μηδαμῶς. οὐ γὰρ εἰ μὴ τῶν δικαίων ἐγὼ παρ’ ὑμῖν τείχοιμαι, τοῦτ’ ἔστι δεινότατον, ἀλλ’ 984 εἰ πράγμα δίκαιον ὄρισμένον ἐκ παντὸς τοῦ χρόνου 
νῦν καταλυθῆσεται” ἐφ’ ἡμῶν.

τῆς ὑψηλῆς Ζ.
καταλύσετε Ζ συμ B. See cf. Or. 38 § 22 νῦν καταλυθησεται.

support the reading adopted in the text. Cf. Or. 29, Aristot.), § 72, τὸν ἄλοντα ἑπλάκοναλ 
φῶς φεύγειν ἐγὼ δὲν αἰδέσθαι 
τικά τῶν ἐν γένει τοῦ πεπουδότος, 
also ib. § 77. S.]

ἐκβαλεῖν] ‘To procure his 
banishment,’ contrasted with 
ἐκπιπτεῖν καὶ φεύγειν, infr.

οὐδὲ — ὁδέν] See on Or. 
34 § 1.

tοῦτο τὸ ῥῆμα] “This expres- 
p. 20 ὑ, τὸ γὰρ εἰ βούλει ῤηθὲν λόει πάντα φόβοι ἐκάστων πέρι, 
i.e. that single phrase ‘if you 
please’ does away with all fear 
in every one of these questions.

60. εἰ πράγμα κ.τ.λ.] ‘Your 
abolishing in our time a sound 
rule of practice established ages 
ago.’ Kennedy. The defendant 
closes his speech with putting 
forward prominently, and by 
pointed examples, the legal effi- 
cacy of acquittance in barring 
further proceedings; and it is 
evident that this is the plea on 
which he mainly relies in bring- 
ing his παραγραφή against the 
claims of Pantaenetus.

ἐφ’ ἡμῶν] The last two words 
are omitted in Or. 38 § 22, and 
indeed are hardly necessary, as 
νῦν is quite sufficient as a con- 
trast to ἐκ παντὸς τοῦ χρόνου. 
Perhaps we should here read 
ὡς ὑμῶν, ‘by your present 
decision.’
ΠΡΟΣ ΒΟΙΩΤΟΝ ΠΕΡΙ ΤΟΥ ΟΝΟΜΑΤΟΣ.

This speech turns on a point involving some curious questions in the rights of citizenship. It is primarily this: whether two sons of the same father, both enrolled as citizens, have a legal right to the same name. The civil disabilities resulting from it are described in detail; and although such difficulties could hardly arise with us, who use a plurality of names, the Athenian custom of describing a person solely by one name¹, with the addition of that of his father and deme (borough or parish), made it impossible, in such cases as election by lot to any office, or the appointment to any service, to know,

¹ "The peculiar system of the Romans enabled them to associate with the individual’s name an intimation of his clan and his family. But the Greeks, without such help, endeavoured to make a single name indicate as much as possible concerning the individual’s relationship. Thus a Mantias names his son Mantitheus, preserving one element of his name, and varying the remainder. This method was exceedingly common, as appears from the witness of epitaphs, such as Δημοφῶν Δημο-

νίκου, Σωγένης Σωκράτους, Φι-

λοξενίδης Φιλοκράτους, &c.—Nor can it have been an accident that in Demosthenes’ family there should be so many persons named from δῆμος. The name Demosthenes was borne by his father, Demon by an uncle and a cousin, Demophon by an uncle, Demochares and Demomeles by several of his kinsmen. We trace in this the democratic and political bias of the family.”

Rev. E. L. Hicks in Nineteenth Cent. no. 61, pp. 391, 398.
publicly at least, which of the two was intended. It is distinctly affirmed in §§ 32 and 40, that no Athenian citizen ever called two sons of his own by the same name.

To remove this practical difficulty an action is brought by Mantitheus, the son of Mantias, of the deme Thoricus, and of a daughter of Polyaratus (Or. 40 § 24), against his half-brother, by name Boeotus. This man was the son of another woman, Plango, who, though but the mistress of Mantias, was an Athenian citizen; and the citizenship descended to the progeny of ἄντων on both sides, even without the legal form of marriage. It appears from the speech that Mantias had, either in reality or in pretence, felt some doubts about this Boeotus, and another brother called, after the mother's father, Pamphilus, being his sons by Plango. Boeotus, however,—at what age is uncertain,—had been persuaded by his friends to represent himself as an injured man, and to insist on being recognised as the son of Mantias, and as entitled to the rights of citizenship. Mantias was reluctant, but an action was threatened to compel him. Unwilling, for some political reasons, to appear in a public trial, he endeavoured to settle the matter by πρόκλησις, i.e. by proposing that Plango should declare

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1 Adoption, or recognition of parentage by the father, was however necessary. Mr Kennedy assumes that Mantias must subsequently have married Plango; for he says, "had she never been more than a concubine, her sons could not have had heritable rights" (Introd. p. 253). That they did share in the property with Mantitheus, is clear; see § 6, and Or. 40 § 48. But it is not clear that this was not an arrangement effected by sufferance or compromise, rather than a positive legal right. The passage in Or. 40 § 9, ὡς τῆς μητρὸς τῆς ἐμῆς ἀποδομοῦσις ἔχομεν αὐτῆν ἐν τῷ εἰκαν παρ' ἑαυτὸν εὐδοκισθαί, seems nearly conclusive against Mantias having subsequently married her.

2 From § 16 it seems likely that he had enlisted popular sympathy; and this may in some degree explain the probable result of the trial in his favour.
on oath before an arbitrator, whether Boeotus and Pamphilus were her sons by Mantias or not. She had assured him privately that if the oath on the affirmative were tendered to her, she would decline to take it; and it had been further arranged, that a sum of money should be paid to her for so declining it. She, however, had unexpectedly sworn that they were her sons by Mantias; and thus Mantias was obliged to enter both sons in the clans (φαρπία or ‘families’), according to the established rule of the first enrolment or registration of citizens' children, which usually took place at an early age. It was then that the name of Boeotus was given to the elder, that of Pamphilus to the younger son. However, before the second enrolment into the register of citizens (in the γραμματείων λήξιαρχικόν) had taken place, Mantias died. Boeotus then, dissatisfied with the name (which, though taken from his maternal uncle, he pretended had been given him in contempt\(^1\)), contrived to get himself registered as Mantitheus. The true Mantitheus resents this: he had, in filial obedience, recognised his half-brothers, taken them to live with him after his father's death, and acknowledged them as his co-heirs. But he insists on his sole right to the name of Mantitheus. Both in this and in the next speech, which is intimately connected with it, examples are given in which real inconvenience had resulted from the two having the same name.

It seems that Boeotus had founded his claim on his elder birth (ός δ' πρεσβύτερος δε, § 27). Mantitheus does not affirm that he is himself older in years, but pleads that his registration in the phratry took place before that of Boeotus; and he contends that the precedence in being inscribed in the city register should be dated from that time.

\(^1\) § 27. Compare the proverb Βοωρία δίς, in Pind. Ol. vi 90.
The precise age or period at which Boeotus procured his enrolment into his clan or phratry is not stated. It appears, however, that he was old enough to co-operate with (μεθ’ ἑαυτοῦ κατασκευάσα τα, § 2) a party who undertook the management of the affair. At whatever age an adoption took place, the registration in a phratry was required (Ar. Ach. 146; cf. Ran. 418).

That the plaintiff Mantitheus lost his cause seems probable from Or. 40 §§ 17, 18. It is there stated that Mantitheus brought an action against his brother by the name of Boeotus to recover the dower of his mother. This cause was given against Boeotus by the arbitrator; but he had denied that this was his name, and said that he was Mantitheus, not Boeotus. This could not have been said,—unless in open contempt of court,—if he had been adjudged, in the present trial, to retain the name of Boeotus.

[Had the plaintiff gained his cause we may be quite sure that in his subsequent speech περὶ προκός (Or. 40) he would have expressly asserted that it had been legally decided that the name of Mantitheus belonged to himself alone. Further, in the latter part of § 18 of that speech, the suit περὶ προκός is described as directed against the defendant under the name of Mantitheus. Hence Dionysius of Halicarnassus rightly calls the first speech προς Βοιωτόν ὑπὲρ τοῦ ὀνόματος and the second πρὸς Μαντίθεον περὶ προκός. It may be interesting to add that, in

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1 οἴοντε ἡμιδίκει τότε παρῶν, οὔτ’ ἔφη με καταδιασαθεὶσας τὴν δίκη κατ’ αὐτοῦ: οὔ γὰρ εἶναι Βοιωτών αὐτῶς ἡ δίκη, ἀλλὰ Μαντίθεων. (Or. 40 § 18.)

2 Or. 40 § 18 τὴν αὐτὴν ταύτην δίκην λαξῶν αὐτῷ Μαντίθεω...κύν εἰς ὑμᾶς καταπέφευγα.

3 Both speeches were carefully discussed by him in the lost portions of his treatise on Demosthenes. All that remains of that discussion may be found in his treatise on Deinarchus §§ 11—13, where hecombats on chronological grounds the notion that the speech περὶ τοῦ ὀνόματος was written by the later Attic orator Deinarchus, and assigns it to the archonship
an inscription referring to a date shortly after B.C. 342, or at least eight years after the present trial, both the elder and the younger Mantineus are mentioned with Pamphilus as heirs of Mantias.1 The date of the speech is determined within narrow limits by the reference to the battle of Tamynae (§ 16 n.), which may perhaps be placed in the spring of B.C. 350. The trial probably took place in the autumn of that year.2

of either Thessalus (Ol. 107, 2 = B.C. 351—0) or Apollodorus (Ol. 107, 3 = B.C. 350—49). A. Schaefer, Dem. und seine Zeit, iii 2, p. 222 ff., and Boeckh’s Staatshaushaltung der Athener (2nd German ed.) i, p. 680—1 = p. 675 trans. Lamb. See also Blass, Att. Ber. iii 288, 416, where it is observed that Dionysius was misled by a false reading Ἡθαλας for Ταμύνας in § 16, the former referring to the Athenian naval expedition to Thermopylae in Ol. 106, 4 = B.C. 353—2. Blass assigns the speech to the year 343.


2 A. Schaefer, u. s. p. 223.
ΠΡΟΣ ΒΟΙΩΤΟΝ ΠΕΡΙ ΤΟΥ ΟΝΟΜΑΤΟΣ.

ΥΠΟΘΕΣΙΣ.

Μαντιάς, εἷς τῶν πολιτευσαμένων Ἀθηνῶν, γῆμας γυναῖκα κατὰ τοῦς νόμους ἐκ ταύτης παιδα ἐκτήσατο τὸν νυνὶ δικαζόμενον. προσῆγει δὲ τινὶ Πλάγγονι κατ’ τὸν υἱὸν ἡ μήτηρ ἀπεθάνε. 

The evidence of inscriptions proves that he was treasurer of the Athenian dockyards about 360 B.C., and concerned in the registration of vessels in the harbour of Mynychia; at a later date (after 342 B.C.) his heirs had to discharge a debt incurred by him in those duties. (Cf. § 25, τίς ἴν χρηματιστή ἡ πατήρ.) See note 1 on p. 140, and Arnold Schaefer’s Dem. und seine Zeit, τρι 2, p. 214. S.]

2. γυναῖκα] The lawful wife of Mantias was the widow of Cleomedon, son of the famous demagogue Cleon. Or. 40 § 6. S.]

3. προσῆγει] Here the plusquam perfectum, ‘he had had connexion.’ The name Πλαγγόνι is perhaps a ὑποκόρισμα, as the word means ‘Dolly.’ Hesych. πλαγγῶν κηριῶν τι κοροκόσιον. The fact of this woman being ἀδετῆ, not δοῦλη or ἄνη, made the sons legitimate, if acknowledged by the father, even if the marriage was not κατὰ νόμους.

Argument. II.1—7. 'Mantias, one of those who had formerly held office at Athens, had married a wife according to the legal forms, and had by her a son, the same (Mantitheus) who now brings the action. But he had formed a connexion with one Plango, an Attic citizen, from a passion he had conceived for her. She bore him two sons, who on attaining their full age went to law with Mantias, claiming to be recognised by him as their father. Mantias pleaded against the claim at first, but afterwards adopted the youths, as no other course remained to him in consequence of an offer of his own which he had made to Plango, deceived by a solemn promise of hers.' 

1. Μαντιάς] A minor politician and public speaker. Cf. §3, τολκευομένων, and Aristot. Rhet. π 23, περὶ τῶν τέκνων αἱ γυναῖκες πανταχοῦ διορίζουσι τάλαθες· τοῦτο μὲν γὰρ Ἀθήναι Μαντία τῷ ἰητόρι ἀμφισβήτουντι πρὸς
There was a law (Arg. ad Or. 57, πρὸς Εὐβοιλόδ.) to the effect that the names of those who were not born of both father and mother who were citizens, should be struck off the register; τοὺς μὴ γεγονότας ἢ ἀστῶν καὶ ἢ ἀστῆς ἐξαλείφεσθαι. So Or. 48 § 58, Ὀλυμπιόδωρος γὰρ ὅτι γυναῖκα μὲν ἀστὴν κατὰ τοὺς νόμους τοὺς ὑπερέστας οὐδενῶς ἔγγυμεν, οὐδὲ εἰςον αὐτῷ παῖδες ὁδῷ ἐγένοντο.

6. ἀναλαμβάνει] Suscipit, ‘acknowledges as his own.’

7. ἀπατηθεὶς] The grammarian goes on to explain this. He first explains προκλήσεως, and then προκαλέσατο ἀπατηθείς. Mantias had wished not to recognise the sons; and Plango, induced by a promise of money, had given a pledge that, on the oath being tendered to her, she would swear they were not by him. But she (induced perhaps by her affection for them, or perhaps by a still larger bribe on their part) had sworn just the contrary, viz. that they were her sons by Mantias.

ib. προκαλέσατο] This word, ‘to make a formal offer,’ governs a double accusative, τὶ του. So πολλὰ προκαλομένου, sc. τὸν ἔρωτα, in Ar. Ach. 384. Or. 30, πρὸς Ὀνήτ. § 1, πολλὰ καὶ δίκαια προκαλεσάμενος ἀμφιτέρως, and προκαλεσθαί τινα πρόκλησιν, Or. 56 § 17.

10. ἐμένεν] ‘promising to abide by the oath,’ i.e. whichever way she should make the declaration, and even against his own wish or belief.

12. ὑπὸ τοῦτο] So. τοῦ μὴ ὀμβάσα αὐτῆς.

14. λάθρᾳ] Construe with καὶ ὄμωμβίκει, not with προτεινόμενον. She had even sworn privately, i.e. she had even gone so far as to swear. Such a compact was fraudulent and illegal, and for that reason, perhaps, secretly made.

ib. προτεινόμενον] ‘When offered.’ Perhaps προτεινόμενον, i.e. αὐτῶν, ‘should he offer it.’

15. προκαλεσάμενον] ‘When he called upon her to make her declaration on oath.’—συνθήκας, the pledges she had given that she would decline to take the oath.
τὰς συνθήκας δέχεται τὸν ὄρκον. καὶ οὕτω μὲν ἀναγκάζεται τοὺς παιδας ἀναλαβεῖν, μετὰ τοῦτο δὲ τετελεύτηκεν. ὁ τοιῶν ἐκ τῆς νῦν ἀγαμήθησις γυναικὸς παις δικαζέται τῷ ἔτερῳ τῶν εἰσπνοιθέντων περὶ τοῦ ὄνοματος, λέγων αὐτὸν Βοιωτῶν καλείσθαι 20 προσήκευς, ὡπερ ἕξ ἀρχῆς ὁνομάζετο, καὶ μὴ Μαντίθεου τοῦτο γὰρ αὐτῷ b παρὰ τοῦ πατρὸς ἕξ ἀρχῆς τεθείσθαι τοῦνομα. αὐτόθεν μὲν οὖν δόξειν ἂν τις φιλοπράγμων καὶ φιλόνεικος ὑπὲρ προσηγορισμὸν διαφερόμενος· ὁ μέντοι λόγος ἰκανὸς ἀποδείξεις παρέχεται τοῦ 25 καὶ δημοσίᾳ καὶ ἴδιᾳ βλαβερὰν εἶναι τὴν ὀμωνυμίαν.

a metà dē tōuτo Z. b αυτῷ Z.
Oudemìa filopragmatiçunh mì toûs ùqois, ò ìôìres dikastoì, tìn ðiken tâtûn êlachon Òoilotor, òudì 995 ògûsous òti toûlloís âtopou dòxei tò ðiken èmè lâg- 
ìàneîn, eì tìs êmòi tâtuòn ìnòma oîtai ìèì ìèì èçèwì 
àìlì ànàgkàion òì ìì tòn èmìûbìsûmènon, eì ìì toûto 
2 diourðàson, èn ùmiû kribhînai. eì ìèì òûn ètéròn tì-
ûs òûtou èpî patrôs èînai kai ìì toûmuòì, perlergou 
àn èikòtopos èdòkôn èînai frountìzou ò tì boûlètai ka-
lèîn òûtouì ènàtûn. ùûn ðè ëlachon ètkûn tìf patrà tìf 
àûtûs Z.

genious fraud, to induce my father to recognise him and his 
brother as his own sons by an-
other woman. He had hoped 
she would not swear to his 
being here by him; but she did 
swear it, and they were accord-
ingly enrolled in the phratry 
as his. And now, my father 
being dead, he has gone and 
entered himself in the city re-
gister by an altered name, 
which is the name that I had 
previously received.

oudemìa k.t.L.] 'It was not 
from any fondness for lawsuits, 
I protest by all the gods, gentle-
men of the jury, that I brought 
this action against Boeotus, nor 
could I be ignorant that to many 
it will seem strange conduct 
in me to bring an action at all, 
just because another chooses to 
have the same name as myself;
yet it was necessary, from the 
consequences that are sure to 
ensue if I do not get this matter 
set right, to stand a trial before 
you.' The proeme is unusually 
brief, but it sets forth the case 
in a very clear and business-
like way.—În tîmi (or rather În 
tiâti) krînèsthaì is the regular 
idiom, as âtkûn lâgìànàneì is the 
familiar term for 'bringing an

action,' derived from the ob-
taining leave (originally by 
drawing lots) to bring on the 
suit on a certain day. The 
bringing the action actually in-
to court is technically âtkûn 
elèlëthëin or elènënaì. For kribh-
înai we might rather have ex-
pected diàdikâsíai: kribhînai, 
however, is virtually middle.

2. perlergous] 'meddlesome,' 
'fussy.' The perì has the 
sense that it bears in perìsoìs, 
perigevnèsthai, perìmeînai, perìoû-
śíon, of 'superfluity;' but it is 
not easy to explain it.

ùûn ðè ] 'But as it is, the 
case stands thus. He brought 
a suit against my father, and 
after getting up a gang of in-
formers on his side—Mnesicles, 
whom I dare say you all know 
well enough, and Meneles, 
the wretch who got the poor 
girl Ninus convicted, and some 
others of that sort—he went 
into court, declaring he was 
Mantias’ son by the daughter of 
Pamphilus, and that he was 
being shamefully treated, and 
robbed of his rights as a citizen.' 
Of the conviction of Ninus, 
probably by òweðòmârplîa, little 
certain is known; but it was 
evidently regarded as a public
περι τοῦ ονόματος. 145

ἐμῶ καὶ μεθ’ ἐαυτοῦ κατασκευάσας ἐργαστήριον συ
κοφατών, Μυησικλέα τε, ὃν ἱσως γιγνώσκετε πάντες,
kai Μενεκλέα τὸν τὴν Νῦνον ἐλόντα ἐκεῖνον, καί
tοιοῦτος τινὰς, ἐδικαζεθ' ύδω εἶναι φάσκων ἐκ τῆς
Παμφίλου θυγατρὸς καὶ δεινὰ πάσχειν καὶ τῆς πατρί
dος ἀποστερεῖσθαι. ὁ πατὴρ δὲ (πᾶσα γὰρ εἰρήσεται ἣ
ἀλήθεια, ὃ ἀνδρες δικασταί) ἀμα μὲν φοβοῦμενος
eis δικαστήριον εἰσιέναι, μὴ τις οἷα ὑπὸ πολτευμομέ-
a Νῦνον Ζ.

scandal. We should expect Νῦνος, or Νῦνω, as ἡ Νῦνος is a
strange form for a woman's name. Allusion is made to this
person, who was a priestess, in Παραπτ. § 281, where the schol.
says she was put to death, ὁς φιλτρα ποιούσης τοῖς νέοις. See
Mr Haslop's note ibid. [Dionys. Halio. Deinarchus 11, Μενεκλῆς
ὁ τὴν λέρειαν Νῦνον ἔλων. Cf. Josephus adv. Apion. π 37 § 4,
ed. Müller 1877, νῦν μὲν γὰρ τοια λέρειαν ἀπέκτειναν, ἐπεὶ τις
ἀυτῆς καταγράψας, ὅτι εἶναι ἡμείς θεοί, which is supposed
to refer either to Ninus (Foucart, Des Associations religieuses
chez les Grecs, 1873 p. 193), or to Théoris (Plutarq, Dem.
4). Like Πλαγγὼς, the name probably means 'Dolly.' Cf.
Νάωα, Νάννων, Νάκω (in Pape-
Benseler's griech. Eigennamen).

8.]

ἐργαστήριον] See Or. 37, Αργυρ., and ibid. § 39, περι-
στήσας τοῦ μεθ' ἐαυτοῦ, τὸ ἐργα-
στήριον τῶν συνεστῶν. In the
parallel passage of Or. 40 § 9
we have παρασκευασμένος ἐργα-
στήριον συκοφατῶν. For ἐκεῖνῳ,
'that notorious man,' comp. Or.
33 § 6, Θρασυμίδης ὁ Δοξαρντοῦ
υὸς, ἐκεῖνου τοῦ Σφηττοῦ. In
Or. 40 § 82, it is Meneleus who
is charged with being the real

author of the whole plot.—ὑδάν
ἐνα, i.e. the son of Mantias,
and not of some other man,
as Mantias wished him to be
thought.

ἐκ τῆς Παμφίλου θυγατρὸς]
Or. 40 § 20, Παμφίλου... ὃ 
πατὴρ τῆς Πλαγγώνος.

8. μὴ τις κ.τ.λ.] 'Lest some
one, resenting some annoyance
he had received elsewhere (i.e.
not in court) from Mantias
when in office, should confront
him here.' Mantias had evi-
dently been unpopular in his
administration (cf. note on ὑπόθεσις, l. 1), and was afraid
lest some one should pay off
an old score by giving evidence,
against him if he disclaimed
the relationship before the di-
casts. From Or. 40 § 87, it seems
that Mantias had been an am-
bassador or πρόξενοι to the
Mytilenians, or in some way
had performed a public service
for which they had voted him
a reward. To avoid the risk
of meeting his political enemies
in court, he had made a πρό-
κλησις, or offer of settling
the matter, by the summary pro-
cess of denying the parentage,
before an arbitrator, or perhaps
in presence of the Archon, on
the testimony of Plango on her
oath.

P. S. D.
νου ἐτέρωθι που λελυπμένος ἐνταυθη ἀπαντήσειν αὐτῷ, ἀμα δ’ ἐξαπατήθης ὑπὸ τῆς τούτου μητρὸς ὁμοσάσης αὐτῆς ἢ μὴν, ἐὰν ὅρκον αὐτῇ διδῷ περὶ τοῦ τούτων, μὴ ὁμείσαι, τοῦτων δὲ πραξάθεντον οὐδὲν ἔτι ἔσεσθαι αὐτοῖς, καὶ μεσεγγυησάμενης ἁγύριον, ἔπε τούτως δίδωσι τὸν ὅρκον. ἡ δὲ δεξαμένη οὐ μόνον 4 τούτων, ἀλλὰ καὶ τὸν ἀδελφὸν τῶν ἑτέρων πρὸς τοῦτω κατωμόσατο ἐκ τοῦ πατρὸς εἶναι τοῦ ἐμοῦ. ὅς δὲ τούτῳ ἐποιήσει, εἰσάγειν εἰς τοὺς φράτερας ἡν ἀνάγκη τούτως καὶ λόγος οὐδέσ ὑπελείπετο. εἰσήγαγεν, ἐποιήσατο:

* ἐνταυθόν Ζ.  e) αὐτῷ Ζ.  e) αὐτῇ Ζ.

ὁμοσάσης αὐτῇς] ‘Who had voluntarily sworn that, if any one should tender her an oath (lit. an object to swear by), she would decline to take it.’ The terms διδόναι and δέξασθαι ὅρκον are well known, if only from Aesch. Eum. 429, ἀλλ’ ὅρκον οὐ δέξατι ἀν, οὐ δόναι θέλει. We might render μὴ δείχνω ’that she would swear they were not,’ and this seems the more idiomatic meaning. The author of the Argument, however, says ὅς οὐ δεξαμένης τὸν ὅρκον, καὶ τὸν ὅρκον μὴ δέχονται—οδίδει ἐτι, κ.τ.λ. ‘That, this being done, all connexion between them should cease.’ The transaction here mentioned is more fully described in Or. 40 §§ 10, 11. —μεσεγγυησάμενης is ‘to get a sum of money placed in the hands of a third party’ (in sequestro deponere). Mantias had promised that she should receive a certain sum on the condition of fulfilling her promise. [Harpoc. μεσεγγυησάμην: τὸ ὄδυλον ἁγύριον παρ’ ἄρδι μέσῳ γυμνῶτερ ἐγ γυνητῆ τῆς ἀπόδοσις. Hermann, Privatatl. § 68, note 20 = Rechtsalt. ed. Thalheim p. 91, quotes Antiph. de Chor. § 50, Lysias adv. Philocr. § 6, Isocr. de Soph. § 5. B.]

4. κατομῶσασθαι] Lit. ‘to swear by a given object.’ Hence the genitive in Ar. Equit. 660, κατὰ χιλιῶν εὐχὴν ποιήσασθαι, and ἐπαράσασθαι κατ’ εὐσκελεῖς, ὅμως κατὰ παιδῶν (Or. 54 § 38). Compare καταγοράσαι, ‘to buy goods as against a loan of money,’ Or. 34 § 7. The primary idea must have been adverse action against some one.

φράτερας] After the adoption, the first enrolment into the families took place; a politico-religious ceremony. Ar. Ache. 145, ὁ δ’ ὢν, δὲν Ἀθηναῖον ἐπετοιμασθα, ἡρα φαγεῖν ἀλλήλας ἐξ Ἀπατωρίων, ἵνα ἐγγράφησαν εἰς τῶν φράτερας. [Harpoc. Ἀπατωρίων: ἔρτῃ τις παρ’ Ἀθη- ναίοις ἢ ἀνεισ Παναισίων ἐφ’ ἡμέρας δ’ κ.τ.λ. Id. φράτερας: Δῆμη. περὶ τοῦ ὅρκου. φρατρα ἑστὶ τὸ τρίτον μέρος τῆς φυλῆς, φράτερας δὲ οἱ τῆς αὐτῆς φρατριάς μετέχουτες. Hermann’s Political Antiquities, § 99. B.] Cobet, Var. Lect. p. 350, shows that φράτερας is the true form, not φρατρες.
σατο, ἵνα τὰν μέσῳ συντέμω, ἑγγράφει τοῖς Ἀπατούριοις τοὺτοι μὲν Βοιωτῶν εἰς τοὺς φράτερας, τὸν δὲ ἑτερὸν Πάμφιλον. Μαντίθεος δὲ ἐνεγεγράμμην ἐγὼ.

996 συμβάσεσι δὲ τῷ πατρὶ τελευτῆς πρῶταν τὰς εἰς τοὺς 5 δημότας ἑγγράφας γενέσθαι, ἐλθὼν εἰς τοὺς δημότας οὖτοι ἅμα Βοιωτοῦ Μαντίθεου ἐνέγραφεν ἐαυτόν. τούτο δ' ὅσα βλάπτει ποιῶν πρῶτον μὲν ἐμὲ, εἰτα δὲ καὶ ὑμᾶς, ἐγώ διδάξω, ἐπειδὰν ὄν λέγω παράσχω-μαι μάρτυρας.

ΜΑΡΤΥΡΕΣ.

Τούτο δὲ, κ.τ.λ. ἰ.ε. τούτῳ ποιών ὅσα βλάπτει ἐμὲ, κ.τ.λ.

6. ἐμένειν] To abide by the name, Boeotus, which his father thought fit to give him, δικαίως, κ.τ.λ. to be construed with ἔλαχον.——ἐγώ γὰρ, κ.τ.λ.

"Of course, I am not such a dolt nor so inconsiderate as to have consented to take a third share of my father's property, (though all of it was coming into my possession,) on the ground that my father had adopted these men, and to rest content with that, and then to go and quarrel with one so near of kin about a name, were it not that our changing our name (i.e. my changing mine) was likely to bring serious discredit and the charge of want of proper spirit, while his having the same name with me was on many accounts impossible.'

10—2
Pρώτον μὲν γὰρ, εἰ δεῖ τὰ κοινὰ τῶν ἱδίων εἰσεῖν

σκαῖος...ἀλώγιστος] 'Stupid and unreasonable.'

ἐγγυνετο] 'Which were becoming mine,' before my father was driven to adopt them.

τὸ τρίτον μέρος] Or. 40 § 48, καὶ τῶν τυχόν μητέρα τὰ δύο μέρη τῆς οὐσίας ἀφαιρεθεὶς ὅμως αλοχόνωμαι λέγειν περὶ ἑκατονταῖς τοὺς φαύδους.

ζυγομαχεῖν] 'To wrangle,' 'to carry on a family quarrel,' a metaphor either from two rowers on the ζυγόν (cross-bit) of a trireme, or from two animals under the yoke. Hesiod, Opp. 489 οὐκ ὥς τῷ γ᾽ ἔρισαντε καὶ ἀδλάκα καμμένῳ ἀρσον ἀξίοι, τὸ δὲ ἔργον ἐτῶνον αὐτὸ λύπους. It is from the latter simile that the author of the proem to the Iliad says ἔξ ὅδη τὰ πρῶτα διαστῆτω ἔρισαντε Ἀτρείδης τοῖς ἄνδροι καὶ διὸς Ἀχιλλῆος. Hesych. ζυγομαχεῖν τὸ τοῖς ἀκελαίοις διαφερεῖσθαι. It is a verb of the later Attic, used by Menander.

§§ 7—12. An enumeration of the anomalies and confusion that would result in the state from two citizens bearing the same name. (1) Supposing some public service is imposed; which of the two is to perform it? (2) Or which of the two is to pay the penalty for re-

fusing to perform it? (3) The same may occur if the name is entered on the list of contributors, or in the military list, or for any public function to which the archon or other authorities are nominating fitting persons. It would be possible, but it would also be illegal, to distinguish them by adding the name of the mother. (4) Or suppose a judge or umpire were nominated; who is to know which is summoned? (5) If, on the other hand, the appointment is not a burden, but an honour, there would be no way of knowing which of the two was elected by the lot, unless indeed a mark is put on it; and even then the meaning of the mark would only be known to a very few. (6) If the two should enter into a compact that the lot drawn for the one should be counted for the election of the other; that would violate the law which orders, under penalty of death, that "no citizen shall have more than one lot drawn on his behalf."

7. τὰ κοινά] 'To mention public before private difficulties, in what way shall the state impose the duty, if there is anything to be done,' i.e. any burden or liturgy to be performed?
πρότερον, τίν φαίνει πάλις ἐπιτάξει τρόπον, ἄν τι δέη
ποιέω; οἴσουσιν νὴ Δια οἱ φυλέται τοῦ αὐτοῦ τρόπον
ὑπερί καὶ τοὺς ἄλλους. οὐκοῦν Μαντίθεον Μαντίλου
Θορίκου οἴσουσιν, εἰς χορηγὸν ἢ γυμνασιαρχὸν ἢ
ἐστιάτορα ἢ εάν τι τῶν ἄλλων φέρωσιν. τῷ δήλον οὖν
ἔσται πότερον σὲ φέρουσιν ἢ ἐμὲ; σὺ μὲν γὰρ φήσεις ἡ
ἐμὲ, ἐγὼ ἰὰ σὲ. καὶ δὴ καλεῖ μετὰ τούτῳ ὁ ἄρχων, ἢ

1 οἴσουσι—ἄλλους; Z. = ᾧ Ζ.

The state, as the master, gives its orders on the subject as its
slave. 'Ἐπιτάξεις is the technical
word in this sense, whereas προτάξεις is used of general
commissions, orders, or ap-
pointments; in poetry even τάς-
σεις, as φωνεῖς ἐπάχθην πρὸς
σοφὸν διδασκάλου, Ασσχ. Εὐμ.
268. We have οἰκήτη προτάξει in
Or. 87 § 24, but the more
common word is ἐπιτάξει. So
ἐπιπαιτόμενος φιλάς, Ar. Vesp.
686.—οἴσουν, 'the members of
the tribe will propose the name
(or 'will return us') by the same
formula as they adopt for the
citizens in general,' i.e. by the
name of the person with the ad-
dition of his father and his
deme or ward (borough).

χορηγὸν] 'Choral-Steward.'
Prof. Kennedy.

ἐστιάτορα] [Εστιάτωρ. ἐστιά-
τωρ: ὁ τράπεζαν τις παρατίθεις.
Δημ. ἐν τῷ πρὸς Βουλῶν. εἰσίαν
τᾶς φιλᾶς οἱ μὲν ἔθλονται, οἱ δὲ
κληροτοί, ὥστε αὐτὸ πέπτυον δηλοῦ
ἐν τῷ κατὰ Μεθιοῦ (p. 566, 107).
8.] One of the public duties
was to give an annual dinner
(probably in the Prytaneum),
at the cost of some wealthy citi-
zen, to the members of his
tribe. See on this (and the
other λειτουργία) Wolf's Pre-
face to the Leptines, p. 45, ed.
Beatson. Wolf indeed says "to

the men of his tribe on days of
sacrifice and on feast-days;"
but it is obvious that this
requires some limitation. Boeckh
(Publ. Ec. p. 465, trans. Lewis)
thinks the δοταῖοι were ap-
pointed according to the amount
of property in some regular suc-
cession which is unknown to us.
He thinks there may have been
two thousand guests, and the
cost nearly 700 drachmas.
It may perhaps be doubted if the
entertainment was so general,
and not in fact limited to the
fifty δουλευταί in each tribe.—
The gymnasiarchs (Boeckh, p.
462) had to maintain and pay
those persons who were training
for the celebration of the
festivals, as well as to provide
the requisite food for the com-
batants and the requisite deco-
rations for the exhibition.

8. σὺ μὲν γὰρ As we neither
of us shall like the duty, we
shall try to shift it on to each
other's shoulders.

καὶ δὴ] 'And now suppose,'
as in Eur. Med. 886, καὶ δὴ
τεθνατί, and often elsewhere.

μετὰ τοῦτο] After the refusal
to serve. By the words πρὸς
δότων ἐν ἡ ἡ δηκ., 'before what-
ever judge the cause is brought,'
we must infer that the liturgies
were appointed and enforced by
different authorities.
'we refuse to obey the summons,' and 'do not accept the service,' i. e. we show contempt of court and incur a penalty.

'third of the ten generals] 'In what manner will the war office (the War-Commission of the ten generals) enter us, if they are entering the names for a tax-company?' Prof. Kennedy.

eis ἑλμοριών] Each of the ten tribes of the Athenians returned a list of an hundred and twenty, who were the richest of their members. Each of these lists was equally divided, and thus there were in all twenty classes called ἑλμοριών, each of sixty persons. The twelve hundred thus collected were again divided into two parts, each of six hundred men, and each of these again into two; so that there were four divisions in all, of three hundred each. Now these three hundred, who surpassed the more numerous remainder in wealth, took the lead in contributions; and on urgent occasions of war they paid down the subsidy required, and collected it back from the poorer members at some time less unfavourable; and thus they had them submissive to their dictation on all points. (Wolf, Introd. to Lep- 
tines, p. 49. ed. Beatson.) See Or. 37 § 37, ἀν προευθυραγόρας μὴ κοιμήσωσι. These classes were, of course, a shifting list, according to the changes of fortune and the census of the citizens. Whether a certain number only in each tribe could be put in the first or richest class, may be doubted; but the rich tribes would reasonably bear a greater share of the state burden than the poorer ones. The subject is fully explained by Boeckh, Publ. Ec., Bk. iv. chap. xiii.

9. ὁ κατειλεγμένος] 'The person entered on the military list,' 'enlisted.' Here also the technical term was ἐγγράφων. The constant changes made in this list by the taxarchs caused a great deal of trouble and annoyance. Ar. Pac. 1179, ὅρωσιν ὅπως ἄνασχετα, τῶν μὲν ἐγγράφον-
tες ἡμῶν, τῶν δ' ἄνω τε καὶ κατώ ἐξαλείφοντες διὸ ἐστὶ.

τι δὲ;] Like Quid! 'Or again!'

ἀρχῆ] 'The authorities,' 'the magistrate,' like magistratus, used of the public officer as well as his office. Aeschin. Ctesiph. § 21, ἀρχὴν ὑπεδύουσιν μη ἄποδη-
μεν. Cic. T Phil. § 52, con-
sulibus reliquisque imperiis et poestatibus. Caesar B. C. i. i 32, plena lictorum et impe-
riorum provinciis. Juv. x 100, Gabiorum potestas (cf. the Italian podesta). S.]
λειτουργίαν, οἶον ἄρχων, βασιλεὺς, ἄθλοθέται, τί σημεῖον ἔσται πότερον καθιστάσιν; προσπαραγάφουσι καὶ Διὰ τὸν ἐκ Πλαγγόνος, ἀν σὲ ἐγγράφωσι, ἀν' ὅ' ἐμὲ, τῆς ἐμῆς μητρὸς τοῦνομα. καὶ τίς ἦκουσε πότοτε, ἢ κατὰ πότον νόμον προσπαραγάφοιτ' ἀν τοῦτο τὸ παράγραμμα ἢ ἄλλο τι πλὴν ὁ πατὴρ καὶ ὁ δῆμος; ὁν ὥστοὺς ἁμφοῖς τῶν αὐτῶν πολλὴ ταραχὴ συμβαίνει. φέρε, εἰ δὲ κρίτης καλοῖτο Μαυτίθεος Μαυτίλοι το Ἐφορίκους, τί ἂν ποιοὶμεν; ἢ βαδίζοιμεν ἂν ἁμφοῖ; τὸ γὰρ ἔσται δῆλον πότερον σὲ κέκληκεν ἡ ἐμὲ; πρὸς Διὸς, ἄν δ' ἄρχῃ ἤμυνον ἡ πόλις κληροί, οἶον βουλής ἢ θεσμοθέτου ἢ τῶν ἄλλων, τῷ δῆλος ὁ λαχῶν ἡμῶν ἔσται; πλὴν εἰ' σημεῖον, ὁστερ' ἄλλο τωι, τῷ p δῶν Z. εἰ μὴ Σκ. εἰ Z et Dindf. 'Fortasse /ws.' Sauppe.

ἄθλοθέται] Boockh, Publ. Ec. p. 216, "For the games there were the athlotheitai, who had the particular care of the great Panathenaea, though probably with the exception of the sacrifices." ['Prize-managers,' 'Stewards of the Games.' Pol-lux, ἄθλοθέτας, ἐνα κατὰ φυλὴν ἐκάστῃ. 3.]
κατὰ ποτῶν νόμων. 'By what law could this special description be added to the usual form, or indeed any other than that of the father and the deme?' This was the invariable description of a citizen, as given below, Μαυτίθεος Μαυτίλοι Θερίκου.—ποτῶς, as usual, follows τις, or kal τις, implying incredulity of some statement.

10. κριτής] This seems rather a general term. The δικαστὴς answers more nearly to the Roman judices; and the president was usually one of the Archons, as at Rome the Praetor. The Athenians had not, as Bp. Thirl.

wall remarks, "that nice distinction which is so familiar to us between the province of the judge and jury." Perhaps an arbitrator is here meant, or an umpire in any dispute, public or private. [A judge in any games, any theatrical or other contest: and not a law officer. Prof. Kennedy.] The subject to κέκληκεν may be ὁ ἄρχων, or ὁ κρινόμενος.

κληροῖ] The subjunctive; and the same is also the present indicative and optative of verbs in -ω. 'If the state is appointing to any office by lot.' The middle voice is used of the person who obtains it, κληροῦται, sortitur, or εὶληχε,—θεσμοθέτου, one of the six minor archons; 'the office of Thesmophori.' To this genitive, which is more familiar as an English than a Greek use, τῶν ἄλλων is attracted; we should rather expect either ἡ τίνα τῶν ἄλλων (ἀρχών), or ἡ ἄλλην των.
χαλκίῳ προσέπται: καὶ οὐδὲ τοῦτὸ ὑποτέρου ἐστὶν οἱ πολλοὶ γνώσονται. οὐκοῦν ὃ μὲν ἔαντόν, ἔγω δ' ἐμαυ-
τὸν φήσω τὸν εἰδήσατ' εἶναι. λοιπὸν εἰς τὸ δικαστή-
ριον ἡμᾶς εἰσίναι. οὐκοῦν ἐφ' ἐκάστῳ τούτῳ δικα-
στήριον ἡμῖν ἡ πόλις καθεὶ, καὶ τοῦ μὲν κοινοῦ καὶ
ἴσου, τοῦ τῶν λαχών' ἀρχεῖν, ἀποστερησόμεθα, ἀλλὰ-
λοις δὲ πλυνοῦμεν, καὶ ὃ τῷ λόγῳ κρατήσας ἄρξει. καὶ
πότερ' ἀν βελτίως ἔημεν τῶν ὑπαρχοῦντων δυσκολῶν
ἀπαλλαττόμενοι ἡ κανάς ἐχθρας καὶ βλασφημίας ποι-

τῷ χαλκῷ.] It appears from
this that the lot was a piece
of bronze or copper. The diminu-
tive is used as in χρυσῖον,
ἀργυρῖον, meaning a piece of
the metal as distinct from its nature
as bullion. Some difficulty has
been raised as to the meaning
of the σημεῖον here spoken of.
Kennedy thinks there is an allu-
sion to marking the ticket as
in the impanellation of jurors;
but he seems to confound it with
the σύμβαλον which each dicast
received on entering the court
where he was to sit (Boeckh, P.
E. p. 235). The sense here is
quite simple, if we suppose ὀς-
τερ ἄλλῳ τῷ to mean any other
common article or chattel that
could be distinguished by the
owner's private mark. If there
are two persons called Manti-
thenus, only a special mark on
the lot (which would be in-
formal) could indicate which
of the two was drawn. Even
that mark, he adds, could only
be known privately to the per-
son who made it. [In Iliad vii
175, each of the nine Greek he-
roes, in drawing lots for single-
combat with Hector, scratches a
mark on his own lot, with a
view to its identification, κλῆρον
ἔσχημαντ' ἐκαστος, and ib.
187, ἐπιγράφας κυνηγήσαλ. Here,
the χαλκία are apparently small
plates of bronze, identical with
πυάκια of § 12. Thus, each
person eligible by lot for any
κληρωτὴ ἄρχει (like that of θεσ-
μοθήμη) would have his full
name (e.g. Μαντιθέου Μαντίου
Θόρλιου) inscribed on a separate
χαλκίον; these χαλκία would be
put into an urn or other vessel
and then drawn by the superin-
tending officer. Σ.]

11. λοιπὸν] The only course
remaining is to go into court to
try our rights.—καθεὶ (Attic
form of καθέσει), the state
will order a court to sit for us, as
on a special occasion.

πλυνοῦμεν] 'We shall abuse
each other.' A singular expres-
sion, used more than once by
Aristophanes, as Ach. 381, κά-
κυκλοβορεῖ κάπλυμεν. Plut. 1061,
πλυνοῦν με τοῖς ἐν τοσοῦτοι
ἀνδράσι. Hesych. πλύνεται
βλασφημέται, λοιδορεῖται. (Phot.
λοιδορεῖται, αἰσχρῶς υψρέται.)
Id. πλυνόν, καταπλυσάμενε, καὶ
πλυσθῆσαμαι. 'Ἀττικὸν ἐπὶ τῶν
λοιδοριῶν λέγουσι.

ἀπαλλαττόμενοι] 'By trying
to get rid of our existing diffi-
culties,' viz. by settling this dis-
pute about the name. δυσκολῶν,
'dissensions,' C. R. Kennedy;
'resentments,' H. W. Moss.

βλασφημίας] 'Recrimina-
tions,' 'mutual imputations.'
Prof. Kennedy. Perhaps for
βλασφήμιαν. Eur. Ion 1189,
βλασφήμιαν τις οἰκτῶν ἐφθεγ-
ζατο.
12. ἐν ἀρα] Sī forte. Hence
the parenthetical clause is added.
ὸνοιν πινακίων] Kennedy
translates, 'and what is this
but one man balloting with two
balls?' But this involves a
confusion between appointment
by drawing lots, which is here
meant, and election by tacita
suffragia or ballot, which was
rarely resorted to (see Schö-
mann de Comititis, p. 125). S.]
The πινακία are slips of wood,
which may have been in use
when the law in question was
drawn up. [Harpoor. πινακία:
τὰ καθίσματα ἀντὶ κλήρων ὑπὸ τῶν
κληρομένων. Ἐνοικὴ δ᾽ εἶναι παῦτα
χαλκᾶ ὡς ὑποσημανεῖ Δ. ἐν τῷ
περὶ δόματος. The lexicographer
is doubtless here referring to
τῷ χαλκῷ in § 10. Cf. Photius,
πινάκιον σώματον δικαστικῶν,
χαλκοῦν ἡ πρότερον. S.] At other
times the bean, κάμος, was a-
adopted. Cf. Hdt. vi 109 ὁ κύκμος
λαχῶν, and Thuc. vii 69 οἵ ἐνῷ
τοῖς κύκμοις βουλευταί. Hence
Δῆμος is called κυκμοτρῆς, Ar.
Equir. 41. Hesych. κύκμος: δό-

προν ὧν κλήρου.
ἐξὸν μῆ] 'When they need
not,' 'when they might avoid it,'
lit. 'it being in their power not
to have it.' So Mid. p. 538, καὶ
ταῦτ᾽ ἐλθὼν ἔτην ἔτι δεῖτον,
οὶ μὴ βαδίζεις ἐξῆν αὐτή.
§§ 18—18. Enumeration of the
many private inconveniences that
must result from two having the
same name. These are classed
under eight heads. (1) If, from
the questionable company this
half-brother of mine keeps, he
should be induced to bring an
action against some one, and
should get fined, failing in the
attempt, which of us is to be
registered as a debtor for non-
payment? (2) If the debt re-
 mains still unpaid, why are his
children rather than mine to be
held liable? (3) In an action
for ejectment, why will it be his
name that is written in the ar-
chon's books rather than mine?
(4) The same may be said of
being a defaulter in the income
tax. (5) And of any action
brought, or any unpleasant re-
port circulated about 'Manti-
theus.' (6) Or if he should be
indicted for refusing to serve in
the army, and make some such
lame excuse for staying at home
§§ 13, 14

13 ἔλεγ. ἄλλα ταῦτα μὲν ἡ πόλις βλάπτεται ἐγώ δ' ἰδία τί; θεάσασθε ἡλίκα, καὶ σκοπεῖτε ἄν τι δοκῶ λέ­γειν' πολὺ γὰρ χαλεπώτερα ταῦτα ἄν ἄκηκοι' ἐστίν. ὁρᾶτε μὲν γὰρ ἀπαντεῖς αὐτὸν χρώμενον, ἔως μὲν ἐξή, Μενεκλῆς καὶ τοὺς περὶ ἐκεῖνον ἀνθρώπους, νῦν δὲ ἐτέ­ρους ἐκεῖνον βελτίσσιν οὐδὲν καὶ τὰ τοιαῦτ᾽ ἐξηλωκότα καὶ δεινὸν δοκεῖν εἶναι βουλόμενον καὶ ἢ Δία ἱσως ἐστιν. ἄν οὖν προίόντος τοῦ χρόνον τῶν αὐτῶν τι ποι-

as he actually did make of late. (7) Or if he be called upon to prove his claims to citizenship, which, from the circumstances of his adoption, is a contingency far from improbable. (8) Lastly, if he should be indicted for perjury, and not appear in court, it might be said that I was the culprit, as no one would see him convicted.

13. ἄλλα] At enim. 'It will be said that in the above matters it is the state which is injured; what harm does it do to me individually?' viz. that I should make it thus a personal matter, and subject myself to the charge of being quarrelsome and litigious (§ 1). C. R. Kennedy does not give quite the same sense: 'Well: I have shown the damage which the state suffers. What is my own private damage?' And Prof. Kennedy observes that ἄλλα ἔπει Δία is more usual in the former sense.—ἡλίκα, sc. βλάπτομαι, 'in how grave and serious matters.'

χρώμενον] Familiariter utentem.—Μενεκλῆς, the man mentioned above as having convicted 'poor Ninus.' Perhaps we should read ἐφοβητε.—ἔως ἐξή, during the lifetime of Menecles. —ἔως ἐστιν, 'I dare say he is'

clever in his own sense of the word, i.e. πανούργος. Plat. Theaet. p. 176 ν, τῷ οὖν ἀδί­κουτι καὶ ἀνδρία λέγοντι ἢ πράτ­τοτι μακρῷ ἄρατ' ἐξεῖ τοῦ μη συγχωρέει δεινῷ ὧτῳ πανουργίας εἶναι. The words τὰ τοιαῦτα ἐξηλωκότα, 'aspiring to the same fame as they attained,' seem to show that successful oratory in unjust actions was the object of their ambition. Kennedy perceives this, and renders δεινὸν εἶναι βουλόμενον 'he wishes to be thought an orator.' The word is as commonly applied in irony to the ἄθροις as to the συνεστι. The meaning is, that the man may imitate his worthless companions and turn συν­κοφικητης against honest people, but fail some day to establish the prosecution, and be fined a thousand drachmas for not getting a fifth part of the votes. In private actions, (and also in φάσεις, which were public,) the ἐπωβελεία (an obol for every drachma), and in public suits, a fine of 1000 drachmas, was imposed on the plaintiff if in either case he failed to get a fifth part of the votes. (Boeckh, P. E. pp. 346, 350, 363.) See Or. 56 § 4.
ἐν τούτοις ἐπιχειρημένοι (ἐστὶ δὲ ταῦτα γραφαὶ, φάσεις, ἐνδείξεις, ἀπαγογαί), εἰτ' ἐπὶ τούτων τινὶ (πολλὰ γὰρ ἐστὶ τάνθρωπινα), καὶ τοὺς πάντα δεινοὺς ἐκάστοτε, ὅταν πλεονάζωσιν, ἐπισταθῇ ὑμεῖς κοσμίους ποιεῖν) ὁφη τῷ δημοσίῳ, τὸ μᾶλλον οὗτος ἐγγεγραμμένος

* Bekk. om. Ζ c. in Ζ.

[14. γραφαὶ] Public indictments of any sort.—φάσεις, presentations or prosecutions for importing or exporting or possessing contraband goods. The bringing of this action is called φαίνειν in Ar. Ach. 819, 908. So ἐνδείκνυται, ἐσαγγέλλειν, are used for prosecuting by other special processes. Boeckh (Publ. Écon. p. 368, trans. Lewis) observes that *a peculiar circumstance occurred in the phasis, as being a public suit. In this form of proceeding it must be inferred from the circumstances of the case that the defendant, if he lost his cause, paid the fine, and also the epobolia, if he did not obtain the fifth part of the votes: the plaintiff indeed had no reason to apprehend the first payment, but if he was unsuccessful in his suit, he was in the same case compelled to pay the epobolia; and if he did not obtain the fifth part of the votes, i.e. in the very case in which he was subject to the epobolia, he was forced to pay to the state the usual fine of 1000 drachmas." [φάσεις, ἐνδείξεις, may be approximately rendered 'fiscal and criminal informations,' Prof. Kennedy.]

ἐνδείξεις] Actions for holding any office when a person was legally disqualified by being ἄρμος, or a public debtor (Timoc. p. 707). Lex. Rhetor. Cant. ἐνδείξεις φάσεως διαφέρει τυχὴ μὲν ἐνδείξεις δύναται ἀντιλεγεσθαι, ὅταν ἀνδείξεις (I. ἐνδείξεις) Ἀρατογείτωνα Δημοσθένης, ὅτι λέγει ὁ φάσκων οὐκ ὅφειλεν (καὶ ὅτι λέγει, φάσκων οὐκ ὅφειλεν, 'alleging that he has no right to speak in the assembly'), φασεῖ δὲ ἐστὶν ὅταν φαίνητων δημοσίων ἔχοντα των μὴ πρώμενον (πρώμενον).—ἀπαγογαί, 'arrests,' i.e. the carrying men off to the authorities at once as guilty of some offence. See Ἄνδρ. (Or. 22) p. 601, ἔρωσας, καὶ σαυτῷ πιστεύεις ἀπαγενεῖται ἐν χιλίαις δ' ὁ κινδυνός. Timoc. Or. 24 § 146, δοσὶν ἐνδείξεις ἔστιν ἡ ἀπαγογή. See Boeckh, Π. Ε. p. 389.

[Pollux: ἐνδείξεις δὲ ἢ πρὸς τὸν ἄρχων τὸν ὁμολογούμενον ἀδικήματος μήπως οὐ κρίσεως ἀλλὰ τιμωρίας θεομένου...καὶ αὐτὴ μὲν γίγνεται πρὸς τὸν τῷ παρόντῳ, ἢ δὲ ἀπαγωγῇ ἢ τοῖς τὸν παρόντα ἐντ' αὐτοφώρῳ λαβὼν ἀπαγαγή...μᾶλτα δὲ τοὺς ὅφειλοντας τῷ δημοσίῳ ἐνδεικνύοντας ἢ τοὺς κατόντας ὅποιοι μὴ δέστην, ἢ τοὺς ἀνθρώπους (viii 49). Σ.]

πλεονάζωσιν] 'When they do not keep within due bounds.' He intimates that the diacasts are very knowing in discriminating mere εὐκοσμία for private ends, and in discouraging them by imposing the fines for 'not-proved.'

ἐγγεγραμμένοι] Entered in
the register of debtors to the public treasury, as not having paid the fine. Cf. Or. 53 § 14, ἐγγάφεις τῷ δημοσίῳ ἔσκοιμας καὶ δέκα δραχμάς.—στὶ, κ.τ.λ., 'because, of course (it will be said) all will know which of us brothers was condemned to pay.' It will be a matter of notoriety which was the εὐκοφαντις, and which had to suffer the consequences.

15. χρόνος] 'If time should elapse (not 'if the time should expire') and the fine be not paid; why should his son be entered as debtors rather than mine?' There seems a euphemism in χρόνος διάλυσ. See Boeckh, p. 391.

δῖλλα] Hesychius χρεώστημα. The word is formed as if from δίλλω, a secondary present from the aorist δίλλων, like ἐδίσχω from ἐδίσσω, ἐνώπισθο, χραμμήσω from ἔνυσθεν, χρασμεύσι, τυχόσω from τυχεῖν (inf. § 25), παρασχέσω from παρασχέειν. Photius (Lex. in v.) says the Attics wrote διλλων, not διλλα.

δίκαιον ἐξούσιας] An action to make him give up property which he refuses to cede in contempt of court. Actio ret judicatae, Boeckh, P. E. p. 377. The word ἐξούσια, from ἐξελείω, ἐξελείν, ἐξελείω, properly meant 'the keeping of another out of his rights'; and the action of ἐξούσια was brought against the person guilty of the act. So Demosthenes served Mídias with this process when he refused to pay the fine for κακογοπλα, Mid. p. 540. As for the form of the word, the root Faell (ἐλεω, ὅλεω, πιλω, wooll, &c.) passed into όλλος, used of crisp or closely compacted hair, by the influence of the F. The forms ὅλλος, ὅλλοθαρσή (Soph. Antig. 340), ὅλλες (our willow perhaps), in ll. xiii 572, ἐξολλείω, Or. 37 § 35, all point to the original idea of close packing or pressing together. From the form of the root with (dropped) sibilant instead of the F, came silva, Sila, ðη, probably ðη from the dense growth. Compare Scapecaula for σκαπτὴ ὅλη. In Or. 80, πρὸς 'Ονετωρα ἐξούσιας, Onetor is prosecuted for refusing to cede the estates which the law had adjudged to Demosthenes. [Cf. K. F. Hermann, Privatalt. § 71, 13, p. 116 of Rechtsalt. ed. Thalheim; Buttmann's Lex. § 44, 10; and esp. G. Curtius, Gr. Etym. §§ 527 and 660. s.] μεθὲν ἐμοί κ.τ.λ.] 'Should say that he had no claim against me, but, having got the writ duly signed (or registered by the Archon), should enter the name of Mantitheus, why should he have his name written more than mine? 'Kennedy translates 'suppose a man sues him in ejectment, not pretending to have
999 αὐτὸν ἐλαί, κυρίαν δὲ ποιησάμενος ἐγγράψαι, τί μάλλον ἂν εἰς τούτον ἢ ἐμὲ ἐγγεγραφῶς; τί δ’, εἰ τινὰς εἰσφορὰς μὴ θεὶς; τί δ’, εἰ τις ἄλλη περὶ τούνομα γί-16 γνοιτὸ ἢ λήξις δίκης ἢ δόξα ὥλος ἁδῆς; τίς εἰσεται τῶν πολλῶν πότερός ποτε οὖτός ἐστι, δυσών Μαντιθέοι-ν δαντοῦ πατρὸς οὕτων; φέρε, εἰ δὲ δίκην ἄστρατελας φεύγω, χρείοι δὲ δὴν στρατεύσθαι δέη; καὶ γὰρ νῦν, ὅτε εἰς Ταμύνας παρῆλθον οἱ ἄλλοι, ἐνδάδε

Bekk. φέρε δὲ, εἰ Ζ cum Στ.

any claim against me, and afterwards, when he has estab-lished his right in the suit, enters the record of the judg-ment: why will the judgment be entered against Boeotus rather than me?" The meaning of ἐγγράψαι is somewhat uncertain, for we do not know all the circum-stances of this peculiar action.

16. λήξις δίκης κ.τ.λ.] 'Any filing of a suit or, in a general way, any unpleasant report,' 'any scandal.'

δίκην ἄστρατελας] 'An action for non-service,' i.e. for refusing to serve when a person's name is placed on the military κατά-λογος. [Aeschin. 1 § 29, τὰς στρα-τελας μὴ ἄστρατεμένους. Dem. Or. 24 § 108, ἀν ἄστρατελας τις δῆλη·...τούτων δεδέσθαι. The Roman detectatio militiae, Livy ii 69. S.] This was but slightly different from either διέλας φεύγειν, Ar. Ach. 1129, or λιποτρητίων, λιποτάξαν, Mid. p. 548. In these latter cases there was generally actual de-sertion or running away from the ranks. [In Dem. 24 § 119, we have τὸς ἄρρητος, τοὺς ἄστρατευόντας, τοὺς λειτουργοὺς τὰς τάξεις, and in Aeschin. 8 § 175, ὁ Σόλων ἐν τοῖς αὐτοῖς ἐπιτιμοῦσι φέτο ἔνθεσθαι τὸν ἄστρατευ-
feld in so doing. Aeschines however fought bravely as a hoplite at Tamynae, and was sent to Athens to carry the first news of Phocion’s victory. His rival was reproached by his enemies for having been absent from the battle, and at the instigation of Meidias he was threatened with an indictment for deserting his post (Or. 21 §108, ἐγράφατο λιποταξίου). The expedition seems to have taken place late in February, and in March we find Demosthenes choregus at the Dionysia (when he was brutally insulted by Meidias); an engagement which may have enabled him to obtain leave of absence. (A. Schaefer, Dem. u. s. Zeit π 74—80, and Grote, H. G. chap. 88.) S.]

parableν] ‘Entered;’ so δὲ Ἀλέξανδρος παρῆκε ἐν Θήβας, Or. 34, p. 918, and frequently δὸ-μος παρελθὼν in tragedy. The proper meaning is, ‘to go past the door-keeper,’ and so to get into a closed building. (See note on 34 § 38.) So παρεῖναι is ‘to admit,’ ‘to allow to pass in,’ Eur. Heracl. 158, Suppl. 468, Plat. Phaed. p. 90 ε. [Pro-fiscisci agmine facto, castra mo-vere, to march, to advance from one place to another, Mitchell’s ed. of Reiske’s Indices. ‘The other day when the rest of the troops appeared before (went on the campaign to) Tamynae.’ Prof. Kennedy. Curtius H. G. v 269, ‘when they came to Tamynae, they suddenly found themselves surrounded in a
gorge by the enemy.’ Plut. Dem. 12, Aesch. π. 86 τὸ στρατό-πεδον ἐς τινας δυσχωρίας κατα-κεκλειμένον. S.]

τοὺς χῶς ἄγαν ἀπελεύθη καὶ τοῖς Διονυσίου κατα-μείνας ἕχομεν, ὡς ἀπαύγης ἐωρᾶτε οἱ ἐπιδημοῦντες.

17 ἀπελθόντων δὲ ἐζ Εὔβολας τῶν στρατιωτῶν λιπο-ταξίου προσεκλήθη, καίγω ταξιαρχῶν τῆς φυλῆς ἦμανγο
ev. [The late Dem. himself was choregus at this festival. Cf. els Ταμυναὶ. S.]

λιποταξίου] ‘for desertion’; here applied to the offence com-mitted by one who, by staying in Athens, failed to take the place assigned him in the ranks of his regiment, Meier and Schö-mann, p. 365, note 779, ed. Lipsins. See Wayte on Timoc. § 103. S.]

17. ταξιαρχῶν] Mantithena, as taxarch, and having the duty of drawing up the military list (Ar. Pac. 1173), was subject to the odium of having his own name and his father’s, Μαντίθηος Μαντίου, made the subject of an
καζόμην κατὰ τοῦ ὄνοματος τοῦ ἐμαυτοῦ πατρόθεν δέχεσθαι τὴν λήξιν καὶ εἰ μυσθὸς ἐπορίσθη τοῖς δικαστηρίοις, εἰςγονὸν αὐν ἔδηλον ὅτι. ταύτα δὲ εἰ μὴ σεσαμεμένων ἥδη συνέβη τῶν ἔχινων, κἂν μάρτυρας ὑμῖν 18 παρεσχόμην, ἐνε. εἰ δὲ ξενίας προσκληθείη; πολλοῖς δὲ προσκρούει, καὶ δὲ ἴσακάσθη τρόπον ὁ πατήρ ποιήσασθαι αὐτὸν, οὐ λέλθην. ύμεῖς δ', ὅτε μὲν τοῦτον οὐκ ἐποιεῖτο ὁ πατήρ, τὴν μητέρα ἄληθη λέγειν ἤγεισθε αὐτοῦ ἐπειδὰν δ’ οὕτω γεγονὼς οὕτος ὀχλη-

* ᾧν Z et Dindf. cum Στ. ᾧν μὲ Bekk.

action in consequence of his brother's cowardice. But the taxiarthros are themselves accused of being runaways in action, φεύγειν πρῶτοι, Paus. 1177, so that perhaps the action here mentioned as a monstrous case was not wholly without precedent.

ἐλ ὀμοθε ἐπορίσθη] This shows that legal business was sometimes suspended from the poverty of the treasury. [This financial embarrassment was the result of the attempt to recover Euboea. Dem. (De Pace, § 5) describes it as a πόλεμος ἄδοξος καὶ δαπανηρός.—Each of the dicas received three obols a day, and each court consisted of at least 500 dicas, involving an expenditure of 250 drachmæ, or about £10 daily. S.]

18. τῶν ἔχινων] The ἔχινων were cases or cases for holding documents and affidavits, generally in connexion with appeals against arbitrations (Or. 48, p. 1108, τα ἀντίγραφα ἔμβαλεθαί εἰς τῶν ἔχινων). These were sealed up before the trial, and when sealed they were not allowed to be opened till the day of the trial.

See Or. 54 § 27, and Or. 45 § 17, ἐρήμην αὐτὸ τὸ γραμματείων εἰς τῶν ἔχινων ἐμβαλεῖν. In the present case, the event is described as immediately following the departure of the army from Euboea, and immediately preceding the trial; so that the date of the speech is determined within narrow limits.—μάρτυρας, perhaps μαρτυρίας, i.e. written evidence.

ξενίας] If he should be summoned or called on to prove his right to the citizenship. That is not an unlikely event, he adds, since he has many enemies, and the tale of his forced adoption is no secret.

οὕτω γεγονώς] i.e. ἀποτρ: 'With his birth thus established,' Kennedy. 'You, the judges, then thought he was wronged, and listened to his mother who asserted his legitimacy; but now that you find him so troublesome as a citizen, you will begin to think the father was right in denying the paternity.' The inference left to be drawn is, that the father had good reasons for not wishing to acknowledge such a son.
ρος ἢ, πάλιν ὑμῖν ποτὲ δόξει ἐκείνος ἀληθῆ λέγειν. τι δ', εἰ ψευδομαρτυριῶν ἀλώσεαθαι προσδοκῶν ἐφ᾿ οἷς ἐρανίζει τούτους τοῖς περὶ αὐτῶν, ἐρήμην ἐάσειε τελεσθήναι τὴν δίκην; ἀρά γε μικράν ἡγεῖσθε βλάβην, ὁ ἄνδρες Ἀθηναίοι, ἐν κοινωνίᾳ τὸν ἀπαντα βίον τῆς τούτων δόξης καὶ τῶν ἔργων εἶναι;

19 ὁτι τοῖς οὖδ᾿ ἄ μικρήλωθα ὑμῖν μάτην φο- 
βοῦμαι, θεωρήσατε. οὖτος γὰρ ἡδη καὶ γραφὰς τινας, 1000 
ὁ ἄνδρες Ἀθηναίοι, πέφευγεν, ἐφ᾿ αἷς οὗδὲν αἴτιος ὁ 
ἔγω συνδιαβάλλομαι, καὶ τῆς ἀρχῆς ἡμιφιστήτειοι ἢ 
ὑμεῖς ἐμὲ ἐχειροτονήσατε, καὶ πολλὰ καὶ δυσχερῆ διὰ 
τὸ ὄνομα συμβέβηκεν ἡμῖν, ὃν, ἵν᾽ εἰδῆτε, ἐκάστων 
μάρτυρας υμῖν παρέξομαι.

ΜΑΡΤΤΡΕΣ.

20 ὁ ὁρᾶτε, ὁ ἄνδρες Ἀθηναίοι, τὰ συμβαίνοντα, καὶ

ἐφ᾿ οἷς ἐρανίζει Ζ. ἡμαζεῖ ἐπεχειροτονήσατε Bekk. 1824.

The evidence that he does not give. The sense probably is, that an action of ψευδομαρτυρία is brought against him, and he dares not rebut it, but allows it to go against himself by not appearing in court.

§ 19. These fears are not merely imaginary, for he has actually been defendant in some public actions by which I have been compromised, though quite undeservedly on my part.

καὶ τῆς ἀρχῆς κ.τ.λ.] 'Nay, he even put in a claim against me for holding the office to which you had elected me.' He alludes perhaps to the office of Taxiarthos, § 17. Or. 40 § 34. The genitive is used like ἐγκαλεῖν τινός, to lay claim to a thing.

20. συμβαίνοντα] 'What actually does occur,' or 'is every day occurring.'
τὴν ἀνδὶαν τὴν ἐκ τοῦ πράγματος. εἰ τοιῶν μη ἄνδες ἢν ἐκ τούτων μηδ' ὅλως ἀδύνατον ταύτῳ ἔχειν ὁνομα ὡμῶν συνεβαινευ, οὐ δὴ τούτῳ τοῖν μὲν δίκαιον τὸ μέ-
ρος τῶν ἐμῶν χρημάτων ἔχειν κατὰ τὴν ποίησιν, ἢν ὁ πατὴρ αὐτῶν ἀναγκασθεὶς ἐποιήσατο, ἐμὲ δ' ἀφαιρε-
θῆναι τὸν νομομα, ὁ βουλόμενος καὶ οὐδ' ύψ' ἐνὸς βια-
σθεὶς ἦθετο. ὃν κ' ἔγωγε ἡγούμαι. ἣν τοίνυν εἰδής ὅτι
οὐ μόνον εἰς τοὺς φράτερας οὕτως, ὡς μεμαρτύρηται,
ὁ πατὴρ τὴν ἔγγραφὴν ἐποιήσατο, ἀλλὰ καὶ τὴν δεκά-
την ἐμοὶ ποιῶν τοῦ νομομα τοῦτο ἦθετο, λαβέ μοι καὶ
tαύτῃ τὴν μαρτυρίαν.

ΜΑΡΤΤΡΙΑ.

'Ακούετε, ἄνδρες Ἀθηναίοι, ὅτι ἐγὼ μὲν εἰμι 21
ἐπὶ τοῦ ὠνόματος τούτου πάντα τὸν χρόνον, τοιούτῳ

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el τοιων] 'Well, now, even if there were no such disagree-
able consequences of these dis-
putes, and if it did not prove so
absolutely impossible for us to
have the same name, yet surely
it would not be fair for him to
have his share of the property
by virtue of the adoption which
my father made, because he
could not help it, but for me to
be deprived of that name which
he gave me of his own accord
and under constraint from no
one.' The antithesis between
the reluctant and the voluntary
act is rather forced; but anti-
thesis was the soul of ἡγορακη.

τὴν δεκάτην ποιῶν] 'In keep-
ing the tenth day after the birth,'
when the child was named. He
shows that the name Mantitheus
was conferred on him even be-
fore the enrolment into the
phratries. [Or. 40 § 28, Arist.

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Aves 922, οὐκ ἀρτι θὼ τὴν
dekatēn taütēs ἐγώ; kai toúnoi'
wopere paidio raw ἔν δὴ θέμηn. See
Becker's Charicles π 6, or p.
219 of English Abridgment,
and Hermann, Privatalt. § 32,
notes 15 and 16 = p. 283 ed.
Blümner. S.]

§ 21. The name Mantitheus
therefore is mine only; Boeotus
properly belongs to the other.
That name was given by his
father, who is now deceased, and
whose will and pleasure in the
matter ought to be respected.
Had the father lived, he cer-
tainly would have made the
second and later entry by the
same name, Boeotus. It is un-
reasonable to compel a father to
adopt you, and then, after his
decease, to undo the very acts of
his which resulted from the adop-
tion. — ἐπὶ, 'in possession of
this name.'

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P. S. D.
δὲ Βοιωτῶν εἰς τοὺς φράτερας, ἵνα ἵναγκάσῃ, ἐνέγραψεν ὁ πατὴρ· ἤδεως τοῖνυν ἐροίμην ἂν αὐτὸν ἐναντίον ὑμῶν· εἰ μὴ ἐτελεύτησεν ὁ πατὴρ, τί ἂν ποτε ἐποίεις πρὸς τοὺς δημότας; οὐκ ἂν εἰςας σε αὐτὸν ἐγγράφεω Βοιωτόν; ἀλλ' ἀτοποῦ δίκην μὲν λαγχάνειν τοῦτον, κωλυέω δὲ πάλιν. καὶ μὴν εἰ γ' εἰςας αὐτὸν, ἐνέγραψεν ἂν σε εἰς τοὺς δημότας, ῥόπερ εἰς τοὺς φράτερας. οὐκοῦν δεινὸν, ὃ γ' καὶ θεοῦ, φάσκειν μὲν ΙΟΟΙ ἐκείνον αὐτοῦ πατέρα εἶναι, τομᾶν δ' ἀκυρα ποιεῖν ἃ ἐκείνος ἐπεράξε ξῦν.

22 Ἐτόλμα τοῖσε πρὸς τῷ διαντητῇ πρόδρομα ἀναιδεύστατον λέγειν, ὡς ὁ πατὴρ αὐτοῦ δεκάτην ἐπολήσεν ῥόπερ ἐμοῦ καὶ τοῦνομα τοῦτ' ἔθησε αὐτῷ, καὶ μάρ-

αὐτόν (Z sum pr. Σ. seauton Bekk.

>aὐτῷ Z.

ἡμίκ' ἵναγκάσῃ] opposed to πάντα τῶν χρόνων, i.e. 'and that not till he was forced.'

πρὸς τοὺς δημότας] 'At,' or in presence of, 'the members of the ward in which you were to be enrolled as a citizen.'—οὐκ ἂν εἰςας, 'would you have objected to his registering you as Boeotus? But surely it is strange conduct first to bring an action for this, and then afterwards to try to prevent it. And yet, if you had let him, he would have entered you by the same name among the wards-men as he had before into the phratries.'

φάσκειν] 'Is it not a shame for Boeotus to be always saying that Mantias (ἐκείνος) was his father, and yet to presume to make null and void what Mantias effected in his lifetime? viz. the enrolment of Boeotus under that name.'

§§ 22—4. Boeotus told the arbitrator that his father had named him Mantitheus in his infancy, and he tried to prove this by the evidence of some who could have known nothing about it. But first, the father did not think the boy was his son, and so did not give him the name; and secondly, if he had, he would hardly have altered it afterwards to Boeotus, even if he had a quarrel with the mother. Moreover, he used to go to school in a different tribe from myself, which he would not have done if his mother had thought herself wronged, as he pretends she did, by the father not acknowledging Boeotus as his son.
τυράς τινας παρείχετο, οἷς ἑκέινος οὐδεπώποτε ὅφη χρώμενος. ἤγαγ δ' οὐδένα ύμων ἅγνοεῖν οἶμαι, ὅτι οὐτ' ἂν ἐποίησε δεκάτην οὐδεὶς παιδίου μη νομίζων αὐτοῦ δικαίως εἶναι, οὔτε ποιήσας καὶ στέρξας, ὃς ἂν υἱόν τις στέρξαι, πάλιν ἔξαρνος ἐτύλμησε γεγένθαι. οὐδὲ 23 γὰρ εἰ τι τῇ μητρὶ πρῶς ὄργην ἦλθε τῇ τούτων, τοίτων ἂν ἐμίσει, νομίζων αὐτοῦ εἶναί τοῖον γὰρ μᾶλλον εἰσθαυσιν, ὅν ἂν ἐαυτοῖς διενεχθῶσιν ἀνήρ καὶ γυνή, διὰ τοὺς παῖδας καταλλάττεσθαι, ἢ δ' ἄν ἢ ἄδικηκότω- σιν υφ' αὐτῶν, τοὺς κοινοὺς παῖδας πρὸς μισεῖν. οὐ τοίνυν ἐκ τούτων ἐστίν ἰδεῖν μόνον ὅτι ψεύσεται, ταῦτ' ἂν λέγη, ἀλλὰ πρὶν ἡμέτερος φάσκειν συγγενῆς εἶναι, εἰς Ἰπποθαυντίδα ἐφοίτα φυλῆν εἰς παῖδας χορεύσων:

οἷς ἑκέινος κ.τ.λ.] Or. 40 § 28, οὐτός γε εἰς τοῦτο τόλμησι ήκει ὅπερ φησι τὸν πατέρα μου δεκάτην ὑπέρ αὐτοῦ ἐστιάσας καὶ περὶ τούτου μόνον Τιμοκράτους καὶ Προ- μέχου ἐμβλέπατοι μαρτυρίαι, οἵ ὅστε γενέτα προσήκοιμαν μου τῷ πατρὶ οὐδὲν, οὕτε φίλου ἤσαν ἑκέινος.

χρώμενος] Familiariter utens. —μὴ νομίζων, nisi putasse. — δικαίως, fairly and honestly, without fraud or collusion.

ἐξαρνός i.e. so that an action became necessary to compel him to recognize the child.

23. πρὸς ὄργην ἦλθε] The tragic phrase is ἔλθει δ' ὄργην, δι' ἔχθρας, &c. The argument here is in answer to the allegation that Boeotus was repudiated by the father in spite to the mother.

πολύ γὰρ κ.τ.λ.] 'For it is far more common with man and wife, in any differences that they may have had with each other, to be reconciled for the sake of their children, than through any wrongs they may have suffered from each other, to dislike their common offspring besides.' This passage is repeated almost verbatim, in Or. 40 § 29,—διὰ τοὺς παῖδας must be carefully distinguished from διὰ τῶν παιδῶν, 'through the agency (or medium) of their children.'—ἀν ἄν, sc. ἑκέινον (ορ τῶν) ἀ., &c. The genitive depends on the sense of καταλλάττεσθαι, as Soph. Aj. 744, θεοῖσιν ὡς καταλλαχῇ χέλου.

πρὸς μισεῖν] πρὸς, i.e. in addition to disliking each other, to hate their common children into the bargain. See note on Or. 87 § 49.

11—2
καλτοὶ τίς ἄν ὡμῶν οἶδαι τὴν μητέρα πέμψαι τούτον
eis ταύτην τὴν φυλήν δεινὰ μὲν, ὡς φῆσιν, ὑπὸ τοῦ
πατρὸς πεποιθοῦναν, δεκάτην δὲ εἰδοῦντα καὶ ἐκεῖνον καὶ πάλιν ἔξαρνον ὡντα; ἔγω μὲν οὐδέν’ ἄν
οίμαι. εἰς γὰρ τὴν Ἀκαμάντιδο ὁμοίως ἐξῆν σοι φοι-
tῶν, καὶ ἐφαίνετ’ ἄν οὖσ’ ἀκόλουθος ἡ φυλή τῇ θέσει
tοῦ ὀνόματος. ὡς τοῖνυν ταῦτ’ ἀληθῆ λέγω, τοῦτον
μάρτυρας ὡμῖν τοὺς συμφωνώντας καὶ τοὺς εἰδότας
παρέξομαι.

ΜΑΡΤΤΡΕΣ.

Οὕτως τοῖνυν φανερῶς παρὰ τὸν τῆς αὐτοῦ μη-
τρὸς ὅρκουν καὶ τὴν τοῦ δόντος ἐκείνη τὸν ὅρκον εὐή-

24. ῥῆς ἄν κ.τ.λ.] The ἄν, which belongs to πέμψαι=ἐπεμ-
γέν ὅν, undergoes the same hy-
perbaton as in οὐκ ὅν οἶμαι
γενέσθαι, &c. The argument is,
that by sending Boeotus to learn
dancing in another tribe than
that to which Mantias belonged,
viz. her own tribe, she virtually
admitted that he was not Man-
tias’ son, and that Mantias had
not owned him. Boeckh, Publ.
Ec. p. 121, observes, “The tribes
at Athens were bound to provide
for a part of the instruction in
music and gymnastic exercises,
and they had their own teachers,
by whom the youth of the whole
tribe were instructed; in the
other schools each person paid,
but how much we are not in-
formed.” This inference seems
a little far-fetched. Nothing
more is said, than that the
mother sent the boy to learn
dancing to a school of her own
tribe; which was very natural,
if the boy was, as Mantitheus
intimates, not believed by the
mother herself to be Mantias’
child. The argument seems
worth little, anyhow, as a

25. §§ 24—27

worth little, anyhow, as a

24. §§ 24—27

ground for logical inference of

parentage.

αὐτοῦ] ‘Consistent with’
(or possibly, ‘consequent on’)
the (pretended) giving of the
name Mantitheus by your father.
—φοιτῶ and συμφωνῶν are
the common terms for ‘going
to school’ and ‘school-fellows.’

§§ 25, 6. Not content with
his success in getting himself
enrolled as a citizen, Boeotus has
brought against me sundry claims
for money due from his father,
t. e. as co-heir. But, if the tale
of the mother was true, that
Mantias kept her, and maintai-
ned two establishments, he could
not have left much money, not
being a man remarkable for his
successes in trading.

οὕτω φανερῶς κ.τ.λ.] ‘Ha-
ving thus clearly as I have shown
found a father through the oath
which his mother took, and the
simple credulity of him who
tendered it to her, and so having
been (registered as) born in the
tribe Acamantis instead of the
tribe Hippothontis, the defend-
δεινὰς πατρὸς τετυχήκως καὶ ἄνθ᾽ Ἰπποδωτίδος ἐν Ἀκαμαντίδι φυλής γεγονός οὐκ ἄγαπᾷ Βουστοῦς οὗτος, ἀλλὰ καὶ δίκαιος ἐμοὶ δῦ, ἢ τρεῖς εἴληχεν ἄργυριον πρὸς αῖς καὶ πρὸτερὸν μ᾽ ἐσυκοφάντει. καὶ τοῖς πάντας οἷς ποῦ τοῦθ᾽ ὑμᾶς εἴδειν, τὸς ἤν χρηματιστὴς ὁ πατὴρ. ἐγὼ 26 δ᾽ ἐὰς ταῦτα. ἀλλ᾽ εἰ δίκαιαι ὁμοίως ηὐ μὴν ἢ τούτων, ἐτ᾽ αὐτοφόρῳ συκοφάντην ἐπιδεικνύει τοῖς ταῖς δίκαιαις ταύταις. εἰ γὰρ οὖτως δαπανηρὸς ἦν ὡστε γάμφος γεγαμήκως τὴν ἐμὴν μητέρα ἐτέραν εἰρχε γυναῖκα, ἦς ὑμεῖς ἐστὲ, καὶ δῦ οἰκίας φικεί, πῶς ἂν ἄργυριον τοιοῦτον ὁν κατέλιπεν;

Οὐκ ἀγνωστοὶ τοῖς, ὃ ἀνδρὲς Ἀθηναῖοι, ὡς Βοι-27
ωτὸς οὗτος δίκαιον μὲν οὖν δὲν ἔξει λέγειν, ἤξει δ᾽ ἐπὶ

1 om. Ζ cum Ex.

ant Boeotus is not content with this, but has also brought against me two or three suits for money, besides those which he formerly trumped up against me."—τετυχήκως, an Ionic and Homeric form, as if from τυχέω, a secondary present from the aorist τυ-χέω (see on § 15), retained its place even in the later Attic. But the regular Attic future is τετυχομαι, e.g. Or. 37, fin., εἰ μὴ τῶν δικαίων ἐγὼ παρ᾽ ὑμᾶς τετυχομαι. τετυχομαι occurs in Mid. § 150.—γεγονός, cf. sup. § 18, ἐπεὶ δὲν οὖν γεγονός οὗτος ὁχληρός φησίν.

πρὸς αἰς] i.e. πρὸς ἐκείναις δς, where δς is a cognate accusative after ἐσυκοφάντει. The actions alluded to are apparently those described in Or. 40 §§ 16, 17, for the mother's dowry, and other claims.

26. τὸς χρηματιστὴν] so. τοῖς, 'what sort of a money-maker,' i.e. ὡς φαίλεις. [For τὸς used as τοῖς, Shilleto, on Fals. Leg. § 15, quotes the present passage (translating it, 'what sort of an economist') and Or. 87, Pant. § 69, λέγεν δὴ μοι τὰς μαρτυρίας, τὶς ἐγὼ...ἀνθρωπος εἰμι, followed by τοιοῦτος...ἐγὼ.—For Mantias' character as an indifferent man of business cf. n. on ὑπάθειας, l. 1. 8.]

ἐτ᾽ αὐτοφόρῳ] so. ἄντα συκο-φάντην. 'It thereby proves him to be ipse facto (as we say) dishonest in bringing these actions,' viz. since no money could have been due to him from the father, so. εἰ δ᾽ οὖν τῶν πατρὸς ἐπι-γυτοῦ, Or. 40 § 15.

δ᾽ οἰκίας] A wife seems only to have insisted on the mistress living apart. Hence Deianira's grievance in Soph. Trach. 376, τίνι εἰςδέδηγεν πιθοῦν ἐποτε-γον λαβραίον; and ibid. 587, κόρην γὰρ—παρειδέδηγεν φόρτων ὃστε ναυτίλοις.—τοιοῦτος ὁν, i.e. οὖν δαπανηρός.

§§ 27, 8. Having no sound excuse to allege for his conduct, Boeotus will pretend that the name (meaning 'dumpling') was
given him by his father at my instigation on purpose to insult him. He says he is the elder, and has a claim to his grandfather's name. Why, I myself remember him a mere lad when I was grown up. And if one asked him what his name ought to have been at the time when he claimed the right of being sent to school in my tribe, he cannot say it was Mantitheus, as the senior; for if that had been so, he would not have been sent to the tribe Acamantis at all.

ἔπηρεάζεν] So Hor. Epist. ii. 1. 244, 'Boeotum in crasso iurares aere natum.' Pind. Ol. ντ 90, Βοιωτίαν ὑν. Cf. Mid. § 14, καὶ παρηκολουθήσας παρ' οἷς τὴν λειτουργίαν ἐπηρεάζων μου συνεχώς.

πρὸς πατρὸς κ.τ.λ.] The son usually took the name of the grandfather on the father's side. [Cf. Or. 40 § 6, where Cleon's name is given to his grandson. Arist. Ανές 282 Ἰππόνικος Καλ-
πάππου του ἐμὸν ἡμφισβήτεις; ἦτι δ', ὁ ἀνδρεὶς Ἀθη- 29
ναίοι, τὸν μὲν τῶν ἐτῶν ἀριθμὸν οὐδὲς οἶδεν ὑμῶν
ἐγὼ μὲν γὰρ ἐμὸν πλείονα, οὕτως δ' ἐκατὲρ φήσει τὸν
dὲ τοῦ δικαίου λόγον ἀπαντῆτε ἐπίστασθε. ἦστι δ' οὐ-
τος τίς; ἀφ' οὗ παῖδας ἐπούνησατο τούτοις ὁ πατήρ, ἀπὸ
tούτων καὶ νομίζεσθαι. πρότερον τοὺς ἤμε εἰς τοὺς
δημότας ἐνέγραψε Μαντίθεος, πρὶν εἰςαγαγεῖν τούτον
eἰς τοὺς φράτερας. ὡστ' οὗ τῷ χρόνῳ μόνον, ἄλλα καὶ
tῷ δικαίῳ προσβείον ἔχουμεν ἄν ἐγὼ τούνομα τούτῳ ἐικό-
tως. εἰν. εἰ δὲ τίς σ' ἔρωτον" εἰπέ μοι, Βοωτῆ, πόθεν 30
νῦν Ἀκαμαντίδος φυλῆς γέγονας καὶ τῶν δήμων Θορί-
κιος καὶ νῦς Μαντίου, καὶ τὸ μέρος τῶν ὑπ' ἐκείνου
καταλειφθέντων ἑχεις," οὐδὲν ἂν ἄλλα ἔχους εἰπεῖν
πλὴν ὅτι καίμεοι ᾧν ἐπούνησατο Μαντίας. τι τεκμήριον,
eἰ τίς σε ἔρωτο, ἣ μαρτυριόν ἐστί σοι τούτων; εἰς τοὺς
φράτερας με εἰςηγαγε, φήσεις ἄν. τί οὖν σε ἐνέγρα-

1 ἡμερεφήτεις Σ.
2 τῶν δήμων Bekk. 1824.
3 ο' ἔρωτό τις Σ cump Σ.
4 Bekk. cump ΣΑΒ. καὶ ἐμὲ Σ.

senior; for if he had claimed
the name on that ground, he
would have claimed my tribe
too.

§ 29. As mere assertion on
either side will not prove our
respective ages, it will be the
fairest way to reckon from the
date of the adoption. Now it
can be shown that I had been
registered in the state-books
(after the ἰδομασία), and that
by the name Mantitheus, before
he had been entered even in the
phratries. So that by the mere
right of prior entry (τῷ δικαίῳ)
I should reasonably claim the
name of Mantitheus on the ground
of seniority.

νομίζεσθαι] viz. παῖδας αὐτοῦ.
'We will say nothing about the
dekary, but argue only on the
dates of our registration.'

προσβείον] The prerogative
of primogeniture. Or. 36 § 35,
προσβεία τὴν συνουκλαν ἔλαβε κατὰ
dιαθήκην.

§§ 30, 31. Boeotus claims citi-
senship and a share of the
property by virtue of his registration.
But he was registered by the name
Boeotus; and it would be ungrate-
ful in him to disown the name
now which conferred such privi-
leges on him.

φυλῆς γέγονας] As sup. § 25,
ἐν Ἀκαμαντίδι φυλῆ γεγονώς.—
tῶν δήμων, lit. 'Of the demi, a
member of that called Thorious.'
[tῶν δήμων, the reading of Σ, is
supported against τῶν δήμων by
Plato, Euthyphro 2 β, τῶν δή-
μων Πλάτων. 8.]
ψευ δόνωμα, εἰ τις ἐροῦτο, Βοιωτόν ἄν εἴπουσ' τοῦτο γὰρ
ἐισήχθης. οὐκοίν δεινόν εἰ τῆς μὲν πόλεως καὶ τῶν ὑπ’
ἐκείνου καταλειφθέντων διὰ τοῦνμα τοῦτο μέτεστι
σοι, τοῦτο δ’ ἄξιοις ἀφεῖς ἔτερον μεταθέσθαι σαντῆ.
φέρ’, εἰ σε ὁ πατήρ ἄξιοτειν ἀναστάς ἢ μένειν ἐφ’ οὖ
σε αὐτὸς ἐποιήσατο ὁνόματος ἢ πατέρ’ ἄλλον σαντοῦ
φάσκειν εἶναι, ἢ’ οὐκ ἄν μέτρια ἄξιοιν δοκοῖ; ταῦτα
τοῦτος ταῦτα ἐγὼ σε ἄξιω, ἡ πατρὸς ἄλλον σαντοῦ'
πα-32 ραγράφειν, ἡ τοῦνμα ἔχειν δ’ ἐκείνοις ἑδοκέ σοι. νη Δ’,
ἀλλ’ ὑβρει καὶ ἐπερεῖα τῷ τοῦτο ἐτέθη σοι. ἀλλὰ 1004.
pολλάκις μὲν, ἢτ’ οὐκ ἐποιεῖτο ὁ πατήρ τοῦτος, ἔλεγον
οὗτοι ὡς οὐδὲν χείρους εἰσίν οἱ τῆς μητρὸς τῆς τοῦτο
συγγενεῖς τῶν τοῦ πατρὸς τοῦ ἐμοῦ. ἔστι δ’ ὁ Βοιωτός
ἀδελφός τῆς τοῦτον μητρὸς ἄλλοι. ἐπειδὴ δ’ εἰσάγειν
ὁ πατήρ τοῦτος ἡμαγκάζετο, ἐμοῦ προεισηγμένου

§ 31. If your father were to come to life, he might fairly ask
you either to retain the name he
gave you, or to give up the claim
you made to be his son. My re-
quest is similar; keep the name
he gave you, or, if you must be
Mantitheus, which is my name,
don’t sign yourself Mavritos
Mantion.

ἀφεῖς] Ομίσω ὡς ἀνομίνε.—
μεταθέσθαι, ἄλλο ἄνομα ἐπιθέσθαι.
ἀναστάς] If he were now to
rise up, as if conjured by magic
art. So Plato, Theel. p. 171
v, εἰ αὐτίκα ἐπεθύναν ἀνακύψειε
μέχρι τοῦ ἄξιουος, sc. Προταγό-
pas. That this is the meaning
seems probable from an engraving
on an antique gem, represen-
ting a head rising up out of
the floor, and a person standing
by with a magic wand.—ἐφ’ οὖ,
the cognate accusative is im-
plied, ‘to remain in possession
of the name by which he adopt-
ed you.’

ταραγράφειν] ‘To sign your-
self.’ Kennedy. This seems the
technical word in this sense;
cf. § 9. [Rather, ‘to add to
your name (or signature) that
of another father.’ S.] The
middle voice, of course, has
quite a different meaning, ‘to
put in a special plea.’

§§ 32, 3. The name Boeotus,
we shall be told, was given in
insult. Why, this man and his
brother used to boast of their
good family; and, in fact, Boeo-
tus is the name of his uncle by
his mother’s side. It was because
I had forestalled the name Man-
titheus that the other name was
given to him, and without the
least intention of putting a slight
upon him. You compel us to say
that you deserved the name you
so distike, by your own insulting
and boorish treatment of your
father’s memory and intentions.
Μαντιθέου, ούτω τοῦτον εἰσάγει Βοιωτῶν, τὸν ἀδελφὸν δ' αὐτοῦ Πάμφιλον. ἐπεί σὺ δείξον ὅστις Ἀθηναίων ταύτων ὁμός τοῖς αὐτοῦ παιδίν ἔδετο δυοῖν. κἂν δείξης, ἐγὼ συγχωρήσω δι' ἐπήρειάν σοι τούτῳ τούνομα θέσω τὸν πατέρα. καὶ τοιοῦτος ἢσθα ὅστε ποιήσασθαι μὲν σαυτὸν ἀναγκάσαι, εἴ ὅτι δ' ἀρέσεις ἐκείνω τρόπου μὴ σκοπεῖν, οὐκ ἢσθα οἷον δεῖ τὸν προσήκοντα εἰλαὶ περὶ τοὺς γονέας, οὐκ ὅν δὲ οὐκ ἐπηρεάζον δικαίως ἀν, ἄλλ' ἀπωλῶλεις. ἦ δεινόν ἦ' ἃν εἴη, εἰ κατὰ μέν τῶν ὑπὸ τοῦ πατρὸς αὐτοῦ νομοξομένων παῖδων οἱ περὶ τῶν γονέων ἰσχύσουσι νόμοι, κατὰ δὲ τῶν αὐτοῦ εἰσβιαζόμενων ἀκοντας ποιεῖσθαι ἄκυροι γενήσονται.

καὶ τοι. κ.τ.λ. 'And yet, if you were so perverse as to compel your father to adopt you, and yet not to consider how you might please him, you did not behave as so near a relative should do towards his parents; and as you did not, you deserved to be not only spoken of with contempt, but even to be put to death. For it would be hard indeed, if the laws about parents are to be in force against those who are recognised by the father himself as his sons, but are to become null and void against those who force their fathers to adopt them against their will.'

ἐκείνω] Of a deceased person this is used where αὐτῷ would have been used of one living. See on Or. 40 § 26.
τορ in Eur. Orest. 904, who is
called, probably in reference to
the demagogue Cleophon, 'Δρ-
γεώς, οὐκ Ἀργεώς, ἤμακασμένος,
and ὁ μὲν γὰρ οὐκ ὁ δὲ ἄντι ἐσ-
βαίνεται, Λ. Αυ. 82. ['Those
who force their parents to adopt
them against their will.' Prof.
Kennedy.]
§ 34. Do therefore, most trou-
blesome Churl (as you tell us
your name means), do stop and
give neither yourself nor me any
further trouble. If you want
to be thought my brother in
reality and not merely in name,
act like a brother. Otherwise,
people will think you have got
possession of property that you
had no real claim to.
ἡλς, ἡ χαλεπότατε Βοιωτῆ
Hermogenes περὶ ἴδεων, I 11
p. 325 Spengel: οὕτω τραχύτητι
οὕτω σεμαντήσατε οὕτω λαμπρότητι
οὕτω ἀκμῇ χρήσαιο αὐτὶς ἀκρίβεις
ἐν ἱδωτικῷ σφοδρώτητι μέντοι
ἐστὶν δόγοι, καὶ ταύτη μετὰ ἕθους
τῶν, ὡς ἐν τῷ ἡλς, ἠ χαλεπο-
tατε Βοιωτῆ δίονται χρησθῶν. $] 34
οὐκ έγνωμ 'Nor do I',
Kennedy. Here, as frequently,
the $g$ gives its emphasis to the
$τ$, and so the formula means
οὐκ έγω γων, 'at all events not
I.' So Soph. Oed. Col. 924,
1005 ήχουσιν ούτω χρήσθαι. επειξ' ἐγών' οὐδ' εἰ τὰ μάλιστα 35 ὁ πατήρ ἄντα σε αὐτοῦ μὴ ἐποιεῖτο ἀδίκω. οὐ γὰρ ἐμοι ἐποιήκεν εἰδίκευσε τίνες εἰσὶν νυεὶς ἐκεῖνον, ἀλλὰ ἐκεῖνο δείχει τίνα ἔμοι νομιστέον ἐστὶν ἀδελφόν. ἦν μὲν τούνων οὐκ ἐποιεῖτο σε χρόνον, οὔτ' ἐγὼ προσήκονθ' ἤγομην, ἐπειδὴ δὲ ἐποιήσατο, κἂν γογγ υμίξω. τί τούτων σημεῖον; τῶν πατρῴων ἔχεις τὸ μέρος μετὰ τὴν τοῦ πατρὸς τελευτήν ἱερῶν, ὅσιων μετέχεις· ἀπάγει σε οὐδείς ἀπὸ τούτων. τί βούλεις; ἄν δὲ φη δεῦρα πάσχειν καὶ κλάγη καὶ ὀδύρηται καὶ καταγγεῖ μισχόν, ἀ μὲν ἀν 'λέγη, μὴ πιστεύετε· οὐ γὰρ δίκαιον μὴ περὶ τούτων ἄντως τοῦ λόγου νυν'* ἕκειν δὲ ὑπολαμβάνετε, ὅτι οὐ δέν εἰστιν αὐτῷ ἦττον δίκην λαμβάνειν Βοιωτῶ κληθέντε. τί οὖν φιλονεικεῖς; μηδαμῶς μη 36 ἔχει οὕτω πρὸς ἡμᾶς ἐθελέχθως· οὔδ' γὰρ ἐγὼ πρὸς

'oik àdikô Bekk. 1824. ' klagh Z. Cf. Veitch, Greek Vbs. ἀν μὲν Z (ἀν μὲν Σ). τοῦτου Z cum ΣτΔ¹. τοῦ νυνι Z. νυνι Bekk. st. cum ΣτΔ¹. ἀ μὲν ἀν λέγη] 'Whatever he may say, don't believe him.' Our idiom perhaps is, 'don't believe what he says,' though the phrases are not really identical. He means, τοῖς μὲν λεγομένοις μὴ πιστεύετε, ἕκειν δὲ, ἄκριτοι τούτων ἄντως, 'siquidem hae de re nune non disputatur.' (See Shilleto, not. crit. on Thuc. i 118 § 2.)—ὑπολαμβάνετε, 'give him this answer; that he can get satisfaction just as well by the name Boeotus.'

36. ἐθελέχθως] 'Wishful of enmity.' A singular and rare compound. The adjective is quoted from Cratinus (Frag. incert. 108). A word of similar character is φιλατεχθήμων, in Timoer. p. 701 § 6.
§§ 36—39

Σὲ, ἔπειτα καὶ νῦν, ἦνα μὴ δὲ τοῦτο λάθη σε, ὑπὲρ σοῦ λέγω, μάλλον, ἡξίων ἡ ταυτὸν ἔχειν ὅνομα ἡμᾶς, ἢ ἐμαυτοῦ. Εἰ γὰρ μηδὲν ἄλλο, ἀνάγκη τὸν ἀκούσαντα ἑρέσθαι πότερος, δύν ἂν ὁι Μαντῖθεοι Μαντίοι. οὐκ οὖν, διὸ ἡναγκάσθη ποιήσασθαι, σὲ ἂν ἡ λέγη, ἔπειτα. τὸ οὖν ἐπιθυμεῖς τούτων; ἀνάγνωσθε δὲ μοι λαβών δύο ταῦταί μαρτυρίας, ὡς ἤμοι Μαντίθεοι καὶ τούτῳ Βοιωτῶν ὁ πατὴρ ὁνομ' ἐδεύτε.

ΜΑΡΤΥΡΙΑΙ.

37 Λοιπὸν ἡγούμαι τοῦθε ὑμῖν ἐπιδείξαι, ὥς ἄνδρες Ἀθηναῖοι, ὡς οὐ μόνον εὐρεσῆσθε, ἂν ἢ ἐγὼ λέγω ψηφίσθησθε, ἀλλὰ καὶ ὡς οὗτος αὐτὸς αὐτοῦ κατέγραψε καὶ οὗτος ψηφίσθησθε, ἀλλ' οὐ Μαντίθεον ὅνομα δικαίως ἄν ἔχειν. Πολλοὶ λαχῶνοι γὰρ ἐμοῦ τὴν δίκην ταύτην Βοιωτῶν Μαντίθεου Θορικῷ, ξάρχης τοῦ ἡμείσατε καὶ ὑπομυνώντι ὡς ἂν

* Bekker. λέγων μ. ἡξίων καὶ δικαιοῦνται Βεκκ. 1824 cum marg. Σ. om. Z cum Σ.

τοῦτον] Such inconveniences and causes of reproach as I have described.

§§ 37, 8. One proof that he considered his name to be really Boeotus and not Mantiitheus is, that the former name he both accepted the action I brought, and moved for a rule for a new trial against the decision of the arbitrators.

[S. 39 is closely connected with § 36, and the two intervening sections must have been inserted after the arbitration, shortly before the trial. Blass At. Ber. 1817. S.]

ἀ ἐγὼ λέγω] 'What I say,' i.e. rather than what he says. So Plato, Theas. p. 161 b, σο καλλιον, ὃς σώκρατος, λέγει. This explains the important texts S. Matth. 27. 11, S. John 18. 34.

κατέγραψε] Lit. 'gave a verdict against himself to the effect that he would rightly have the name Boeotus and not Mantitheus.' οὗτος καὶ δικαίως] 'He at once accepted service of the suit, and put in an oath that he was unable to attend.' The ὑπομνοῦσα is here spoken of as one of the many evasions adopted by those who endeavoured to thwart justice. From Ar. Plut. 725, it is clear that it was occasionally put in as an aegrotat, a certificate of ill-health. Compare Mid. p. 541, § 84. Or. 48 § 25.
ΠΕΡΙ ΤΟΤ ΟΝΟΜΑΤΟΣ.

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Βοιωτός καὶ τὸ τελευταίον ἐπεὶ οὐκέτι ἐνὶ αὐτῷ διακρούσασθαι, ἐρήμην ἐάσας καταδιανήσαι, σκέψασθε πρὸς θεῶν τι ἐποίησεν ἀντιλαγχάνει μοι τὴν μὴ οὖ- 38 σαν Βοιωτῶν αὐτὸν προσαγορεύσας. καίτοι εί ἄρχης τε ἔδει ἐὰν αὐτὸν τελεσάσθαι τὴν δίκην κατὰ Βοιωτοῦ, εἴπερ μηδὲν προσῆκεν αὐτῷ τοῦ ὄνοματος, ὅστερον τε μὴ αὐτὸν φαίνεσθαι ἐπὶ τῷ ὄνοματι τούτῳ ἀντιλαγχά
νουτα τὴν μὴ οὖσαν. ὃς οὖν αὐτὸς αὐτὸν κατέγνω δι-
καλὸς εἶναι Βοιωτός, τί ὑμᾶς ἄξιώσει τοὺς ὄμωμοκα-
tas ψηφίζεσθαι; ὃς δὲ ταῦτ' ἀληθῆ λέγω, λαβέ μοι
τὴν ἀντιληξίαν καὶ τὸ ἐγκλήμα τούτι.

ΑΝΤΙΛΗΞΙΣ. ΕΓΚΛΗΜΑ.

Εἰ μὲν τοῖνοι οὕτως ἔχει δεῖξαι νόμον ὃς ποιεῖ κυ-
ρίονε εἶναι τούς παῖδας τοῦ ἑαυτῶν ὄνοματος, ἀ λέγει

ἐδασ κ.τ.λ.] Ηε let the arbitra-
tiators give judgment against
him by default (compare Mid.
ut sup.), and then moved for a
new trial under the name of
Boeotus. The phrase ἀντιλαγ-
χάνει of the μὴ οὖσαν means to
obtain a new trial of the refer-
ence (Kennedy, Appen. x, p. 398), i.e. to set aside a verdict
on the ground that it is wrong,
and therefore that the trial is
null and void, non-existent, as
it were. Mid. p. 543 § 90,
ἀλλὰ τὴν μὴ οὖσαν ἀντιλαχεῖν
αὐτῷ ἔγιν ἄδηκον. [Pollux: ὁ-
πόταν τις παρὰ διαπηγαῖς πα-
ραγαφάμεος καὶ ὑπομισσάμεος
νῦσσον ἢ ἅπαθησαν, εἰς τὴν κυ-
ρίαν μὴ ἀπανθάμας ἐρήμην ὅθη,
ἔγιν ἐντὸς δέκα ἦμερῶν τὴν μὴ
οὖσαν ἀντιλαχεῖν, καὶ ἡ ἐρήμη
ἐλατεῖ, ὥσ ἢ ἄρχης ἐλθεῖν εἷ
διαπηγαίν (viii 60). (Hud-
twalocker über die Diaeteten, p. 99 ff.) S.]
38. προσαγορεύσας] See note
on Isocor. Paneg. § 25, προσεπείν.
S.]

ἐξ ἄρχης] 'He ought to have
let me get the original action
to go against Boeotus, if he
had no claim to the name at
all, and not to come forward
himself afterwards to ask for a
new rule by this name.' Com-
pare a similar argument in Or.
40 § 18.

The subject of τελεσάσθαι
seems to be ἔμε. Kennedy
translates, 'he should in the
first instance have allowed the
suit to proceed to its termina-
tion against Boeotus.' But it
may be suggested that τετελε-
σθαι is the true reading. Cf. Or. 38
(πρὸς Ναυσμ. 18, δεινὰν ἄν ἐν
ἐλκοτοῖν ποὺ ἐπεὶ δίκην τελε-
σασθ' ὑμεῖς.

τὶ ἄξιώσει κ.τ.λ.] 'What ver-
dict will he expect you on your
oaths to give?' i.e. it is not very
likely you will decide that he
ought to be called Mantitheus.
§ 89. If he can show a law
that gives children a right to
name themselves, then you will
properly vote for him; but if the law gives fathers the fullest power over both the name and the property of sons, and if Mantias did legally call me by one name and him by another, how can you, if you act by the law, refuse my request?

[εξαλείψας] To erase it from the list of citizens. So Cleon is said in making a certain speaker ἀτιμός, τῶν Πρότων ἐξαλείψας, Ar. Equit. 877. So also Or. 37 § 84.—ἀποκηρύξας, ἀπειτεῖν, to disclaim or disinherit him. The absolute power of the father over the status of the son was the same in both the Attic and the Roman law.

['Révouer publiquement,' ἀποκηρύξεις signifie ici tout simplement la proclamation par la voix du héraut. Les lexicographes donnent encore à ce mot un autre sens, celui de la répudiation du fils par le père. Mais voyez à ce sujet les judicieux observations de Van den Es, de iure familiarum apud Athenienses, p. 125—135.' Da-
θήσεται; οὐδεὶς δήπου. οὐκοῦν ὃ δίκαιον τῇ γνώμῃ 41
toῖς ὑμετέρους αὐτῶν παισὺν ὑπειλήφατε, τούτο καὶ
περὶ ἡμῶν εὑσεβές γνώναι. ὡστε καὶ κατὰ τὴν δικαιο-
tάτην γνώμην καὶ κατὰ τοὺς νόμους καὶ κατὰ τοὺς
ὄρκους καὶ κατὰ τὴν τούτου προσομολογίαν ἐγὼ μὲν
μέτρια ὑμῶν, ὃ ἄνδρες Ἀθηναίοι, δέομαι καὶ δίκαια
ἀξιό, οὗτος δὲ οὐ μόνον οὐ μέτρια, ἀλλὰ οὐδὲ εἰσθότα
γίγνεσθαι.

* τις—θήσεται in margine a correctore additum habet Σ, om. Z.

41. εὑσεβές] 'Your duty in accordance with your oath.' For
this technical sense, see the
656, 1309 (P.).

τὴν τούτου προσομολογίαν] The admission he made, by
accepting the action, § 37.

The grounds for a verdict of the
dicasts in his favour are briefly
summed up again; the law, their
sense of right, their oath to de-
cide by that sense, and the de-
fendant's own admission that
Boeotus was and is his name.
OR. XL

ΠΡΟΣ ΒΟΙΩΤΟΝ ΠΕΡΙ ΠΡΟΙΚΟΣ ΜΗΤΡΩΙΑΣ.

The parties in this suit are the same as in the preceding. The action now brought against the defendant is for a sum of money claimed out of the general property as due exclusively to Mantitheus, viz. a talent as the dower of his mother, to which he had a legal claim (§ 59). The dispute seems to have been an old one; for in §§ 3 and 18 the plaintiff says that after a lapse of eleven years he has come into court, all attempts to settle the matter by arbitration having failed. The claim was evidently first made by Mantitheus soon after his father's death. He had recognised his two half-brothers as co-heirs, and was willing to let them take a third share each, though perhaps he was not legally bound to do this. But he asserted his right to the talent over and above his own third part. Upon this Boeotus makes a counter-claim to

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1 In Or. 39 § 6, he says, συγκεκριμένα το τρίτον νεμασθαι μέρος, as if it were a voluntary concession on his part. But in § 13 of the present speech he says he acknowledged Boeotus and Pamphilus in obedience to the law, though they were not his brothers. From which we may infer, not, as Kennedy thinks, that Mantias must have married Plango after the death of his first wife, but that the adoption by the father entitled them to a share in the property. Indeed, this is virtually asserted in Or. 39 §§ 6, 20, 30. It appears likely that this would carry with it a legal claim (§ 59) to Plango's property under the title of προϊκα, or dowry.
the same sum, τὴν ἴσην προικα, due to himself from his mother Plango (§ 14), and, as it seems, to some further property due from his father (§ 15). He thought, no doubt, that his brother would decline to risk an action for a still larger demand than that which he had himself made, and which might go against him; and in default of direct evidence, he trusted probably to vague, indirect, and purposely misleading inferences (παραγωγαί, § 21), to establish the allegation that Plango had a fortune. This, however, is denied and disproved by counter-testimony by Mantineus.

For the time being, the dispute seems to have been settled by the division of the bulk of Mantias' personal property, reserving only the slaves and the family house (οἰκία), the former for the sake of evidence on either side, the latter for payment of the claims, whichever side should prove to have a right to them.

This agreement being made, the cross-suits appear to have at once commenced. Each claimed his mother's dower out of the residuary property. The case was referred to an arbitrator Solon (§ 16), who however died before the decision could be given, in consequence of the delays and evasions of Boeotus. The latter then brings a fresh action against Mantineus, and Mantineus renews his old claim against Boeotus, and by that name. There are grounds for believing the man had established his right to the name of Mantineus: anyhow, when the case went against him as Boeotus, he denied that this was his name and took no notice whatever of the decision (§§ 17, 18). Consequently, the real Mantineus is compelled to sue him again in the eleventh year, in the court. Boeotus, it would seem, had changed his claim for Plango's

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1 In § 20 it is said that Plango's dower was more than 100 minae. (See the note on § 14.)

2 See Introd. Or. 39 ad fin.

P. S. D.
dower to a demand for some other property, which is not
specified\(^1\); but his motive was the same, to cancel one
demand by another, and he probably made that demand
which he thought he could best establish on the slaves’
evidence.

That Boeotus had played the bully for a long time, and
made many vexatious claims on his brother, is clear from
the evidence adduced. He had behaved so badly, in fact,
that Mantitheus had been compelled to leave his own
home. Many instances are given in which the old
quarrel about the name had led to most disagreeable
results and misunderstandings. In truth, throughout
both the speeches the *animus* manifested on both sides is
as bad as possible. In § 57 the plaintiff intimates that
he had fears of being poisoned if he had continued to live
in the same house. And he even takes pains to show
that he did not believe the defendants were his father’s
sons at all. He regards the whole affair of the forced
adoption as a scandalous fraud.

In one part of the present speech (§§ 8—12) the orator
repeats, with some slight addition to the details, the sub-
ject of the preceding action about the name. The argu-
ment against the present claim of Boeotus turns (§§ 20—
24) on the improbability of his mother’s father, who
died a debtor to the state, having left any money over
and above, that could have come to Mantias after the con-
fiscation of the property. On the other hand, it is shown

\(^1\) § 17, ο\(\dot{\iota}\) ν\(\dot{\iota}\)ν πε\(\grave{r}\)λ ἐκείνων
ἐλπίξει μοι δίκην οὐδέμιαν, ἀλλὰ
πε\(\grave{r}\)λ ἄλλων τινῶν. There is some
obsccurity on this point which is
not fully cleared up in the course
of the speech. Perhaps the
arbitrators’ decision in favour
of Mantitheus had released him
from the payment of Plango’s
dower; and so it was thought
unsafe to make precisely the
same demand in a new action.
From § 8, ἐνεκα τὴς δίκης ταὐτῆς,
it appears likely that some other
claims were trumped up for the
sake of furnishing the matter
of a cross-suit.
(§§ 24, 25) that Mantitheus’ mother was a lady of property, the daughter of Polyaratus, and sister of the wife of Chabrias. Her first husband was a son of Cleon (§ 25), and it is argued that such a man was not likely to have married a penniless wife. Her brothers too were men of wealth and honour who were not likely to have seen their sister wronged (§ 25).

The precise date of the action is uncertain. That the misconduct of Boeotus had gone on for eleven years after the death of Mantias is expressly stated (§ 3). And from § 34 it is also clear that the enrolment by the name of Mantitheus instead of Boeotus had been made after some at least of his vexatious proceedings (μετὰ ταῦτα Μαντίθεου εαυτὸν ἐγγράψας εἰς τοὺς δημῶτας). In § 35 however he speaks of the action περὶ τοῦ εἰνόματος having been already brought; and there is nothing in the present speech to indicate how soon afterwards the trial about the dowry was commenced.

[The present trial seems to have taken place in the eleventh year after the death of Mantias, who according to the evidence of inscriptions (see note 1 on p. 140) was alive at the end of Ol. 105, 3 = B.C. 357. The earliest possible date for his death is Ol. 105, 4 = B.C. 356, which would give us Ol. 108, 2 = B.C. 347—6 as the probable date of the present trial. This conclusion is supported by other details minutely stated by Arnold Schaefer (Dem. u. s. Zeit iii 2, 224), and coincides with a passage of Dionysius of Halicarnassus¹, placing the trial περὶ

¹ Dionys. (on Deinarchus, § 13 p. 666, 1) πρὸς Μαντίθεον περὶ προικός: 'Πάντων ἔστων ἀναιρετῶν: οὖτος ἄκολουθε τῷ προτέρῳ λόγῳ καὶ πολλὰ ἔχει κατὰ λέξιν ταύτα, καὶ εἰ ἂν τοῦ αὐτοῦ ἤτορος, εἰς τῇ Δεσφέρχου ἡλικίας. [καὶ γὰρ οὗ] πολλοῖς ἔτεσιν ὑστεροῖς ἡγήσαται τὸν ἀγώνα ὁ καθήγορος, ἀλλὰ δύο ἢ τρισάρια, ὥς ἀκριβέστερον περὶ αὐτῶν εἶν τῇ Δημοσθένους γραφή δεδηλώκαμεν. The restoration in brackets is due to Sauppe.— For a minor chronological point, see on § 37.

12—2
προμφας two or three years after the trial περὶ ὄνοματος, which probably belongs to B.C. 350.

Arnold Schaefer (u. s. pp. 225—6) holds the present speech inferior to the speech περὶ ὄνοματος both in grasp of subject-matter and in style and expression. The writer was clearly familiar with the earlier speech, and several closely parallel passages occur in the two orations, which are in some cases better expressed in the earlier speech (cf. Or. 39 § 23 with 40 § 29; 39 § 2 with 40 § 9). For these and similar reasons he concludes that the περὶ προμφας was not written by Demosthenes. Having in the former case availed himself of the help of Demosthenes without success, the plaintiff may have resorted to another advocate in the latter. In frequency of hiatus and in absence of rhythm the speech is unlike the genuine work of Demosthenes; and, for these and other reasons, Blass agrees with Schaefer in regarding it as the work of another writer. *Att. Ber.* iii 453. S.]
The following tables may illustrate some of the genealogical details involved in the case:

Clesenetus of Κυδαθιραων.

<table>
<thead>
<tr>
<th>Cleon Or. 40 § 25 (the demagogue, ob. B.C. 422).</th>
<th>Polyaratus of Χολαργός (§§ 6 and 24) (ob. soon after B.C. 399).</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Polyaratus of Χολαργός (trierarch in Samian war B.C. 322).</td>
</tr>
<tr>
<td>Cleon (§ 6 ad fin.) Three daughters.</td>
<td></td>
</tr>
</tbody>
</table>

Pamphilus (§ 20) of Κερίδαω.

<table>
<thead>
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</thead>
<tbody>
<tr>
<td>Boeotus (or Mantitheus the elder). Pamphilus, Mantitheus Son (died early, § 7).</td>
</tr>
<tr>
<td>§ 11. (the younger).</td>
</tr>
</tbody>
</table>

(Cf. A. Schaefer, u. s. pp. 211—4.) 8.)
ΠΡΟΣ ΒΟΙΩΤΟΝ ΠΕΡΙ ΠΡΟΙΚΟΣ ΜΗΤΡΩΙΑΣ.

ΥΠΟΘΕΣΙΣ.

Καὶ οὕτως παρὰ τοῦ αὐτοῦ καὶ πρὸς τὸν αὐτὸν ὁ λόγος εἶρηται. καὶ τὰ μὲν ἄλλα πᾶντα ταὐτὰ, ἡ Πλαγγών, οἱ ὄρκοι, ἡ τῶν παῖδων ἀναγκαῖα ποίησις. ἀποσκόποι δὲ τοῦ Μαντίου οἱ παῖδες ὄντες τρεῖς, 5 Μαντίδεος ὁ ἐκ τῆς νόμῳ γαμμηθείσης καὶ Βοιωτῶς καὶ Πάμφιλος οἱ ἐκ τῆς Πλαγγόνος, ἐνέμοντο τὴν οὐσίαν. φασκοντος δὲ τοῦ Μαντιβέου προίκα ἐαυτῷ μητρίους ὄψιν εἶπεν θείοι, Βοιωτῶς καὶ Πάμφιλος καὶ αὐτὸς προίκος ἡμισβήτουν, ὡς καὶ τῆς Πλαγγόνος εἰσενεγκαίο μένης εἰς τὸν οίκον τοῦ Μαντίου μνᾶς ἐκατόν. συνέ- 
δοξεν οὖν αὐτοῖς νείμασθαι πᾶντα ἐπ’ ίσης πλῆθν τῆς 
οἰκίας, ἵνα ὀποτέρων ἄν ἡ μητήρ φανῇ προίκα εἰσ- 
ενεκαμένη, τοιοῦτος ἀπὸ τῆς οἰκίας ἀποδοθῇ τὸ ἀργύ- 
ριον, καὶ πλῆθν τῶν ἀνδραπόδων, ὡς οἱ οἱ περὶ τὸν

Argument. 1. 9, ἡμισβήτουν] 'Put in a counter-claim to a dower, on the plea that Plango also (their mother) had brought into the family-property of Mantias 100 drachmae.' Both the mothers being dead, as well as the father, their respective children claim the dower that each had contributed. The question mainly turns on the fact of either or both having brought a dower. Mantitheus, when the property was being shared, claimed his mother's money over and above his share. It is clear that he regarded Boeotus' demand as a mere device for cancelling his account against the common property.

εἰσενεγκαμένης] A technical word in this sense. So Or. 42 § 27, μενοῦσης μοι τῆς μητρός ἐν τῷ οἴκῳ καὶ ἱσότης καὶ προίκα ἐπενεγκαμένης. See also inf. §§ 19, 59, 60.

14. By ὁ περὶ Βοιωτῶν,
'Boeotus' party,' himself, his brother Pamphilus, and their friends are meant. See Or. 39 § 2. If they should afterwards put in a further claim on any property in the house, with the exception of the slaves, such claims would be refuted by their having been paid and a release given by them. By ἔχωσιν ἔλεγχων he means ἔχωσιν ἔλεγχων as well as ἔλεγχων. Otherwise, both parties would hardly have consented to this reservation. The reason why the slaves were reserved appears from § 15, viz. that the question by torture might be put to them, as belonging to both parties alike, if any further claims to property should be made, ἐδώ τι ἐπιμενόν. 16. μετὰ ταύτα) After this agreement had been made, that future claims should be paid out of the common property, &c. Boeotus, it seems, thereupon dropped his claim to Plango's dower, and asserted his right to ἄλλα τιμα, perhaps thinking that he could make use of the evidence of the slaves in his favour. See § 17. 18. ἀπεδίδητας] He gave the decision in favour of Mantineus, and against Boeotus by default (§ 17). Mantineus, therefore, fortified by this decision, on Boeotus' refusal to pay, brings the same suit into court, requiring payment of the money, i.e. of the dower. 20. καὶ εἰς τὸ δίκην] 'He brings the same suit also into court.' apparently because Boeotus disregarded the arbitrators' decision, on the plea that not Boeotus, but Mantineus was his name (§ 18). [For λαγχάνων δίκην εἰς δικαστήριον cf. 59 (Neeser.) § 98 λαγχάνως δίκην τοῦ Δακε- δαμιώτης εἰς τῶν Ἀμφικτόνων χιλίων ταλάντων. S.] §§ 1—5. Statement of the hardships the plaintiff has had to bear. First, he has been deprived of two-thirds of his rightful property by the forced recognition of his illegitimate half-brothers. Next, he has been ejected by them from his own home; and thirdly, they withhold the payment of his mother's dower, which he now requires as a portion for a marriageable daughter. πάντων κ.τ.λ.] 'Nothing is more painful, gentlemen of the
jury, than for a man to be addressed in name as ‘brother’ to certain persons, but in fact to have them his enemies, and to be compelled, from the many cruel wrongs he has suffered from them, to come into your court. This is now my case.’

The usual antithesis of λόγος and ἔργον is slightly changed, because δομα refers to the specific title or name of ‘brother.’ And hence the dative is used, though προσαγορευόμενον δομα is a more common syntax. See inf. §§ 18, and 20, ὅτι ποι ἀλλα χαρεῖ προσαγορευόμενον. [On the form προσαγορευόμενον cf. note on Or. 55 § 4. S.]

2. ἐπισκήπτα τοῦ πανεροῦ ‘By manifest perjury.’ Kennedy. See Or. 39 § 4.

ὑπομείναν ‘Graviter additum est ad significandum quam invitus homo mulieri cesserit.’ G. H. Schaefer.

ἐξελήμαμαι His brother had behaved so badly that he could not continue to live in the same house. See § 56 fin.

εἰς ἂν κ.τ.λ.] ‘Into which they were admitted, not by my father’ (i.e. which might have given some apparent right to their claim to the property), ‘but by myself after his death.’ Kennedy gives a slightly different turn to the sense, ‘and in which I received them after my father’s death, though he in his lifetime would never admit them to it.’ The point seems to be, that the half-brothers have abused a reluctant concession. Their legal right, at least, is not clear, the marriage of Mantias with Plango being left uncertain.

3. δίκας δεδωκε] ‘Though I had given them satisfaction on all matters (plural) in which they made any claim, except indeed some trifling ones which they have wrongfully made the grounds of a cross-suit (or counter-suit) on account of this
taütis anteilhachai moi sunofantoutves, ois kai umon estai katafanves, pará dé toútoin eiv ãndeka ãteion ou dunamevos tuchëi toun metrion, allá vun eis umas* katapefevugw. déomei oun apántoun umon, ã ándres 4 dikastali, met' euvolaç te mou akousai oútw oivw ãn dunamei légonontos, kai umon dokw deivn pepeühëai, sugnówymen xhein moi xhtoúnte komíasthai tãmautou, allaw te kai eis thugatros êkodoun sunêthè gar moi b deísthentos tou patrois ókíwkaidekêthi yhmi, kai diad toûto el Nay moi thugatéra ãdhê epigamou. ós't émòi mèn 5 dikalous an ádikoummen dia polla bothísaite, touútos o eikótws an oreglôsothe oútwes, o yh kai theos, éxou autious ta dikaia poúsa mi eisìenai eis dikasthírou, ouk aiðchýnontai mèn ánàmmìneiskontes umas el ti ã

* umas Bekk. 1824 (cf. § 18). umas bothous Z et Bekk. st. cum Æ.

b Bekk. moj gar Z et cum FF et pr. Æ.

action,' i.e. that they may seem to be claimants themselves instead of defendants. The disputes had been referred to arbitration before Solon and another, inf. § 16.—êdeka têis dikòs, i.e. for the mere purpose of getting up a claim against my demand for the dowry.

ou dunamevos] Referring to dikàrmôs. 'I have been unable for eleven years to obtain from them fair treatment (or, a fair settlement of my claims), and so at last I have recourse to you.'

tôn metrion] 'My just and reasonable demands.'—êdeka ãteion, cf. § 18.

4. ãpws ãn dunamei k.t.l.? An apology for want of skill in pleading, as in Or. 34 § 1; the fact being suppressed that the speech was really composed for him by another.

sugnówymen xhein moi] To show me all reasonable consideration; to make allowance for my feelings and language under the circumstances which I shall describe.

eis êkodoun] 'For a marriage portion for my daughter,' who is epigamos, nubilis, 'marriageable,' § 57. The gloss of Hesychius, epigamos, patrois, is difficult to explain. The technical term was ãpidônuai próika, §§ 6, 56.

[On próik, see Hermann's Privatall. § 30, 14 to 22 = p. 268 ed. Blümmer, also § 65, 15 to 17 = p. 66 of Rechtsalt. ed. Thalheim; and Becker's Charicles π π p. 298—7 = p. 480 of Engl. abridgment. S.]

5. éçôr—µh] 'When they need not have come into court at all.' See Or. 39 § 12.
πατὴρ ἡμῶν μὴ ὀρθῶς διεπράξατο ἢ οὗτοι εἰς ἐκείνων ἡμαρτον, ἀναγκάζοσι δ' ἐμὲ δικάζεσθαι αὐτοῖς. ἡν' δ' ἀκριβῶς εἰδῆτε ὡς οὐκ ἐγὼ τούτου αἰτίου εἰμι, ἀλλ' οὗτοι, εἰς ἁρχῆς ὑμῖν, ὡς ἂν ἐν βραχυτάτοις δύναμαι, δυνητίσομαι τὰ πρακτέντα.

6 Ἡ γὰρ μήτηρ ἡ ἔμη, ὁ ἄνδρες δικασταί, θυγάτηρ μὲν ἦν Πολυαράτου Χολαργέως, ἀδελφὴ δὲ Μενεξένου καὶ Βαθύλλου καὶ Περιάνδρου. ἐκδόντος δ' αὐτῆς τοῦ πατρὸς Κλεομέδοντι τῷ Κλέωνος νιεῖ, καὶ προῖκα τάλαντον ἐπιδόντος, τὸ μὲν πρῶτον τούτῳ συνῆκεν γενομένων δ' αὐτῇ τριῶν μὲν θυγατέρων, νιοῦ δ' ἐνός ΙΟΙΟ Κλέωνος, καὶ μετὰ ταῦτα του ἄνδρὸς αὐτῆς τελευτήσαντος, ἀπολποῦσα τὸν οἶκον καὶ κομισαμένη τὴν 7 προῖκα, πάλιν ἐκδόντων αὐτὴν τῶν ἀδελφῶν Μενεξένου καὶ Βαθύλλου (ὁ γὰρ Περιάνδρος ἐτι παῖς ἦν) καὶ τὸ τάλαντον ἐπιδόντων συνήκησε τῷ ἐμῷ πατρὶ.

"ὡς ἐγὼ άτριος οὖν εἴμι Σ. (ὡς οὖν ἐγώ άτριος οὖν εἴμι Σ.) ἐγώ τούτου Bkck. cum margine Σ.

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μὴ ὀρθῶς διεπράξατο] 'Any act which my father improperly committed.' He somewhat curtly alludes to the paternal pecucadillos mentioned in Or. 39 § 26. Perhaps certain political misdoings are included. Ibid. § 8.
§§ 6, 7. The family history. My mother had been married before to Cleomedon, a son of Cleon, with the dower of a talent. After his death, her brothers gave her to my father Mantis, with the same dower, to which I (my younger brother by her being dead) am now the sole claimant.
Πολυαράτου] Cf. § 24. In v.c. 409 he held a financial office, as is shown by an inscription concluding with the words 'Ελληνοπαλία Ἀνατίων Σφητίων καὶ παρέδωκε [Πολυαράτῳ Χολαργείν. Boeckh, Publ. Ec. ii vii p. 245 trans. Lamb. S.]
τῷ Κλέωνος νιεῖ] See Arg. Or. 39, n. 1. On Cleon, the famous demagogue, see further in § 25.
ἐπιδόντος] Cf. Isaeus de Pyrrhi hered. § 51, μήτε τὸ δέκατον μέρος ἐπιδούσι ἐκδούναι τῇ γνησίᾳ θυγατρὶ τῶν πατρῶν. S.]
kομισαμένη] 'Receiving back.' Kennedy.
καὶ γάγνομαι αὐτοῦς ἐγώ τε καὶ ἄλλος ἀδελφὸς νεωτέρος ἐμοῦ, ὡς ἔτι παῖς ὃν ἐτελεύτησεν. ὅς δὲ ἀληθῆ λέγω περὶ τούτων ὑμῖν, πρῶτον τοὺς μάρτυρας παρέξομαι.

ΜΑΡΤΤΡΕΣ.

Τὴν μὲν τολμῆν μητέρα τὴν ἐμῆν οὖτως ὁ πατὴρ 8 μου γήμας εἶχε γυναῖκα ἐν τῇ οἰκίᾳ τῇ ἑαυτοῦ, ἐμὲ τε ἐπαιδεύει καὶ ἡγάστα, ὡσπερ καὶ ὑμεῖς ἢπαντες τοὺς ὑμετέρους παίδας ἀγαπᾶτε. τῇ δὲ τούτων μητρὶ Πλαγγόνι ἐπλησίασεν ὅτι ποτ' οὖν τρόπον' ὅμως ἐμὸν τοῦτο λέγειν ἑστὶ. καὶ οὕτως οὐ πάντα γε ἢν 9 ὑπὸ τῆς ἐπιθυμίας κεκρατημένος, ὡστ' οὖν δὲ τῆς μητρὸς τῆς ἐμῆς ἀποθανούσης ἠξίωσεν αὐτὴν εἰς τὴν οἰκίαν

§§ 8—10. Mantias treated his lawful wife with all affection, and me also her son; while Plango the mistress and her brats held quite a secondary place, and were not acknowledged at all; nay, even on the death of his wife, he would have nothing to say to them. It was only when Boeotus being grown up had conspired with some good-for-nothing friends of his to defraud me, and by their advice had brought a suit against my father to compel him, that he reluctantly acknowledged the children of the mistress; and the defendant gained his end by the perjury of the woman in collusion with Menecles.

ὤσπερ καὶ ὑμεῖς] An appeal to the feelings of the judges, and a compliment to their character. The argumentum ad misericordiam is similarly seen in §§ 4, 5.

ὁτιμα—τρόπον] This must mean that he does not know and does not care to inquire how the connexion arose [45 § 8].—ἐπλησίασεν, 'he had formed a connexion with' [Isaebus § 10], a common sense of πελάζων. Aesch. Suppl. 300, οὐκοίν πελάζει. Zeus ἐπὶ εἰκαρίῳ δῆν. Soph. Trach. 17, πρὶν τῇ δομη κοίτης ἐμπελασθήναι ποτε. Eur. Andr. 25, πλαθεῖον Ἀχιλλέως παιδί. Hence the Spartan word πλάτυς, 'a wife,' Ar. Ach. 182.

9. οὖτως οὐ—ὦστ' οὐδὲ κ.τ.λ.] Ado non primum cupidissim victus ut ne moreris quidem mater domo eam ad se receperit. We may construe either οὐ πάντα, in the sense of μετρίως (C.R. Kennedy, 'he was so far under restraint'), or οὐ κεκρατημένος πάντα, 'not wholly (or in all his impulses) overcome by his passion.' The general sense is, 'and though he was very fond of her, he refused to give either her or her sons any formal recognition.' [He was not so mastered by his passion, as to introduce her to live with him in his house.' Prof. Kennedy.]
παρ' ἐαντὸν εἰσδέξασθαι, οὔδε τούτους, ὡς νεῖς εἰσὶν αὐτοῦ, πεισθήναι: ἀλλὰ τὸν μὲν ἄλλον χρόνον οὖντι διήγουν οὔκ ὄντες τούμοι πατρός, ὡς καὶ ύμῶν οἱ πολλοὶ ἵσασιν, ἐπειδὴ δ' οὖντοι ἀνύξηθεις καὶ μεθ' αὐτοῦ παρασκευασάμενοι ἐργαστήριον συκοφαντών, ὡς ἤγεμον ἦν Μηνισκῆς καὶ Μενεκῆς ἐκένως ὁ τὴν Νίνον ἐλών, μεθ' ὅ ὁ δὲν οὖντος ἐδικαζέτο μου τῷ πατρὶ 10 φάσκων νῦόν εἶναι ἐκέληνο. συνόδων δὲ γεγομένων πολλῶν ὑπὲρ τούτων, καὶ τοῦ πατρὸς οὖν ἀν φάσκοντος πεισθήναι ὡς οὖντοι γεγόνασιν ἐξ αὐτοῦ, τελευτῶσα 101 ἡ Πλαγγών, ὃ ἀνδρεῖς δικασταὶ, (πάντα γὰρ εἰρήσεται τάληθε πρὸς ύμᾶς) μετὰ τοῦ Μενεκέλους ἑνδείκσασα τὸν πατέρα μου καὶ ἐξαπατήσασα ὅρκῳ δὲ μέγιστος δοκεὶ καὶ δεινότατος παρὰ πᾶσιν ἄνθρωποι εἶναι,

* Bekk. οὖντος Ζ cum ΣΦ.
* Bekk. μετὰ αὐτοῦ Ζ. (μεταντοῦ Σ.)

tὸν μὲν ἄλλον χρόνον] 'In the first instance.'
oὐκ δωτε[ The meaning is, that they were not sons at all till a later period, when they were legally made so by adoption.
ἐπειδὴ δ' κ.τ.λ.] There is no proper apodosis, which was intended to be at τελευτῶσα ἡ Πλαγγών, in § 10. It would be better perhaps to place not a full stop, but a mark of apodeisis, or break in the sense, after ἐκέλην. Shilleto cites this passage, not. crit. on De Fals. Leg. p. 388, where a long and irregular sentence begins with ἐπειδὴ δ'.
παρασκευασάμενοι] In Or. 39 § 2, where much the same words occur in a more regularly constructed sentence (cf. Introd. p. 180), he uses μεθ' ἐαυτοῦ κατασκευάσας, 'having got them to act with himself against his own father.'
10. οὖκ ἀν φάσκοντος] i.e. φάσκοντος δὴ οὖκ ἀν ποτὲ πεισθεῖ. Mantius does not say 'he never will be persuaded to acknowledge them,' but he does not believe they are his sons at all. This is a strong point in the case, if a true assertion. He only adopted them ultimately because he was compelled by the law.
τελευτῶσα] 'At last.' So in Soph. Ant. 260, καὶ ἐγίγνετο πληγῇ τελευτῶσα, Or. 54 § 26.
ἐνδείκσασα] The accusative rather depends on ἐξαπατήσασα than on this participle. It is remarkable that a quotation follows from Π. κ. Δ. 37 λτω—Στυγός ὤδαρ, ὅστε μέγιστος ὁ ὀρκος δεινότατος τε πέλει μακάρεσσι θεόνων.
γέραν ὅτι οὐ δέξητο. With the infinitive, μὴ would be the usual idiom.

οὕτω τούτων] As long as the three boys were enrolled in the phratries, their citizenship would be secured to them; while, if enrolled as the sons of Plango's brothers, they could no longer claim to be the sons of Mantias, and he would be rid of all further trouble from them. For πράγματα παρέχειν, i.e. ἐνοχλεῖν, a common expression, it is hardly necessary to cite inf. § 58, κακὰ μοι παρέχων ἴδανακαῖ μὲ λαχεῖν αὐτῷ δίκην. Mid. § 17, p. 520, κακὰ καὶ πράγματα ἀμοῦσθα μοι παρέχων διετέλεσεν. Ar. Vesp. 312, τί με δήτ', ὥ μελέα μίτερ, ἔτικτες, τῷ ἐμοὶ πράγματα βόσκειν παρέχη; (This is said to be from the Theseus of Euripides. The original probably was, ἦσα σοὶ πράγματα βόσκειν παρέχω, 'to give you trouble in maintaining me.')

§§ 11, 12. Plango violated her promise and declared on oath that the defendants were my father's sons; and so he was compelled, though seriously an-
toōtōn tī ἄν ύμιν μακρολογοῖν; ὡς γὰρ πρὸς τὸν διαιτητὴν ἀπήντησε, παραβάσα πάντα τὰ ωμόλογα-
μένα ἡ Πλαγγών δέχεται τε τὴν πρόκλησιν καὶ ὁμ-
νυσιν ἐν τῷ Δελφινῷ ἄλλον ὅρκον ἐναντίον τῷ προ-
τέρῳ, ὡς καὶ ύμῶν οἱ πολλοὶ ἵσασιν περιβόητος γὰρ ἡ πράξεως ἐγένετο. καὶ οὕτως ὁ πατήρ μου διὰ τὴν ἐαυτοῦ πρόκλησιν ἀναγκαζθείς ἐμμεῖναι τῇ διαιτῇ ἐπὶ μὲν τοῖς γεγενημένοις ἰγανάκτει καὶ βαρέως ἔφερε, καὶ
eis τὴν οικίαν οὖδ' ὡς εἰσδέξασθαι τούτους ἤξιονεν, εἰς
de τοὺς φράτερας ἰγανάκαθη εἰςαγαγεῖν. καὶ τούτον
12 μὲν ἐνέγραψε Βοιώτου, τὸν δ' ἔτερον Πάμφιλου. ἐμὲ
d' εὐθὺς ἐπεισε περὶ ὀκτωκαίδεκ' ἐτή γεγενημένῳ τῇ
Εὐφήμῳ γῆμαι θυγατέρα, βουλόμενος παῖδας εἰς ἐμοῦ
γενομένους ἐπιδεῖν. ἐγώ δ', ὡ ἀνδρεῖς δικασταὶ, νομίζων

noyed at the result, to enrol them
as such in the phratries. I then,
at my father's request, married
at the age of 18.

πρὸς τὸν δ.] The accusative is
used from the notion of going
to court to meet one by
agreement. So inf. § 17, οὐκ ἀπαιτήσατο πρὸς τὸν διαιτητήν,
and §§ 38, 39, where the same
formula occurs, as Mr Mayor
points out, p. 247.

Δελφινῷ] This court is not
often mentioned; it was said to
be attached to a temple of A-
pollo at Athens, and probably
was specially used in cases of
solemn attestation respecting
birth-right. [Harpsocr. s.v. 'Αθή-
νησιν λεόν 'Απόλλωνος, ἐνθα ἦν
καὶ τὸ ἐν Δελφινῷ δικαστήριον
ߡημ. ἐν τῷ πρὸς Βοιώτῳ. S.] To
this perhaps Or. 54 (κατὰ Κορ.)
§ 26 refers, πρὸς τὸν λίθον
ἀγωντες καὶ ἔξορκιζοντες—ἐξ ἐταλ-
ρας εἶναι παιδίων αὐτῷ τοῖς,
though ὁ λίθος is generally
understood of the altar in the
Acropolis. See Or. 28 (κατ'
'Αριστ.) § 74.

ἡ πράξι] Rather unusual
for τὸ πράγμα, but the way of
doing it, rather than the thing
done, is described.

διὰ τὴν ἐαυτοῦ πρόκλησιν] Not
from any will of his own, but
from his folly in trusting the
oath of such a woman as
Plango.

12. ἐπιδεῖν] 'To live to see.'
This, with ἐπιδεῖν § 15, is a good
example of a remarkable, but
not uncommon, sense of the
verb. Another is Aesch. Agam.
1538, ἵω γὰρ, γὰρ, εἰθεὶ μ' ἐδέξω,
πρὶν τὸν ἐπιδεῖν ἀργυροτούχων
δορτας κατέχοντα χαμείναν. Ἡ-
ροδ. ντ 52, ἐπιδεῖνα δὲ τὸν Ἀρσ-
τόδημον τὰ τέκνα, τούσῃ τελευτάν.
Mantias, on being compelled to
adopt the sons of Plango, in-
duced his legitimate son to
marry, in order to perpetuate
the descent through him as the
rightful heir. We may infer
from εὐθὺς and βουλόμενος ἐπιδεῖν
that Mantias was either advanced in life or consciously infirm, though below Mantitheus says he fell ill and died of polloi estesin useron.

καὶ πρότερον καὶ ἐπειδὴ κ.τ.λ.] 'As before, so especially now when the defendants were beginning to annoy him.'

ὅσα] Supply ποιῶν.

§§ 13, 14. Though my father would not receive them under his roof, I did so after his decease, not wishing to oppose the law, which had recognised them as my brothers. It was then that they met my claim to my mother's dower by a counter-claim on the property for the same amount in right of their mother Flango.

ἑναυτοῦδε] He did not care (so he pretends) to oppose his father's expressed dislike to admit the adopted sons to live with him.

οὐ...οὖν] 'Not as being really my brothers,' contrasted with ὅν τρόπον γεγόνασι ['the manner in which they have become so,' or 'in what manner they have been born.'] Prof. Kennedy).

λειηθασιω] He might have said οὐ λέηθεσθαι, but the Greeks, as is well known, prefer in these idioms the personal use of the verb, e.g. δικαίως εἰ ποιῶν, διίκας ποιήσαι, &c. The matter was περίβοτον, 'notorious,' §11, and so the jury are now supposed to know all about it. [Aristotle's allusion, quoted on p. 141, implies that the facts were noised abroad. 8.]

ἐξηπατήθη] He uses a word which has more of bitterness even than ἡγακήσθη.

14. ἐισεδεχόμεν] Here the aorist of a deponent has a passive sense as well as form. See a paper by R. Shilleto in the Journal of Philology, xiii p. 151. (A good example, omitted by him, is Eur. Hec. 448,
XL. ΠΡΟΣ ΒΟΙΩΤΟΝ

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ἀπολαβεῖν τὴν τῆς μητρὸς προῖκα ἀντενεκάλουν καὶ οὕτως, καὶ ἔφασαν ὁφείλεσθαι καὶ τῇ αὐτῶν μητρὶ τὴν ἴσην προῖκα. συμβουλευσάντων δὲ ἤμιν τῶν παρόντων τὰ μὲν ἀλλὰ πάντα ἐνεμάμεθα, τὴν δὲ οἰκίαν καὶ τους παίδας τους διάκονους τους 1 τοῦ πατρὸς ἐξαιρέτους 15 ἐποιήσαμεθα, ἵνα μὲν τῆς οἰκίας, ὀποτέρους ἀν ἤμιν φαίνηται ὁφειλομένη ἢ προῖς, οὕτως αὐτὴν κομίσωμεν, ἐκ δὲ τῶν παίδων κοινῶν ὑπώτων, εάν τι οὕτω τῶν πατρών ἐπίφημος, πυνθάνομεν, καὶ βασανίζοντες αὐτούς καὶ ἄλλω ὅτε ἀν πρόπτερ βούλωμαι ἡγοῦντος. ὃτι δὲ καὶ ταύτ' ἄλλην λέγω, ἐκ τοῦτον τῶν μαρτυριῶν ἐξεσθε.

1 Bekk. 1824. om. Z et Bekk. st. cum ΣχA3.

τῷ δουλόσων πρὸς οἴκον κτηθεὶδ' ὀβέλομαι;) ἐνεμάμεθα] From Or. 39 § 6, it would seem that the property was equally divided between the three brothers, the house and the slaves being reserved till the claims about the dower should be adjudicated. See inf. § 60.

τὴν εἰσα] It does not seem easy to reconcile this statement with § 20, where the dower is fixed at 100 minae (60 minae being a talent). Perhaps the recklessness of Boeotus’ statements is glanced at in the latter passage.

τῶν παρόντων] The friends who were called in to advise what should be done. Kennedy renders it, ‘under the advice of persons who were present.’

toûs παίδας] Either these words or toûs διάκονος read like an interpolated gloss. Mr Mayor however remarks (p. 247) “A reference to the index shows παίδα διάκονον p. 1155, οἰκετήν διάκονον p. 1359; and it seems probable from other passages that διάκονος was a term applied to a superior class of servants.”

ἐξαιρέτους] ‘Specially reserved.’ Cf. inf. §§ 56, 60.

15. ἡν. κ.τ.λ.] ‘In order that, to whichever side of us the dower should appear to be due, that party might recover it from (the value of) the house; and that if the defendants should put in a further claim to any of my father’s effects, they might make inquiry respecting it from the slaves, as common property, either by torturing them or by looking into the matter in any other way they may please.’ The exact sense of ἐπιφήμως is rather obscure. Kennedy translates, ‘should these men want to search for any of our father’s effects.’ It might be, that they supposed some property had been concealed, and that the slaves knew where it was; but it might also mean that (as in Or. 36 § 14) some small effects
were claimed in addition to the property distributed, and that the slaves would be asked respecting the ownership. And this is the sense in which the term seems to be explained in the Argument, ἐως ἐπιζητώσι τι τῶν ἐνδόν.

§§ 16—18. At first our respective claims were submitted to one Solon for arbitration; but, some delays having intervened, the case was tried afresh, and the suit, which was filed in the name of Boeotus, was given against him. Knowing he was in the wrong, he did not carry the case to a higher court; but he has brought an action for other and fresh claims, denying at the same time that the decision had gone against him, for his name (he said) was not Boeotus. I was thus compelled to file a new bill against him as Mantitheus.

δίκας διαχόν] This seems to refer to the suit mentioned in § 3, πλὴν εἰ τινὰ γιὰν ἐνεκά τῆς δίκης ταύτης ἀντειλήχασι μοι συκοφαντώντες.

παραγραφάμενοι ‘Having had his name registered.’ See on Or. 34 § 43. ‘Causing him to be inserted in the margin, or at the foot, of the record,’ Kennedy; who observes that the arbitrators appear to have been, public (κληρωτοί), not private (αρετοί); since there was no appeal from the decision of the latter, and the words οὕτω ἐφήκεν εἰς τὸ δικαστήριον in § 17 imply that there was in this case a power of appeal.


ἐφυγοδίκου] ‘Shirked the hearing altogether,’ Kennedy. A rare word, if not ἐπαξ εἰρημένον.


ἐπὶ τὸ ἔγγλησα] This clause reads like a gloss. ‘Having had the name Boeotus written upon it,’ is the simple sense.
ἐγκλήμα Βοιωτῶν τούτο γὰρ αὐτῷ ὁ πατὴρ ἔθετο
17 τούνομα. περὶ μὲν οὖν ὁ πατὴρ οὐκ ἡμικαζόντο, παρόντος τούτον καὶ ἀντιδικοῦντος καὶ οὐκ ἔχοντος ἑπιδείξαι
οὐδὲν ὁ ἑνεκάλουν, ἀπεδίητησε μοῦ ὁ διαιτήτης· καὶ
οὗτος συνειδώς αὐτῷ ἄδικος ἐγκαλοῦντι οὕτε ἐφήκεν
eis τὸ δικαστήριον, οὕτε νῦν περὶ ἐκεῖνων ἐξηλῆκε μοι
δίκην οὐδεμιᾶν, ἀλλὰ περὶ ἅλλων τινῶν, λύσειν τοῖς
ἔγκλήμασι τούτοις τὴν δίκην ταύτην οἰόμενος. ἢν δὲ
ἔγιν τούτων ἐδίκωκαν τότε περὶ τῆς προίκου, ἐπιδιμοῦν-
τος τούτων ἐνθάδε καὶ οὐκ ἀπαντήσαντος πρὸς τὸν

ὁ πατὴρ ἔθετο.] See Or. 39 § 4. Mantitheus resolved not to ac-
knowledge any other name than
Boeotus for his half-brother, al-
though it is more than probable
(as before remarked) that he
had succeeded in establishing
his right to be called Man-
titheus. This indeed appears in
§ 30.

17. παρόντος.] See § 31, παρὼν
αὑτός δὲ ἀπεδίητησε μοῦ ὁ
diaiētēs, and inf. § 55. When
he brought the action against
me, he appeared before the arbi-
trator, and accepted the cross-
suit which I at the same time
brought against him, though
his name was entered as Boeotus.
But when the suit went against
him, then he said he was not
Boeotus, but Mantitheus. For
ἀποδιαίτησι, like ἀπογραφή τῶν
tῆς δίκης, § 39, is to acquit, or
give sentence in favour of a
person. The full phrase, which
occurs in § 55, is ἀποδιαίτη
tῆς τυπὸς. The contrary is
καταδιαίτων τυπὸς. Cf. Mid. § 85
πείθειν αὑτόν ἢ κατεδιηγηθεῖν,
tαύτην ἀποδειγματικήν αὐθο-
ρομον.] See Or. 34 § 21.—
περὶ ἐκεῖνων, i.e. he has not now
made that claim, viz. specially
and exclusively to the dowry of
his mother Plango.

τὴν δίκην ταύτην.] He thought
that my claims to my mother’s
dower might be set aside by
his counter-claim to other pro-
property; or at least, that if both
claims were allowed, one might
cancel the other. See § 8.

τότε] “After the death of
Solon each party brought a suit
against the other. Boeotus ap-
peared in court as plaintiff, but
made no appearance as defend-
ant. This is shown by the
antithesis περὶ μὲν οὖν ὁ πατὴρ
μοι ἡμικαζόντο—ὅτι δὲ ἔγιν
tῶν ἐδίκωκαν. It is this second
suit, not that before Solon, to
which τότε refers.” Mr Mayor, p.
248.—ἐπιδιμοῦντος, though he
was in town and might have
appeared if he had liked. This
seems to show that in the case
of absence abroad, a judgment
could not go by default. But
there is some obscurity here:
the first arbitrator, Solon, died
before the decision was given;
before the second arbitrator
Boeotus did appear (ἀντιδικοῦ-
τος τούτων). ἐφήκεν, so in the
same passage of the Μίδιας,
τὴν ἑρμον δεδωκότα, sc. δια-
ταν.
διανητήτην, ἐρήμην κατεδήτησεν αὐτοῦ. οὖτοι δὲ, ὁ 18 ἀνδρεὶς δικασταὶ, οὔτε ἤντιδεικτεὶ τότε παρὼν οὐτ’ ἔφη με καταδιαπίνοντας τὴν δίκην αὐτοῦ· οὐ γὰρ εἶναι Βοωτῶν αὐτῶν ὄνομα, ἀλλὰ Μαντίθεου, καὶ οὕτως ὄνοματι ἄμφισβητῶν ἔργον τὴν προικά με τής μητρὸς ἀποστερεῖ. ἀπορών δ’ ἔγει τί ἂν τις χρῆσαι τῷ πράγματι, οὔτω πάλιν τὴν αὐτὴν ταύτην δίκην λαχῶν αὐτῷ Μαντίθεον ἐνδεκάτῳ ἔτεί νῦν εἰς ὕμᾶς καταπέ- 1014 φενυα. ὡς δὲ καὶ ταύτ’ ἀλήθη λέγω, ἀναγνώστεται ὕμων περὶ τούτων μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ.

"Οτι μὲν τοινυν, ὦ ἄνδρεις δικασταὶ, ἡ τε μήτηρ 19 μον τάλαντυν ἐπενεγκαμένη προικά, ἐκδοθείσα ὑπὸ τῶν ἄδελφῶν τῶν αὐτῆς, ἄσπερ οἱ νόμοι κελεύοντι,

18. οὐτοὶ δὲ κ.τ.λ. [Thus the defendant in this (the second) case not only did not appear, though he was in Athens, but he declared I had not got the verdict against him, for his name was not Boeotus, but Mantitheus. See inf. § 84, and Or. 39 § 37. We might have expected οὕτοι δὲ, κ.τ.λ. but the δὲ is really antithetical to περὶ μὲν οὖν ὑπὸ οὕτοι, &c. above. οὐνα περὶ συναισθησιῶν] 'By disputing (quibbling or cavilling) about a name.' For the antithesis with ἔργον, see sup. § 1.

ἄπορων κ.τ.λ. 'As I scarcely knew how such a case was to be dealt with.' Kennedy. Cf. Or. 34 § 48, ἐγώ δὲ οὖν ἐγώ τι χρῆσαι τοῖς τοιούτοις μάρτυριοι, and 53 § 13.

Μαντίθει (As Mantitheus, i.e. by an altered name. (Or perhaps, 'with Mantitheus himself,' in ironical allusion to Boeotus being somebody else. Cf. § 20 init. Mr Mayor does not think any irony is meant, but translates (p. 243), "I prosecuted him as being actually Mantitheus,—under the actual name Mantitheus.") If Mantitheus is not to be regarded as an interpolated gloss, we must conclude that the legal difficulty could only be got over in this way; for the defendant, after his father's death, ἐλθὼν ἐς τοὺς δημότας ἀντὶ Βοωτοῦ Μαντίθεου ἐνέγραψεν ἐαυτῷ, Or. 39 § 5. And the filing of an action against Mantitheus was a virtual acknowledgment that he could now legally claim that name. It is very likely that the trueborn Mantitheus really lost his cause by showing 'contempt of court' in still insisting that Boeotus was the right name. It would doubtless be a hard matter to alter a name once duly inserted in the γραμματείον ληφθαρχικάν.

19. ἄσπερ οἱ νόμοι] The brothers were κόροι, i.e. had legal disposal, as next of kin,
συνφάκησε τῇ πατρί, καὶ δὲν τρόπον ἐγώ τούτους εἰσε-
δεξάμην εἰς τὴν οἰκίαν τοῦ πατρὸς τελευτήσαντος,
καὶ ὅτι ἀπέφυγον αὐτοὺς τὰς δίκας ἃς μοι ἐνεκάλουν,
ταῦτα μὲν πάντα καὶ μεμαρτύρηται ὑμῖν καὶ ἑπιδε-
δεικται. Ἴθι δὲ λαβὲ καὶ τὸν περὶ τῆς προικὸς νόμον
τουτοῦ.

ΝΟΜΟΣ.

Οὔτω τοίνυν τοῦ νόμου ἔχοντος οἶμαι τουτοῦ
Βοιωτῶν ἢ Μαντίθου, ἢ δὲ τι ποτ' ἄλλο χαίρει προσα-
γρευόμενος, δικαίως μὲν ἀπολογίαν καὶ ἀληθινὴν
οὐδεμίαν ἔξειν εἰσπέπειν, ἐπιχειρήσειν δὲ τῇ τόλμῃ καὶ
tῇ θρασύτητι τῇ ἑαυτοῦ πιστεύοντα περιστάναι τὰς
ἑαυτοῦ συμφορὰς εἰς ἐμὲ, ἄπερ καὶ ἰδία ποιεῖν εἰσοθε,
λέγων ὡς δημηνθέλης τῆς τοῦ Παμφίλου οὐσίας, ὅσ
νῦν πατήρ τῆς Πλαγγόνος, τὰ περιγενέμενα χρῆματα
ὁ πατὴρ ὃ ἐμὸς ἔλαβεν ἐκ τοῦ Βουλευτηρίου, καὶ οὔτως

of the person and property of
their sister. [Lysias 16 § 10,
δυο ἄδελφας ἐξέδωκα ἐπὶ δῶι τράκ-
κοντα μᾶς ἐκατέρχα. S.]
ἀπέφυγον] ‘Obtained judg-
ment in the actions which they
brought against me.’ Kennedy.
The double accusative is used as
in μετελθείν τινα δίκην. See inf.
§ 42, ὃς ἐγὼ δίκαι τούτον ἀπέ-
φυγον.

§§ 20, 21. Having no just
plea, he will pretend that his
mother Plango was entitled to
the residue of her father's con-
fiscated estate, and that my
father actually received it, while
my mother had no dower at all.
But this is mere assertion; for
he knows it would not suit his
interest to admit that he is act-
ing dishonestly.

τι ποτ' ἄλλο] sc. ἰδία. See on § 1. There is a kind of
pettishness in this reluctant
admission that there really was
some legal ground for disclaim-
ing the name of Boeotus.

ἀληθινὴ] ‘Genuine,’ op-
posed to πλαστὴν, ‘fictitious.’
while ἀληθί is opposed to
ψευδή.

περιστάναι] See Or. 37 § 39.
The intransitive is more com-
mon, as τὸ πράγμα περιστήθη εἰς
ὑπέρδειν, &c. See Thuc. 1 78,
ἐτόχας φίλει περίστασθαι. Or.
37 § 10, ὅρων τὸ πράγμα μοι
περιεστήκος οἰς ἄτομον. The
meaning seems to be, that he
will try to make it appear that
my mother's father had been
proscribed (by the Thirty, pro-
bably); which in fact was the
case with his mother's father.
‘He will try to shift the mis-
fortunes of his own family on
my shoulders.’ Kennedy.

ἐκ τοῦ Βουλευτηρίου] Whether
generally or specially, after the
διεφεξεις, ο̊ 21 ἄνδρες δικασταὶ, οὐ̂ τε μαρτυρίαν οὐ̂ δημιουργήσαν ἐμβεβλη-μένοις ὑπὲρ τοῦ̂ τοῦ̂ αὐ̂ τοῦ̂ ἄγνου ὅ ὡς οὐ̂ δεῦ̂ ν υ̂ γί̂ ε̄ς λέγει, ἀλλὰ ἀκριβῶς εἰδὼς ὁτι ὁμολογῶν μὲν ἀδικεῖν ἐν ὑμῖν
1015 οὐ̂ δεῖς ποι ἀπέφυγεν, ψευδόμενος δὲ καὶ παραγωγᾶς λέγων ἥ̂ δε τις δίκην οὐ̂ κ ἔδωκεν. ἐν ο̂ ὑ̂ μὲν ἐξαπατηθεὶ̂ θη̂ τε ὑπ’ αὐ̂ τοῦ̂, βέλτιον εἶ̂ ναι μοι δοκεῖ βραχέα καὶ
περὶ τοῦ̂ τοῦ̂ πρὸς ὑμᾶς εἰπεῖ̂ν. ἐνα γὰρ λέγῃ ὡς ἡ̂ μὲν 22 ἐμὴ μήτηρ οὐ̂ κ ἐπηνέγκατο προῖκα, ἡ̂ δὲ τοῦτον ἐπη-

* Beka. ἀπέφυγε Σ.

dissolution of the Thirty, the Council had financial duties of this kind, may perhaps be questioned. But it was a rule of Athenian policy that the βουλή should have especial jurisdiction in all matters of finance. See Boeckh, P. Econ. p. 158—4, trans. Lewis 2. —τὰ περί-


21. ἐμβεβλημένον] ‘Without having filed (or, entered) any affidavit.’ In the medial sense, like μαρτυρίαν ἐνεβδομοῦ, § 59, lit. ‘having caused to be thrown in,’ i.e. εἰς τὸν ἔχον. See § 28.—παραγωγάς, arguments to lead away from the real point; ‘shuffling excuses.’ Kennedy.
nėgkato, ἐνθυμεῖσθ' ὧτι περιφανῶς ψεύδεται. πρῶτον μὲν γὰρ ὁ Πάμφιλος ὁ πατήρ τῆς τούτου μητρὸς πέντε τάλαντα τῷ δημοσίῳ ὀφείλων ἐτελεύτησε, καὶ τοσοῦτον ἐδέσει περιγενέσθαι τῷ τοῖς ἐκείνων παισι τῆς οὐσίας ἀπογραφεῖσι καὶ δημοφθέισις ὤστ' οὐδὲ τὸ ὄφλημα πάν ύπερ αὐτοῦ ἐκτέτοιοται, ἀλλ' ἐτὶ καὶ νῦν ὁ Πάμφιλος ὀφείλων τῷ δημοσίῳ ἐγγέγραπται. πῶς οὖν οὖν τε τὸν ἐμὸν πατέρα χρῆματα λαβεῖν ἐκ τῆς Παμφίλου οὐσίας, ἢ οὐδ' αὐτῷ τὸ ὄφλημα ἰκανὴ 23 ἐγένετο τῇ πόλει ἐκτίσαι; ἐπειτ', ὁ ἀνδρεὺς δικασταὶ, ἐνθυμεῖσθ' ὧτι εἰ τὰ μάλλιστα περιεγένετο τὰ χρήματα ταῦτα, ὡσπερ οὐτοὶ μας φασίν, οὐκ ἂν ὁ ἐμὸς πατήρ αὐτὰ ἔλαβεν, ἀλλ' οἱ τοῦ Παμφίλου νεῖς Βοιωτὸς καὶ Ἡδύλους καὶ Εὐθύνημος, οἱ οὐκ ἂν δῆποι ἐπὶ μὲν τῷ τάλλοτρια λαμβάνειν ὑπιανοῦν ἐπολοῦν, ὡς καὶ ὑμεῖς

1 Bekk. ἐκτεῖτοια ε coniectura Z. (ἐκτείτοια Σ.)

m Bekk. αὐτοὶ Σ cum Z.

And they were not the men to let my father get possession of what belonged to them.

τοσοῦτον ἐδέσε] Impersonally used: 'so far was it from there being any surplus for his children when the property had been scheduled and publicly sold, that not even the whole of the debt has been discharged on his account.' In Or. 37 § 49, it is personal, τοσοῦτον δέν ἐλέου των δέος εἶναι ὅτε, κ.τ.λ.—ἀπογραφεῖς, after an inventory of it had been made, and a formal return of the goods or property. See Or. 84 § 7. A similar word is ἀπόφασις and ἀποφαίνειν. Or. 42 §§ 1, 9.


23. εἰ τὰ μάλλιστα κ.τ.λ.] 'If it were ever so true that this surplus existed.'

ὑπιανοῦν] The common reading before Reiske's edition was ὑπιοῦν, which comes to the same thing. The latter, G. H. Schaffner remarks, is for δι' ὃν ἔστιν, the former for διὰ ὃν ὣν ἐστίν. 'They surely were not men who, to get hold of the property of others, would (as you all of you know) have recourse to any artifice, and yet would have tamely allowed my father to have received what belonged to them.' Kennedy translates: 'persons who would go all lengths to get the property of others, as you all know, and of course would never have allowed my father to receive what belonged to them.' The ἄν belongs to both clauses, but the imperfect represents the habitual way of action, the
άπαντες ἵστε, τα δ' αὐτῶν τὸν ἐμὸν πατέρα περιείδου κομμασάμενον. ὅτι μὲν τοῖς ἣ γε τοῦτων μήτηρ οὐκ 24 ἐπηνέγκατο προῖκα, ἀλλ' οὗτοι τοῦτο ψεύδονται, ἵκανος ὑμᾶς μεμαθηκέναι νομίζω· ὅτι δ' ἡ ἐμὴ μήτηρ ἐπηνέγκατο, ῥαδίως ἐγώ δεῖξω. πρῶτον μὲν γὰρ Πολυαράτων θυγάτηρ ἦν, δὲ καὶ ύφ' ὑμῶν ἐτιμᾶτο καὶ πολλὴν οὕσιν ἑκέκπητο· ἔπειτα μεμαρτύρηται ὑμῖν ὡς καὶ ἡ ἀδελφή αὐτῆς τοσαύτην προῖκα ἐπε-1016 νεγκαμένη Ἐρυξιμάχῳ συνήθησε, τῷ Χαβρίου κη- δεστῇ. πρὸς δὲ τούτους φαίνεται μου ἡ μήτηρ τὸ 25 πρῶτον ἐκδοθεῖσα Κλεομέδουτι, οὗ φασὶ τὸν πατέρα Κλέωνα τῶν ὑμετέρων προγόνων στρατηγοῦντα, Δακε- δαιμονίων πολλοὺς ἐν Πύλῳ καίνας λαβόντα, μάλιστα πάντων ἐν τῇ πόλει εὐδοκιμῆσαι· ὅστ' οὔτε τὸν ἐκείνου προσήκεν ὑιόν ἀπροῖκον αὐτῆν γῆμαι, οὔτε Μενέ-

aorist the single event. A similar syntax occurs inf. § 26.

§§ 24, 5. That his mother did not bring a dover, but mine did, is easily shown. My mother belonged to a rich family, and married for her first husband the son of the great Cleon. After his death, it was not likely that her wealthy brothers should have withheld her dover; rather, they would have added to it.

Χαβρίου] The celebrated Athenian general, who married the sister of Eryximachus.

25. φασὶ...Κλέωνα] The capture of Pylos by Cleon took place more than seventy-five years before this (n.c. 425). Cf. Thuc. iv 28, 29 and Ar. Eq. 55, 702, 740. The preference, even at this late period, for oral instruction rather than for reading written histories, will account for the expression 'they say that Cleon captured the pri-

soners at Pylos.' Compare λη-1027 γεται Ἀλκιβιάδης γενέσθαι, &c. in Mid. § 143. It is not meant, as G. H. Schaefer observes, that a mere vague or uncertain story is referred to. This casual mention of Cleon, and of his reputation for the event, μάλιστα πάντων εὐδοκιμῆσαι, is interesting. Aristophanes, in pure spite, says that Ολυμψε τῆς τύχης χάριν, 'he became distinguished by favour of fortune,' Vesp. 62. On the importance attached to στρατηγεῖν, see Or. 34 § 50. By τῶν προγόνων it is merely meant that the ancestors of some of the present jury might have served under Cleon.

τῶν ἐκείνου υἱῶν] Not merely 'his son' (Kennedy), but 'the son of that distinguished man, now deceased' (§ 28).—οὗ προση-1028 κερ, 'it was not consistent with the wealth and position of the family.'
ξενον καὶ Βάθυλλον εἰκὸς ἔστιν, αὐτοὺς τε οὕσιν πολλὴν κεκτημένους καὶ Κλεομέδοντος τελευτήσαντος κομμασμένους τὴν προῖκα, ἀποστερῆσαι τὴν ἄδελφην τὴν έαυτῶν, ἀλλὰ προσθέντας αὐτοὺς ἐκδοῦναι τῷ ἡμετέρῳ πατρὶ, καθάπερ καὶ αὐτοὶ πρὸς ὑμᾶς καὶ οἱ 26 ἀλλοι μεμαρτυρήσασιν. χωρὶς δὲ τούτων ἐνθυμήθητε διὰ τῇ ἀν ποτε ὁ πατήρ, εἴπερ ἡ μὲν ἡ ἡμὴ μή ἢν ἐγγυνητῇ μηδ’ ἤνεγκατο προῖκα, ἢ δὲ τούτων ἤνεγκατο, τούτων μὲν οὐκ ἔφη αὐτοῦ ὑπείρει εἶναι, ἐμὲ δὲ καὶ ἐποιεῖτο καὶ ἐπαίδευεν; ὃτι νὴ Δλ’, ὡς οὕτως φησινεύσω, ἔμοι χαριζόμενοι καὶ τῇ ἡμή μητρί τούτος 27 ἡτίμαζεν. ἀλλ’ ἐκείνη μὲν ἐτί παῖδα μικρὸν ἐμὲ καταλυτοῦσα αὐτῇ τὸν βλὶον ἐτελευτήσεν, ἢ δὲ τούτων μῆτηρ Πλαγγών καὶ πρότερον καὶ μετὰ ταῦτα εὔπρε-
πῆς τὴν ὄψιν οὖσ' ἐπλησίαζεν' αὐτῷ ὡστε πολὺ μᾶλλον εἰκὸς ἦν αὐτῶν διὰ τὴν ἡζσαν γυναίκα, ἢς ἔρων ἐτύγχανε, τῶν τῆς τεθνεώσης νῦν ἀτμαζέων, ἡ δὲ ἔμε καὶ τὴν τετελευτηκυνίαν τοὺς ἐκ τῆς ἠζσης καὶ πλησιαζούσης αὐτῷ παῖδας μὴ ποιεῖσθαι. καὶ τοῖς οὕτως γ' εἰς τοῦτο τόλμησε ἥκει ὡστε φησὶ τὸν πατέρα μου 28 ἔπεικαν ὑπὲρ αὐτοῦ ἐστιάσαι. καὶ περὶ τούτον μόνον Τιμοκράτους καὶ Προμάχον ἐμβέβληται μαρτυρίας, οὐ οὕτω γένει προσήκουσι μου τῷ πατρὶ οὖδὲν οὕτω φιλοί ἡςαν ἐκεῖνο. οὕτω δὲ φανερῶς τὰ ψευδή μεμαρτυρη-

κατ' Ἐπεικίαν Ζ cum Σχ. 1.

considerable time it had lasted; and it is a necessary part of the argument ἐκ τῶν εἰκότων. The elegance of the Greek and the cleverness of the reasoning here are alike admirable.— ἐπλησίαζεν, see § 8.

ἡ ἐρῶν ἐτύγχανε] ‘Whom he was in love with at the time,’—but the imperfect gives the additional sense, ‘during all the time.’ Properly, τυγχάνω τοιῶν is not ‘I happen to be doing,’ but ‘in doing it I fall in with some particular time,’ or coincidence of time. Thus τυγ-

χάνει ἐξών means ‘he had just gone out,’ not ‘he happened to have gone out,’ and in Soph. El. 318 νῦν δ' ἀγροῖν τυγχάνει is, ‘at this present moment he is in the country.’ This idiomatic use was pointed out by Donaldson (New Crat. § 445), and it is an important remark, though apparently but little at-

tended to.—πλησιαζούσης, i.e. ἐπὶ συνουκουόντας.

§ 28. Boeotus has the audacity to assert, though he has no credible witnesses to prove it, that his father celebrated the tenth day after his birth, and so acknowledged him as his son. But all of the judges are aware that he did this only from constraint, and because he was threatened with an action, δεκάπεν ἐστιάζαι] In Or. 39 § 22, it is δεκάπεν ποιήσαι. [Cf. Isaæus πι 70, ἐν τῇ δεκάτῃ τῇ ταύτῃ κηθέντες συνεστιάζει. S.]

Τιμοκράτους] It has been proposed to identify this Timocrates with the person against whom Demeas delivered Or. 24. Arn. Schaefer, Dem. u. s. Zeit, vii 2, 218. S.]


ἐκεῖνο] Here also (see § 25) there is a slightly more demonstrative sense than αὐτῷ would bear. It is illis rather than ei.

A person absent, e.g. from death, becomes ἐκεῖνος as pointed to in the distance, as it were, as sup. § 25, inf. § 45, and Or. 39 § 33, εἰς ὅπου δ' ἁραίους ἐκεῖνοι (sc. τῷ τετελευτηκότι) μηδεκοῖς. So Or. 36 § 28, Ἑκράτης ὁ τραπεζί-

τὴς ἐκεῖνος, and 35 § 6, ὁ Διοφάν-

του ὦς, ἐκεῖνον τοῦ Σφήττιον. Perhaps we should so render τῶν ἐκεῖνον, ibid. § 4, ‘the pro-

perty of his deceased brother.’
κασιν ὅστε ἐν πάντων ὑμῶν εἰδότων ὑπόσ εἰκην λαχαν ἄκοντα ἡμάγκασε ποιήσασθαι αὐτῶν, τούτων ὑπότω, ὅσπερ κλητήρες, δύο μόνοι ὑπερε μαρτυροῦσι 29 δεκατήν ὑπὲρ τούτων ἑστιασαί. οἷς τίς ἂν ὑμῶν πι-
στεύσειν; καὶ μὴν οὖν ἐκεῖνο γε εἰπεῖν αὐτῷ ἐνδέ-
χεται, ὡς μικρὸν μὲν ἑντα ἐποιεῖτο αὐτῶν ὁ πατήρ,
μελξω δὲ γενόμενον τῇ μητρὶ ὀργισθεὶς τῇ τῇ τούτων
ητίμαζε· πολὺ γὰρ δὴπου μᾶλλον εἰώθασιν, ὡς ἂν ἐν

Plat. Phaed. p. 89 a, πολλάκις βαμμάκα ὤν ὅτι πῶς τὸ 
μᾶλλον ἤγαθαι ἢ τότε παραγε-
νόμενοι, τὸ μὲν οὖν ἐκεῖνο διὰ 
λέγον ἐκεῖνος, λέγω ὁδὲν ἄτονον. 
It is said that the North-western 
American Indians always speak 
of 'that dead man,' and think 
it unlucky to mention his name. 
So ἐκεῖ is often a euphemism for 
ἐν Ἀδών. Young students are 
very apt to overlook this well-
marked distinction. It may be 
stated as a rule, that neither 
ἐκεῖνο nor ἀντίν regularly 
means 'him.' In fact, the Greek 
language has no way of express-
ing the simple object 'he,' 'she,' 
'it' (i.e., ea, id). In the N.T. 
the usage of ἐκεῖνο seems affect-
ed by the Latin idiom. When 
(as in § 29) ἐκεῖνο means, like 
illos, 'the following fact,' it 
really points to something not 
actually present, 'that other 
thing.' And hence olim, the 
locative of ole, olle, ille, means 
'at that other time,' i.e. either 
past or future.

διήν λαχαν [See Or. 39 § 2. 
ἀσπερ κλητήρες] 'Like wit-
winesses to a summons, a pair of 
them only debase, &c.' Kennedy.

'Actori reum citanti duo so-
lummodo κλητήρες (subscripto-
res) aderant. Hos igitur duos 
testes ait potius subscriptores 
quasi esse adversus Manti-
am, quam ei testes adiuuisse.' 
Reiske. He contrasts the doubt-
ful evidence of two persons 
only, Timocrates and Froma-
chus, who not being friends or 
relations had no right to be 
present at the birth-feast, and 
who could have known little 
or nothing about the matter, 
with the notoriety of the trans-
action in the forced adoption 
of Boeotus. Cf. § 59.

29. ὁς τὶς ἂν κ.τ.λ.] 'Is 
there any one who, &c.' For 
this formula, quibus nemo facile 
crediderit, see the note on 
Aesch. Suppl. 636. (P.)

πολὺ γὰρ μᾶλλον κ.τ.λ.] Boe-
otus pretends that he is obliged 
to account for that name having 
having been given him; and he says it 
was given διὰτί καὶ ἑπερέα τινι, 
Or. 39 § 32, and resulted from 
some quarrel of his father with 
Plango, whereas it was really 
the name of his uncle, Or. 39 
§ 32. The argument is the same, 
and very nearly also the words, 
as in Or. 39 § 23 [where, how-
ever, the inelegant reiteration 
of διὰ in the present passage, 
δενεχθῶι ... διαλλάττεσθαι ... διὰ 
τοῖς ... διὰ τὰς, is partly avoided 
by the use of καταλλάττεσθαι; 
and the hiatus in γυνὴ καὶ ἄνηρ 
obviated by the transposition 
ἄνηρ καὶ γυνὴ. A. Schaefer, per-
αὐτοὶς διενεχθοσί γυνη καὶ ἀνήρ, διαλλάττωσθαι διὰ τοὺς παῖδας ἢ διὰ τάς πρὸς ἑαυτοὺς ὀργὰς τοὺς κοι-νοὺς παῖδας πρὸς μισεῖν. ὥστ’ εἶν μὲν ἐπιχειρή ταῦτα λέγειν, μὴ ἐπιτρέπετε αὐτῷ ἀνασχυντεῖν ἢν ἐδέ λέγη 30 περὶ τῶν δικῶν ἃς ἀπεδήμησέ μου ὁ διαιτήτης, καὶ φάσκει ὑπ’ ἐμοῦ ἀπαράσκευος ληφθῆναι, πρῶτον μὲν μέμνησθε ὅτι ὁὐκ ὀλίγος χρόνος ἐγένετο ἐν ὧ ἔδει παρασκευᾶσασθαι αὐτόν, ἀλλ’ ἔτη πολλά, ἔπειθ’ ὅτι ὁ ὦτος ἢν ὑπ’ ὁ διαίκων τὴν δίκην, ὡστε πολὺ μᾶλλον ἢν εἰκὸς ἐμὲ ὑπὸ τοῦτο ἀπαράσκευον ληφθῆναι τῇ τοῦτον ὑπ’ ἐμοῦ. ἔτε δὲ πάντες ὑμῖν οἱ πρὸς τῷ διαιτήτῃ 31 παρώντες μεμαρτυρήσασίν ὡς ὦτος παρὼν αὐτὸς, ὅτε ἀπεδήμησέ μου ὁ διαιτήτης, ὦτε ἐφ’ ἐκεῖνοι εἰς τὸ δικα-στήριον ἐνέμεινε τῇ διαίτῃ. καίτοι ἀτοποι δοκεῖ μοι εἶναι, εἰ οἶ μὲν ἄλλοι, ὅταν ὀναστεῖ ἀδικεῖσθαι, καὶ τὰς πάντα μικρὰς δίκας εἰς υμᾶς ἐφιάσον, ὦτος δὲ μοι περὶ προῖκος δίκην ταλάντου λαχών, ταύτη, ὡς

* Bekk.  om. Z cum ΣχA³.

haps hypercritically, regards the sentence before us as inferior in rhythm and elegance to the parallel in the former speech. Dem. u. s. Zeit. π 2, 226. S.)

§§ 80, 81. He will try to account for the suit (his claim to the dowry) being given against him by the arbitrator, by saying that he was not fully prepared with his case. But he had time enough; and he was the plain-tiff, not the defendant, who might rather plead ‘unprepared-ness.’ Besides, why did he not appeal, if he thought the verdict was wrong?

ἐν δὲ λέγῃ] ‘Should he go on to talk about the actions,’ &c. See §§ 16, 17.

όυκ ὀλίγος χρόνος] Between the first arbitration, which ended abruptly by the death of the arbitrator Solon, and the second, there had intervened ample time, χρόνος συχνός. § 16. 81. παρὼν ἀτοῖς] § 17, πα-ρῶντος τοῦτον καὶ ἀντιδικοῦντος.

ἀδικεῖσθαι] viz. by a wrong decision of a public arbitrator. —ἔφιάσω, bring the matter by appeal before the Heliaea.

ταύτη] § 80. τῇ διαίτῃ. ‘If he nevertheless abided by, or ac- quiesced in it, though, according to his own account, it was unjustly given against him.’

§§ 82, 83. He will tell you, forsooth, that he was not fond of going to law. But it is not so; he showed towards me a temper very different from your forgiving dispositions; he ac- tually took advantage of some
blows that passed between us in a quarrel, and made a cut on his own head in order to make out a case against me before the Areopagus, of wounding with intent to kill! But for the confession of the doctor who was asked, but refused, to lance him, I might have been transported for life.

νη Δί’, ἀπράγμων… καὶ οὐ φιλόδικος] ‘Oh! to be sure, he is not a man of business and far from litigious!’ Prof. Kennedy. Cf. Or. 42 § 12, μετρίοι καὶ ἀπράγμων οὗτον ἡ εὐθεία ἐπὶ κεφαλὴν εἰς τὸ δικαστήριον βασίλεων, 36 § 53, 54 § 24. S.]

νυνὶ δὲ] ‘But as the case is.’

φιγαζοῦσα] Perhaps this fact is not elsewhere recorded. “The sons, even of such among the Thirty as did not return, were allowed to remain at Athens, and enjoy their rights of citizens unmolested; a moderation rare in Grecian political warfare,” Grote, H. G. chap. 66, vi p. 4 (where the present passage only is referred to). It would seem that, after the defeat of the Thirty by Thrasybulus near the Piraeus, B.C. 408, and the peace made by Pausanias, a compromise was made between the oligarchical and democratic parties, since the greater part of the wealthy citizens (the 3000, as they are called) were more or less concerned with and implicated in the tyranny of the Thirty. Cf. § 46, πρὸς τοῦ ἐπὶ τῆς διλιγερίας πολλῶν τῶν πολιτῶν ἀκρίτων ἀποκεκυκλώντας διαλαγῆς. Andocides, de mysteriis, § 90.

συναφάμενος] ‘Having concerted a quarrel that should end in blows.’ (He ‘contrived from words to come to blows,’ C. R. Kennedy. ‘Managed to get up a fight.’ Middle of ‘indirect agency.’ Prof. Kennedy.) Or perhaps = πλασάμενος, ‘having invented a story about blows having been given in consequence of a quarrel.’ Wolf inclines to the latter, G. H. Schaefer to the former interpretation; and it is not very easy to decide between them. (Cf. Or. 54 § 19, κατὰ μικρὸν ὑπάγεσθαι ἐκ μὲν λοιπὸς ἐλς πληγᾶς, ἐκ δὲ πληγῶν ἐλς τραύματα.) The plan evidently was, to get up a case against Mantitheus by provok-
ing a quarrel, and to procure his banishment, so as to leave the ground clear for the defendant, if not to get possession of a part of his property.

ἐπιτεμών] As ἐντέμων, in-cidere, is ‘to make a cut in,’ so ἐπιτεμών is ‘to make a cut on.’ The difference, though slight, is real, the latter referring only to a superficial cut. In the present case, the man made an incision on the scalp, pretending to have been wounded by his adversary.

τραύματος] ‘Cutting and maiming.’ ‘Wounding with intent to kill.’ For the genitive cf. Ar. Vesp. 1406, προσκαλούμαι δ’, δότις εἰ, πρὸς τὸν ἄγοραν όμοι βλάβης τῶν φορτίων, where there is probably an ellipse of δίκην, though all words of this kind, like ἐγκαλεῖν, ἀμφισβητεῖν, &c., have a tendency to take the genitive.

38. οὑτον] viz. Boeotus and Menedes, the latter of whom is said to have been at the bottom of the whole plot.

μηδὲν ἀδικοῦντος] Cum essem Innocens, ‘without my having wronged him.’ Here μη is used, not ό, by a lax usage, or perhaps the clause is affected by the hypothetical notion, ‘he would have got me punished even when I had done no wrong.’ Bekker and the Zürich editors read μηδὲν with the mass instead of the vulg. ὀδὼν, which G. H. Schaefer prefers. And in itself ὀδὼν is correct, as asserting the present consciousness of innocence as a fact.

διαβδάλλειν] ‘To be misrepresented him,’ ‘to be saying what is untrue of him.’ A favourite verb with the Greeks, for which the Romans had no precise equivalent, calumniati being hardly used in this sense. So διαβολαι is often used of false impressions or ill-feelings resulting from slander, e.g. Plat. Apol. p. 18. In Phaed. p. 67 ε διαβδάλλειν has its original sense of putting two persons or things at variance with each other.

§§ 34, 35. The bringing of so serious a charge against me shows his malignant intentions.
νά μοι οὐχ ὡς εὐθῆς ὅν, ἀλλ' ὡς ἐπίζουλος καὶ
κακοῦργος κατεσκεύασεν. μετὰ δὲ ταύτα ἀντὶ τοῦ
ὀνόματος οὗ ἔθετο αὐτῷ ὁ πατήρ Βοιωτῶν, ἄσπερ καὶ
πρὸς ύμᾶς μεμαρτύρηται, ἐπειδὴ ἐκείνος ἐτελεύτησε,
Μαντίθεον ἐαυτὸν ἐγγράψας εἰς τοὺς δημότας, καὶ τοῦ
αὐτοῦ ἐμοὶ καὶ πατρὸς καὶ δήμου προσαγορεύμενος,
οὐ μόνον τὴν δίκην ταύτην, περὶ ἦς νυνὶ δικάζομαι,
ἀνάδικον ἐποίησεν, ἀλλὰ καὶ χειροτονησάντων ύμῶν
ἐμὲ ταξιαρχὸν ἦκεν αὐτὸς ἐπὶ τὸ δικαστήριον δοκι-

On another occasion, when I
had been elected to a public
office, he claimed it as being
the Manthithes who had ob-
tained the show of hands. This
and other vexatious proceedings
compelled me to bring my former
action against him, and to in-
sist that he should retain his
right name, which is Boeotus.

οὐχ ὡς εὐθῆς] 'Not as a
simpleton,' who might fool-
ishly suppose that a blow re-
ceived in a quarrel would be
visited by a serious penalty.
Mr Mayor thinks the word
refers to ἀπαράγων in § 32.
Kennedy is scarcely correct in
translating 'not as a good-
natured person.' 'This great
and formidable contest he got
up against me, not as a man of
simple character, but as a plot-
ter and a villain,' Prof. Kennedy.
—κατεσκεύασεν, this is said in
reference to ἄπαρασκευοῦν in §
30.

μετὰ ταύτα] The action just
described would seem to have
been brought when he was but
a boy. See Or. 39 § 5, συμβάςης
tῷ πατρὶ τελευτῶν τῶν τὰς εἰς
tοὺς δημότας ἐγραφᾶς γενέσθαι.
It appears therefore clear that
enrolment even in the phratriae
conferred the rights of a citizen,
so far as to justify the bringing
of a suit.

τοῦ αὐτοῦ πατρὸς καὶ δήμου] See Or. 39 §§ 4 and 9.

ἀνάδικον] 'To be tried over
again.' He alludes to the trans-
action before the two arbitra-
tors, §§ 16, 17. By saying that
his name was Manthithes in the
city-books, he made null and
void a verdict given against
Boeotus. The adjective is of
rare occurrence. Inf. §§ 40 and
42. Or. 24 (κατὰ Τιμοκρ.) § 191,
καὶ τὴν μεθ' ὄρκον καὶ λόγον καὶ
κρίσεως ψήφον ἐπιρεγμένην ἀνά-
δικον καθιστήσον. Hesych. ἀνά-
δικον οὖν ἐκέντρον δικαὶ ἐν
ἀκεραίον (i.e. de integro, or re
integra) ἐγκαθιστάμεναι, ἦτο διὰ
πολιτικῆς αἰτίας, ἢ τῶν μαρτύρων
ἀλώνων ἀνθρωπίας κατηγώρων. Ken-
nedy (Append. i p. 394) ren-
ders it 'a reversal of a judg-
ment.'

ταξιαρχὸν] In Or. 39 § 10 this
office is not included in the
hypothetical cases given of
honours conferred by the state
and claimed by another under
a false name; but it is men-
tioned ib. § 17. As this par-
ticular case had really occurred,
it is omitted in the former
enumeration. A preliminary
examination, probably of a per-
1019 μασθησόμενος, δίκην δὲ ἐξουλησ ὀφληκῶς ταύτην οὐκ αὐτὸς ὀφληκέναι φησίν, ἀλλ’ ἐμέ. ὡς δ’ ἐν κεφαλαίῳ ἐπειώ, κακὰ μοι παρέχων ἠνάγκασε με λαχεῖν αὐτῷ δίκην περὶ τοῦ ὄνόματος, οὐχ ἦνα χρήματα παρ’ αὐτοῦ λάβω, ὅ ἄνδρες ἄκασταλ, ἀλλ’ ἐν’, ἐὰν ὑμῖν δοκῶ δεινὰ τάσχειν καὶ βλάπτεσθαι μεγάλα, οὕτωσι καλῆται Βοιωτὸς, ὥσπερ ὁ πατήρ αὐτῶ ἐθετο. ὅτι τοίνυπ ἀληθῆ καὶ ταύτα λέγω, λαβέ μοι καὶ τὰς περὶ τούτων μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ.

Πρὸς τούτοις τοίνυπ καὶ ὅτι ἐγὼ στρατευόμενος καὶ μετὰ 'Αμεινίου ξενολογήσας, ἐλλοθεν τε χρήματα εύ-

son's political status, freedom from debts, &c., had to be pass-ed before he was formally in-stalled in such an office, just as he was liable to the εἰδύνη after holding it. [Meier and Schõ-


δίκην ἐξουλησ] See Or. 89 § 15.

35. οὐχ ἦνα κ.τ.λ.] Boeotus would say that it was done merely to secure the dower of my mother, he having before evaded payment on the plea of having another name, § 18. This is why the subjunctive is used, and not λάβωμι, referring only to the past intention.

καλῆται] 'That the defend-ant may go on being called Boeotus.'

§§ 36, 37. Another unjust ac-
tion he brought against me when I was on military service and raising money and recruits. He charged me with having extorted a sum of money from the state of Mytilene, and this he did in the interest of the then tyrant, and pretended it was a debt due to my father which I had made them pay.

καὶ ὅτι (unless we should read ὅτε, which seems more na-tural) means 'on the charge that, and is taken up by περὶ τοῦ-

tων μοι δικάζεται, below. [ἐπορθή-

ςας is not joined with ξενολογήσας but is an explanatory participle. 'Just because, being on military service and having recruited mercenaries with A. (inasmuch as I was well provided with money and had received, &c.), I spent that sum upon those recruits, in order that, &c., he actually brings a suit against me on this score,' Prof. Kennedy.]

μετὰ 'Αμεινίου] He seems to have been a strategus at the time; and perhaps (as the duty of a taxarch was to raise troops, and draw up the mili-

tary κατάλογος), Mantitheus then accompanied him as such.

[A. Schaefer, Dem. iii 2, 224, calls him 'an enemy of Athens.' Nothing is known about him. S.]

ἐπορθήσαν χρήματα] 'To raise
money’ (an expression not strictly correct) must be distinguished from εὐτορείν χρημάτων, ‘to have ready-money at command.’ Cf. Or. 83 § 6, τριάκοντα δὲ μνᾶς ἔδειτο μου οὗτος συνεντορθήσαι, and 36 § 57.

παρά τῶν φίλων τῆς πόλεως] “Designat partem illam civium Mityleneensium, quae partibus Atheniensium studeret.” Reiske. στατήρας Φωκαίας Boeckh (Publ. Econ. p. 29), quoting this passage, says, “the Phocaic stater occurs, both in inscriptions and in writers, as coined money; nor can it be supposed that silver pieces are meant, as the idea of a gold coin is inseparably associated with the name of a Phocaic stater. Its weight is unknown; it passed however as the least valuable gold coin.” Thucyd., iv 52, speaks of certain Mitylenean exiles having seized Rhoeeteum, and restored it on the receipt of ‘two thousand Phocaic staters.’ Prof. Churchill Babington (Catalogue of Leake Greek Coins, &c. p. 23) describes No. 70 as a “stater of electrum, or pale gold, of Phocaea,” and adds “The Phocaic staters are now among the rarest of Greek coins; they are of purer gold and about six grains heavier than the Cyzicoene staters.” See Plate of Coins.

ινα πράξεις πραξθείν | In order that some action might be performed to your and their advantage. Kennedy.

37. The form χρέως, for the more usual χρέως, is recognised by Hesychius. The use of πατρικόν (as in πατρική ἡχόρα, βασιλεία Thuc. i 13), and not πατρώφων (as in πατρώφων σκήπτρον, πατρώφω χρήματα, &c.), is to be noticed. | 

Καμμη | We hear nothing more of this ruler of Mytilene, nor of the date when he established himself as a tyrant. We know however that in B.C. 351 Mytilene was no longer under a democracy, and that in B.C. 347—6 it was restored to the protection and alliance of Athens. These dates point to the beginning of B.C. 347, as probably the latest date for the delivery of the speech. A. Schaefer,Dem. u. s. Z. iii 2, 224. S.] Mr Mayor remarks (p. 248), “The circumstances referred to are obscure.—I should suppose that Boeotus charges Mantitheus with having recovered money due to his father in Mytilene, in order that he, Boeotus, may claim a share of it, which of course he could not do if it were money supplied by Apollonidas and other friends of Athens for the purpose of levying a force against the tyrant. Such a demand might


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"Εχον τοίνυν, ὃ ἄνδρες δικασταί, καὶ ἄλλα πολλὰ 38 καὶ δεινὰ λέγειν, ὃ οὔτος καὶ εἰς ἐμὲ καὶ εἰς ὑμῶν ἐνίον ἠμάρτηκεν, ἀναγκάζομαι διὰ τὸ ὀλίγον εὑναὶ 1020 μοι τὸ ὑδωρ παραλπεῖν. νομίζω γὰρ καὶ ἐκ τούτων ὑμῶν ἰκανῶς ἐπιδεδείχθαι ὡς οὐκ ὑπὸ τοῦ αὐτοῦ ἀνθρώπου ἐστὶν ἄγωνα μὲν μοι περὶ φυγῆς κατασκευάζειν καὶ δίκαιος οὐδὲν προσηκούσας δικαίωσθαι, πρὸς δὲ τὸν διαυτητὴν ἀπαντάν ἀπαράσκευον. ὡστε περὶ μὲν τούτων ἂν ἐπιχειρή λέγειν, οὐκ οἷοι ήμᾶς ἀποδείξεσθαι. ἂν δὲ λέγη ὃς ἀξιοῦντος αὐτοῦ ἐπιτρέψας Κόνων τῷ 39 Τιμοθέου περὶ ἀπαντῶν ἔγω οὐκ ἐβουλόμην ἐπιτρέπειν, ἐνθυμῆσθε ὡς ἔξαπατὰν ἡμᾶς ἐπιχειρήσει. ἔγω be represented as helping Cammes against the Athenians."

ὑπηρετῶν] To rouse the anger of Cammes against both Mantitheus and the Athenians, Boeotus told him that the debt had been extorted from his citizens, under the plea of its being due to the father, in order to aid and abet the popular side in the στάσις against him.

δωρεάν] This would seem to have been a vote of money for some services performed to the state by Mantias when πολιτευόμενος. Or. 39 § 3.

τῶν ὑπερέρων φίλων] Your political friends, i.e. not of the party of Cammes.

38. Want of time compels me to pass over other instances of his malice; but I have shown proofs enough that he was not the man to go unprepared into any suit against me.

ὑδωρ] note on Or. 54 § 36. ἄγωνα περὶ φυγῆς] § 32 fin. ἀπαράσκευον, § 30 fin. πρὸς δὲ τῶν κ.τ.λ.] See sup. § 11. §§ 39, 40. He will tell you, that he made me an offer to settle all the matters under dispute by arbitration. Why, an arbitration had been given, and more than once, in my favour. What motive could I have for disturbing the decision by appealing to another? It is by his insisting on an arbitrator's award that he holds all his present privileges.

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γάρ περὶ μὲν δὲν αἱ δίκαιοι οὕτω τέλος εἶχον, ἐτοιμός ἦν ἐπιτρέπειν καὶ Κόνων καὶ ἀλλο διαιτητὴν ἱσοφ, ὅτι οὗτος βούλοιτο· περὶ δὲ ἰὸν τρίς πρὸς τὸν διαιτητὴν ἀπαντήσαντος τοῦτο καὶ ἀντιδικοῦτος ὁ μὲν διαιτητὴς ἀπέγνω μου, οὗτος δὲ τὸς γνωσθείσως ἐνέμεινεν, ὡς καὶ ὑμῖν μεμαρτύρηται, οὐκ ἕμνη δικαιον εἶναι ὑπὸ ταῦτα πάλιν ἀνάδικα γλύγεσθαι· τί γάρ ἄν ἦν πέρας ἦμιν τοῦ διαλυθῆναι, εἰ τὰ κατὰ τοὺς νόμους διαιτήθεντα λύσας ἐπέρῳ διαιτητὴν ἐπέτρεψα περὶ τῶν αὐτῶν ἐγκλημάτων, ἄλλος τε καὶ ἀκριβῶς εἰδὼς ὅτι, εἰ καὶ πρὸς τοὺς ἄλλους ἐπὶ ἑπεικεῖ ἐστὶ ταῖς διαλέκταις ἰσχυριζέσθαι, πρὸς γε τοῦτον ἀπάντων δικαιότατον ἦν οὕτω προσφέρεσθαι. οὐκ ὑπὸ γάρ, εἰ τις αὐτὸν ἔκινης γράφαστο λέγων ὡς διομυνύμενος ὁ πατὴρ οὐκ ἔφη τοῦτον ὑδὸν

οὕτω τέλος εἶχον] ‘Which had received no judicial determination.’ Kennedy.

Κόνων] The grandson of the well-known general of that name.

τρίς] ‘Impartial.’ Or. 55 §§ 9, 35.

πέρας τοῦ διαλυθῆναι] ‘Final settlement,’ ‘conclusion of our difference,’ lit. ‘termination consisting of reconciliation.’

For this ‘genitive of apposition,’ in prose mainly confined to the gen. of the infinitive, cf. Hom. Η. 1109, ἄνωτοι τέλος, and Thuc. ΥΠ 42, πέρας τοῦ ἀπαλλαγῆσαι τοῦ κυνοῦ. Kühner, Gk. Gr. § 402 d. S.]—ἐπαχυνόθεσε, i.e. ἐμμένει.—προσφέρεσθαι, ‘to behave towards,’ ‘to deal with.’ Plat. Theaet. p. 151 c, προσφέρουσαν οὖν πρὸς μὲν ὡς πρὸς μαλακάς ὑδὸν καὶ αὐτῶν μαυετικὸς. Or. 54 (Νικοτρ.) 28, εἰπέρ ἐποίησεν δικαίως προσφέρεσθαι πρὸς ὑμᾶς.

§ 41. Suppose that some one were to bring an action of ἐξείλα (alien birth) against him; what could he plead, but that he had been made a citizen by an arbitrator’s decision?

ἔκινης] See Or. 99 § 18.

διομυνύμενος] There is an allusion to the double oath of both plaintiff and defendant, called διομωμένη. But the meaning here is merely ‘on his oath.’
άυτοῦ ἐλναι, ἐσθ’ ὅτι ἄν ἄλλῳ ἰσχυρίζομαι πρὸς ταῦτα ἡ διάτι τῆς μητρὸς αὐτῶν ὀμοσάσης καὶ τοῦ διαιτητοῦ καταγρόντος ἡγαγκάσθη ὁ πατὴρ ἡμῶν ἐμμενεὶν τῇ διαίτῃ; οὐκοῦν δεινὶν εἰ οὕτως, αὐτὸς κατὰ 43 γνώσιν διαιτητοῦ ὑμέτερος πολίτης γεγενημένος καὶ 1021 πρὸς ἐμὲ τὴν οὖσιαν νειμάμενος καὶ τυχών τῶν μετρίων ἀπάντων, ὅσοι γὰρ τούτων ἀπέφυγον παρόντα καὶ ἀντιδικοῦτα καὶ τῶν γνωθεὶσων ἐμμένοντα, ταῦτα ἀναδίκους ἂξιῶν γνώσεως δικάιον τῷ δοκολή λέγειν ὑμῖν, ὥστε, ὅταν μὲν τοῦτῳ συμφέρῃ, δέν κυρίας ἐλαι" τὰς διαίτας, ὅταν δὲ μὴ συμφέρῃ, προσήκῃ τῷ τούτῳ* γνώμην κυριωτέραν γενέσθαι τῶν κατὰ τῶν ὑμέτερος νόμους γνωθέντων. ὃς οὕτως ἐπὶ 43 βουλὸς ἔστιν ὅστε καὶ τῇ διαίτῃ ταύτῃ ἐπιτρέπειν με προκαλεῖτο οὐχ ὅπως ἀπαλλαγῇ πρὸς με, ἀλλ’ ἐν, ὥστε καὶ πρότερον ἐνδεκα ἐτη διήγαγε κακουργῶν, οὕτω καὶ νῦν τὰ ἀποδιαιτηθέντα μου λύσας ἐξ ἀρχῆς

* ελαι κυριάς Z et Bekker st. cum Σ. v Bekk. τοῦτων Z cum Σ.

* διϊτ'] for ἧ διϊτ. The Attic Orators (esp. Isocrates) often prefer διϊτ to ἧ διϊτ when a hiatus is thereby avoided. Isocr. Paneg. § 48 n. S.

42. κατὰ γνώσιν] 'Through the decision.' It is a peculiarity of the middle Attic to use κατὰ, 'in accordance with,' quite as a synonym of διὰ, 'because of.' Thus, the Attics say κατὰ τὰ ἡλι-θεῖς; 'Why have you come?' &c. Any one of the three prepositions κατὰ, διὰ, or παρὰ πενια may be used to signify 'through poverty,' and κατὰ more often bears this meaning than is commonly supposed. Mr Wayte on Timocr. § 32 seems not to have noticed this.

ἀξιῶν κ.τ.λ.] Construe ἀξιῶν τὰς δικαίους γνώσεως, ὅσοι γὰρ τούτων ἀπέφυγον, κ.τ.λ. 'in seeking to reverse a judgment against his own claim, which I obtained against him after appearance and argument, and in which he has acquiesced.' Kennedy. See §§ 19, 34.

την τούτων γνώμην] Con- temptuously, 'his judgment, forssooth, of what is right.'

§§ 43, 44. So crafty is he, that when he made me an offer to go to an arbitrator, it was only done to set aside a former decision and go to law with me again, as he has been doing for years past.

ἐπιτρέπειν] sc. Κόσων, § 39.

λύσας κ.τ.λ.] 'Setting aside
44 με συνοφαντῇ καὶ τὴν δίκην ταύτην ἐκκρούη. τεκμήριον δὲ τούτον μέγιστον οὔτε γαρ τὴν πρόκλησιν ἔδεχετο, ἡν ἐγὼ κατὰ τους νόμους προοικαλούμην αὐτὸν, πρότερον τε Ἐξενίπτω, ἐν οὕτω προοβάλετο διαιτητήν, ἐπιτρέφαντος μου περὶ τῆς τοῦ ὀνόματος δίκης, ἀπηγόρευσεν αὐτῷ μὴ διαιτάν. ὦτι δὲ καὶ ταύτ' ἀληθῆ λέγω, ἐκ τῆς μαρτυρίας καὶ τῆς προκλήσεως εἴσεσθε.

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45 Ταύτην τοίνυν τὴν πρόκλησιν οὐ δεξάμενος, ἀλλ' ἐνεδρεύον με καὶ τὴν δίκην ὅτι πλείστον χρόνον ἐκκρούειν βουλόμενος, κατηγορήσει, ὡς ἐγὼ πυνθάνομαι, οὐ μόνον ἔμοι, ἀλλὰ καὶ τοῦ πατρὸς, λέγων ὡς ἐκεῖνος ἐμοὶ χαριζόμενος πολλὰ τούτον ἡδικήσεν. ὑμεῖς δ', ὥς ἄνδρες δικασταὶ, μάλιστα μὲν, ὡσπερ αὐτοὶ ὦν καὶ ἄξιώσαντες κακῶς ἀκούειν ὑπὸ τῶν ύμετέρων παί-

the judgment of non-suit pronounced for me by the arbitrator.' Kennedy.

44. προοβάλετο] 'Had proposed,' 'had put forward.'

ἀπηγόρευσεν] 'He gave him notice not to pronounce the award.' Perhaps this means, that he would not hold himself bound by his decision; or, perhaps, he sent him a notice that he did not accept him as arbitrator. [On this form, for which ἀσκίνει is commonly used, see note on Or. 55 § 4. S.]

§§ 45, 46. Not only has he done his best, by these delays and repeated actions, to injure me, but he intends to throw insult on the memory of his own father by saying that he acted unfairly and partially towards me. But it would be strange if citizens who made an amnesty and have kept it with the Thirty Tyrants, after all their cruelty, should allow the defendant to speak ill of - the father with whom he was reconciled in his lifetime, and for whom he got so much more than ever he deserved. ἐκεῖνοι] Like ἐκεῖνο in § 46 fin., used of one deceased; see on § 28.

μάλιστα μὲν κ.τ.λ.] Answered by ἄν δ' ἄρα in § 47, and taken up or repeated by μάλιστα μὲν in the beginning of that paragraph.—βλασφημεῖν, 'to use bad words.' A favourite term with Demosthenes, and used in a very general sense, without regard to the irreligious import which it now bears after the earlier Greek use, e.g. in Eur. Ion 1189.
δων, οὕτω μηδὲ τούτῳ ἐπιτρέπτετε περὶ τοῦ πατρὸς διότι τῆς ὀλυμπαρχίας πολλοὺς τῶν πολιτῶν ἀκρι- 46 τους ἀποκείμενας διαλλαγέντες ἐμμένετε ταῖς ὁμο- λογίαις, ὡσπερ χρῆ τοὺς καλοὺς κἀκεῖθεν ἄνδρας, τούτῳ δὲ πρὸς τὸν πατέρα ζώντα καὶ διαλυθέντι καὶ πολλὰ παρὰ τὸ δίκαιον πλεονεκτήσαντι νῦν μνησικα- 


κεῖν ἐπιτρέφετε καὶ κακῶς λέγειν ἐκεῖνον. μηδαμῶς, 47 ώς ἄνδρες δικασταὶ, ἀλλὰ μάλιστα μὲν κολύετ' αὐτὸν ταῦτα ποιεῖν, ἀν δ' ἄρα βιάζεται ἤμας καὶ λοιδορῆται, ἐνθυμεῖσθ᾽ ὅτι αὐτὸς ἐαυτοῦ καταμαρτυρεῖ μὴ ἐξ ἐκείνου γεγενήθησαν. οἱ μὲν γὰρ φύσει παῖδες ὄντες, κἀν πρὸς ζώντας τοὺς πατέρας διενεχθῶσιν, ἀλλ' οὖν τελευτήσαντάς γε αὐτῶς ἐπανοίησαν οἱ δὲ νομικό- 46. αὐτοὶ μὲν—τούτῳ δὲ] See sup. § 32. The sentence is antithetical in several points: 'you forgave and still forgive the men who grievously injured the state and your own families; he made up his quarrel with his father, and though he was benefited by him in life, he assails his memory again when dead.' These constructions are an essential feature of Greek rhetoric; but they are quite alien from both our language and our idioms.

κεῖν] 'To rip open the quarrel and calumniate him.' Kennedy. But ἐκεῖνον might better have been rendered (see § 28) 'that worthy man.' But there is a sort of antithesis with ἐντάτα which points rather to the sense 'now that he is no more.'

§ 47. If he persists in his unseemly language against his father, observe that he is merely giving a proof that he is not really his son; for true sons, even if they quarrel in lifetime, speak with respect of their father's memory, while putative sons have no such scruples.

βιάζεται κ.τ.λ.] 'If he should persist in acting in defiance of your wishes and speaking evil of his father.' Kennedy is here not quite correct, 'if he abuse my father in spite of you.' Compare the force of καλήσα in § 35. Properly, βιάζεσθαι is 'to play the bully,' and the construction is τινά τι, as in Aesch. Theb. 1045, αὐτῶ τόλιν ἐν μη βιάζεσθαι τάδε. ἀλλ' οὖν—γε] At saltam. See Or. 39 § 34.—βαδίως, ἀδαυάρως, 'without any concern;' 'they think nothing of quarrelling
μὲν αὐτοῖς διαφέρονται ζῶσιν, οὐδὲν δὲ φροντίζουσι
48 περὶ τεθνεώτων αὐτῶν βλασφημοῦντες. χωρὶς δὲ τούτων ἐνθυμεῖσθε ὡς ἀτοπὸν ἔστιν, εἰ οὖν τὸν πατέρα ὁ ἀμαρτόντα εἰς αὐτὸν λοιδορήσει, διὰ τὰ ἐκεῖνον ἀμαρτήματα ὑμέτεροι πολλῆς γεγενημένοις. κἂνγὰ
μὲν διὰ τὴν τούτων μιθέρα τὰ δύο μέρη τῆς οὕσας ἀφαιρεθεῖ ὡμώς ὑμᾶς αἰσχύνομαι λέγειν περὶ ἐκείνης
49 τι φλαῦρον' οὖσας δ', διὸ ἡνάγκασεν αὐτῆς πατέρα γενέσθαι, τούτων οὐκ αἰσχύνεται ψέγων ἐναντίον ὑμῶν,
ἀλλ' εἰς τοῦτ' ἁμαθίας ἦκει ὡστε τῶν νόμων ἀπαγορευόντων μηδὲ τοὺς τῶν ἄλλων πατέρας κακῶς
λέγειν τεθνεώτας, οὖσας, οὐ φησίν νῦν εἰναι, τούτων λοιδορήσει, δ' προσῆκε καὶ εἰ τις ἄλλος ἐβλασφήμηκεν 1023
περὶ αὐτοῦ ἀγανακτεῖν.

* Bekk. ἀμαρτάνων τα Ζ cum Σιλ. 1.
† Bekk. ἐντού Ζ cum Σ.

with them while they are alive,' and.

§§ 48, 49. Besides, how inconsistent to talk of my father's failings, when those very failings procured him the rights of citizenship! Though I myself have lost two-thirds of my property through his mother Plango, still I say not a word against her; and yet he abuses in your hearing the father who was compelled to adopt him, and by whom therefore he has actually been benefited.

τὰ ἐκεῖνον ἀμαρτήματα] There is a play on the double sense of ἀμαρτέαν, which is often used as a euphemism for the frailties of love. See Eur. Hipp. 464. Suppl. 900.

τὰ δύο μέρη] Boeotus and his brother Pamphilus had got two-thirds, Mantitheus only one-third, Or. 39 § 6.

49. ψέγων] 'Disparaging,'—the exact meaning of the word. It differs from μέμφεσθαι, the former implying the expression of dislike or contempt, the latter the feeling of dissatisfaction, though it so often has the secondary sense of 'to blame.'

τῶν νόμων κ.τ.λ.] The law of Draco, γονεύς τιμᾶτ', would seem to have been so far extended that an action for κακηγορία could be brought by any one whose father's memory had been unjustly aspersed. [Dem. Or. 20 § 104; Plutarch, Solon, 21; and Lexicon Rhet. Cantab. εάν τις κακώς εἰπῃ τινὰ τῶν κατουχουμένων, κἂν ὑπὸ τῶν ἐκείνων παίδων ἀκοῦσῃ κακῶς, ὥσπερ τῆς δημοσίως. §.]

ἀγανακτεῖν] i.e. to show his resentment by proceeding against him. Construe ἐβλασφήμηκεν περὶ αὐτοῦ.
§§ 50—2. In reply to his assertion, that I was brought up in all the comforts and luxuries of home, while he was but a poor outcast, I have to observe that his mother Plango was a most extravagant woman, and that more of my father's property was spent on her and her son than upon my education. So that on that score he is a debtor to me rather than I to him. Great expenses too I incurred in other transactions in the benefit of which he had a share.

ἀπὸ τοῦ τόκου Βοεκχ (Publ. Ec. p. 118, Lewis) estimates this at 720 drachmas according to the customary rate of interest, i.e. twelve per cent. —καὶ δὲν ἤν, i.e. I had to be content with that comparatively small sum for my education and maintenance.

51. μεθ' αὐτῆς] 'In her own house,' which was separate from that of Mantias.—τοῦτος, Boeotus and his brother Pamphilus.

χορηγὸς—ἐξουσία] 'Having my father to furnish the means,' Kennedy. Shilleto quotes this with other examples of the use, on De Fals. Leg. p. 408, § 238. Similarly χορηγεῖν and χορηγία were used of supplies in general, by Aristotle and later writers.—[e.g. Ethic, 10 § 15 τοῖς ἑκτὸς ἀγαθὸς ἰκανὸς κεχορηγημένον and 1 § 15 οἱ ράδιοι τὰ καλὰ πρᾶττεν ἄχρηγη-γγίζον ὄντα ('without appliances'); also in the Greek Testament, 2 Cor. ix 10, 1 Pet. iv 11, 2 Pet. i 5 and 11. The word λειτουργία has a similar history. S.—ὑπό, i.e. διὰ τὴν ἐπιθυμίαν.

οὐκ ἵσα ἐμοί] sc. ἀλλὰ πλείω ἐμοί.

τοῦτος ἐγκαλεῖν] viz. τῆς προικὸς. I had more reason to demand from them payment of what was due from my mother, than they had to set up a counter claim to Plango's alleged property; since through Plango's influence with my
52 ἐγκλήματ' ἔχειν ὑπὸ τούτων. πρὸς γὰρ τοὺς ἄλλους εἰκοσὶ μὲν μνᾶς δανεισάμενος μετὰ τοῦ πατρὸς παρὰ Βλεπαλοῦ τοῦ τραπεζίτου εἰς ὁνήμ τινα μετάλλων, ἐπειδὴ ὁ πατὴρ ἐτελεύτησε, τὰ μὲν μέταλλα πρὸς τούτους ἐνεμάμην', τὸ δὲνενοῦ δ' αὐτὸς εἰσεπράξθην, ἐτέρας δὲ χιλίας εἰς τὴν τοῦ πατρὸς ταφὴν παρὰ Δυσιστράτου Θορικίου δανεισάμενος ἰδίᾳ ἐκτέτικα. ὡς δ' ἄληθή καὶ ταύτα λέγω, ἐκ τούτων τῶν μαρτυριῶν εἴσεσθε.

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53 Τοσαῦτα τοῖνυν ἐμοῦ ἐλαττουμένου φανερῶς, οὐ-

* Bekk. ἐγένετο Ζ cum ΦΣΦΒ. ('Cf. els των γλυκεσθαί, Schöemann ad Isaeum 3 § 36. Possis conicicere ἐνέμετο.' Sauppe.)

father they had so much more spent upon them.

52. μετάλλων] See 37 § 5. This was a speculation, of course; he does not say that it did not answer, but only that he had to pay for it, i.e. to the state, probably. Cf. Ar. Equit. 361, where Cleon says: ἀλλὰ σχελδᾶς ἐθνικῶς ὁνήμααι μετάλλα, and see Boeckh, Dissert. p. 650.

πρὸς τούτους ἐνεμάμην] 'I shared the mines with them, while the whole sum borrowed I had to pay myself.' Cf. Or. 39 § 6, and 36 § 10.

eis τὴν τοῦ πατρὸς ταφὴν] For examples of the large expenses incurred in this filial duty, see Boeckh, Publ. Ec. p. 114.

ἰδίᾳ] 'On my own account,' viz. without their being in any way liable for it. To be construed, perhaps, with both the participle and the verb. Kennedy translates, 'and I have paid them out of my own pocket.'

§§ 58, 54. With all these advantages on his side, his complaints against my unfairness are not to be listened to. He is just the man to make random assertions without proving them, and to assume that you know what he says is true. Ask him, then, for his proofs, and don't let him shirk the truth by such pretences. Let him follow my example; for I produced witnesses to prove even what really was notorious—the way in which my father was compelled to adopt him.

ἐλαττοῦσθαι τι] 'To get (or consent to take) less than one's due;' 'to come off second best in a bargain.' Thuc. 177, καὶ ἐλασσόμενον γὰρ ἐν ταῖς ξυμβολαιαῖς πρὸς τοὺς ξυμβολασμοὺς δίκαιοι—φιλοδικεῖν δοκῶμεν. Hence Aristotle's ἐλαττωτικός, one who is disposed not to press his full claims, but take somewhat less, opposed to ἀκριβοδίκαιος. See Or. 56 § 14.
τοσὶ νῦν σχετιλάζων καὶ δεινοπαθῶν καὶ τὴν προικά τοῦ μητρός ἀποστερῆσεί; ἀλλ᾿ ύμείς, ὁ ἄνδρες δικασταῖ, πρὸς Διὸς καὶ θεῶν, μὴ καταπλαγήτε ὕπο τῆς κραυγῆς τῆς τοῦτον πολὺς γὰρ, πολὺς καὶ τολμηρὸς ἐστὶν ἄνθρωπος, καὶ οὕτω κακούργος ἄστε περὶ ὧν ἀν μὴ ἔχῃ μάρτυρας a παρασχέσθαι, ταῦτα φήσει ύμᾶς εἰδέναι, ὃ ἄνδρες δικασταί, ὃ πάντως ποιοῦντι οἱ μηδὲν υγίεις λέγοντες. ύμεῖς οὖν ἐὰν τι τοιοῦτον 54 τεχνάζηται, μὴ ἐπιτρέπετε αὐτῷ, ἀλλὰ ἐξελέγχετε, καὶ ὃ τι ἀν μὴ δικαστος ύμῶν εἰδῇ, μηδὲ τὸν πλησίον νομιζέτω b εἰδέναι, ἀλλὰ ἄξιοντω τοῦτον ἀποδεικνύσαι σαφῶς ὑπὲρ ὧν ἂν λέγη, καὶ μὴ ύμᾶς φάσκοντα εἰδέναι, περὶ ὧν αὐτὸς οὐδὲν ἔχει εἰπεῖν δίκαιον, ἀποδεικνύσαι τὴν ἀλήθειαν, ἐπεὶ καὶ ἔγω, ὃ ἄνδρες δικασταὶ, πάντων ύμῶν εἰδότων ὧν τρόπον ἀναγκασθεὶς ὁ πατὴρ μου ἐποιήσατο τοῦτον, οὐδὲν ἂττὸν δικάζωμαι ύμῖν αὐτοῖς καὶ μάρτυρας ὑποδίκους παρέσχῃμα. καὶ- 55

a Bekk. μαρτυριασ Z cum ΣΔ1.
b Bekk. δοκιμαζέτω Z cum Σ et γρ. ΦΦΒ.

[ὁ δεινοπαθῶν] The only passage in which the word is found in the Attic orators. S.]


54. μηδὲ—νομιζέτω] 'Let him think that his neighbour does not know it either.'

ἀλλ’ ἄξιοντω] 'No! let him require the defendant to prove clearly whatever he may assert, and not to shirk the truth by saying that you know things about which he will not himself be able to bring forward any fair plea.'

ὑποδίκους] 'Responsible for their testimony,' Kennedy. Lit. 'under penalty of being tried for ψευδομαρτυρία, or perjury.' The Ionic passive perfect of παρασχέω is used in the medial sense. It is formed regularly as if from παρασχέω, a secondary present of παρασχέων. See Or. 39 § 15, and 56 § 39.

§§ 55, 56. Boeotus and his brother have this further advantage over me, that they can appeal against an arbitrator's sentence, whereas the decision of the jury against me will be
XL. ΠΡΟΣ ΒΟΙΩΤΟΝ [§§ 55—58]

toi ouk istor y'[e]men estin o kíndunos, all' emoi mên, eân ümeis vini vpo toûton exapatanhtête, ouk exestai ésti dikaíasei peri tòs proîkos' toûtois ò, ei fasIn aðíklos apodiathtesai mou tòn diaipthôn tás díkas, kal tòt' exên eis ümâs exeiinai° kai vinn ekgenhtetai d pályn, eân boullontai, par' emou labiën èn ümên to dikaioin' 56 kai ègô mên, eân, ò mè gênoite, ümeis me ekataleîptete, ouk exw òpolidon proîka epidô tû thugyтрî, òs tû mên fûsei patîr eîmi, tìn ò hlikián autâs eî ìdoute, ouk òn thugytréa mou, all' abelphîn eînai autâs nómisaite, ouîo toî dé, eân ümeis mou bohthîsste, ouîèn èk tòn idión aîpotísounw, all' èk tîs oiklês tâ èmâ emoi aîpoodô-1025 souvnon, òn èxeilômèba mên koinî pântes eîs tûn èktisoun

° Bekk. èfîneia Z cum &.  
° Bekk. èkgenhtetai Z cum Σ m. recent. eitehêsetai m. gr. &.  
& Bekk. èkataleîptete Z cum &xai.  
& Bekk. òn tôste Z (òn tôste òpa tôste r).  

* final. And while I have no other hope of portioning my daughter except through your verdict, these men will lose nothing by having to pay, since the house-property they hold has the charge on it of paying the dowry I claim.

αποδιαίτησαν μου] ‘To have given the decision in my favour.’ See sup. § 17. There was an appeal (èfesias) from a public arbitrator; but a case once tried and decided by a jury could not be tried again. As this was across-suit, each claiming something from the other, Boeotus’ suit would be still open, even if Mantitheus’ had been given against him.

εκγεννησται] A synonym of èxestai.

én ùmâ] See 39 § 1.

55. èkataleîtein. Probably it here means, ‘if you should leave (have left) me in the hands of the enemy.’ So Arist. Eth. Nic. v 4, el èkaghtète toûn parastatâny (è katafóre) èpi deilias. Thuc. iv 44, èxowtes toûs eautôn nêkrou plhôn dôyn, oû èkaghtètou oû dynâmênu espein. Plat. Symp. p. 179 â, èkaghtètwn tà twikà ò mè boseôsh kîndunêwnti. Hesiôd (‘Epô. 378) applies it to one who dies with an heir to succeed him, òmpaîdei òe ònaîs òpôs òkaghtètwn, and so Plato (Symp. p. 208 b), Kennedy is not quite exact in rendering it ‘if you abandon me.’


tûn hlikiân autâs] ‘Her size,’ staturrum, G. H. Schaefer. For Mantitheus had married at 18, sup. § 12.  

èxeilômèba] èxalreton èpovnôdâ-
τῆς προικούς, οἰκούντες δ' αυτὴν οὗτοι μόνοι διατελοῦσιν. οὕτε γὰρ ἀμρόττει μοι θυγατέρα ἐπίγαμου ἔχουσι οἰκεῖν 57 μετὰ τοιοῦτων, οὗ οὐκένον αὐτοὶ ἀσελγῶς ἔσωσιν, ἀλλὰ καὶ ὁμολογοῦσαν αὐτοῖς ἐτέρους πολλοὺς εἰς τὴν οἰκίαν εἰσάγουσιν, οὕτε μᾶ τὸν Διὸ ἄσφαλες εἰναὶ μοι νομίζω συζήν τούτων ἐν τῷ αὐτῷ ὅτι γὰρ οὗτος φανερῶς μοι ἐπιθυμεῖται εἰς "Αρείου πάγου ἀγώνα κατε- σκεύασαν, τίνος ἄν οὗτοι ἡ φαρμακεία ἡ ἀλλῆςκακουργίας τοιαύτης υμῖν ἀποσχέσθαι δοκούσιν; οὗ 58 γε πρὸς τοὺς ἄλλους (ἀρτίων γὰρ καὶ τοῦτο ἀνεμφή- σθην) εἰς τοσαύτην ὑπερβολὴν τόλμησιν ἥκουσιν ὡστε καὶ Κρίτωνος μαρτυρίαν ἐνεβάλουσιν ὡς εἶναι τὸ τρίτον παρ' ἐμοῖ μέρος τῆς οἰκίας ἢν, ὧν ψευδὴς ἐστι, μακάριοι εἰσεσθαι. πρὸ τοῦτον μὲν γὰρ οὐχ οὗτος μετρίως ζῆν Κρίτων ὡστ' ἐτέρου οἰκίαν ὑδείσθαι, ἀλλ' οὗτος πολυτελῶς καὶ ἀσωτῶς ὡστ' ἐν πρὸς τούς ἐαυτὸς καὶ τὰ τῶν ἄλλων ἀναλίσκειν ἐπειτ' ὧν μαρ- τυρεῖ τούτῳ νῦν, ἀλλ' ἐμοὶ ἀντιδικεί τής γὰρ ύμῶν

§ 57. The reason why Boeotus is allowed to occupy the house is, that my daughter cannot be allowed to live with such a set. Indeed, I do not consider my own life safe in the hands of such conspirators.


ἐπάγωςις] Vir. κομαστάς, and such as those described in Or. 64 (κατὰ Κομ.) § 7.

οὗ] See on Or. 34 § 88.

§ 58. Among other falsehoods they have put in an affidavit that a third (i.e. my own) part of the house-property has been sold to Crito. As if such an extravagant fellow was likely to have money for the purchase!

Besides, Crito is not so much a witness for the defendant as an opponent of mine, as an interested party.

ὁ πρὸς γὰρ] This is said as a sort of apology for introducing a new matter, and one in fact alien to the subject.

αἰσθανομεν] 'Is in the habit of spending.'
οὐκ ὁδεγ ὁτι μάρτυρες μὲν εἰσὶν οὗτοι, οἷς μηδὲν 
μέτεστι τοῦ πράγματος, περὶ οὗ ἡ δίκη ἐστὶν, ἀντὶ-
δικοὶ δὲ οἱ κοινονοῦντες τῶν πραγμάτων, περὶ ὧν ἂν 
59 δικαίωτα τις αὐτοῖς; δὲ Κρίτωνι συμβέβηκεν. ἦτι δὲ 
τοσοῦτον ὑμῶν οὖν, ὡς δὲς δικασταὶ, καὶ τῶν 
ἀλλων Ἀθηναίων πολλῶν, ἀλλος μὲν οὐδεὶς αὐτῷ πα-
ραγενέσθαι μεμαρτύρηκε, Τιμοκράτης δὲ μόνος, ὡσπερ 
ἀπὸ μηχανῆς, μαρτυρεῖ μὲν δεκάτην ἐστιάσαι τούτῳ 1026 
τοῦ ἐμὸν πατέρα, ἡλικίωτης ὄν τοῦ νυνι φεύγοντος 
τῆς δίκης, φησὶ δὲ πάνθ᾽ ἀπλῶς εἰδέναι ὧ δὴ τούτως

οἷς μηδὲν μέτεστι] Ad quos 
res parum pertinere, de qua 
discipatur. The subjunctivity 
of the second clause cannot be 
expressed with the same sub-
tlety in English or in Greek 
as in Latin. In what way 
Crito could be truly said κοινω-
νεῖν τοῦ πράγματος, does not 
appear. Perhaps Mantitheus 
regards him as conspiring with 
Boeotus to get possession of 
the property: or perhaps some 
negotiations had passed concern-
ing the sale, which Crito re-
garded, or pretended to regard, 
as final and obligatory.

§§ 59—61. The evidence of 
Timocrates has been adduced 
to prove that my father ac-
knowledged Boeotus as his son when 
an infant ten days old! Why, 
Timocrates was then only of 
that age himself; and his evi-
dence is all one-sided. Who 
then will believe him when he 
says he knows that Crito bought 
the house? After all, it is not 
the house, but the dower, that is 
contested. I have shown that 
my mother brought a dower, 
that it has not been paid, and 
that the house was charged with 
the payment of it: it is for 
him to show the contrary. But 
don't accept mere talk or vague 
complaints in place of proofs. 
As a matter of justice, it is 
more reasonable that I should 
have the dower, than that a son 
of my father's mistress should 
be allowed to deprive me of it.

πολλῶν] scil. δέντων, cum mag-
nus sit numerus, G. H. Schaefer. 
ὡσπερ ἀπὸ μηχανῆς] Like a 
deus ex machina, a familiar 
phrase borrowed from the stage. 
[We can only approximate to 
the sense by rendering 'like a 
friend in need' or 'by a special 
providence,' or (with Prof. Ken-
dey) 'like a good angel.' S.]

ἀδή] Quae quidem, ironi-
cally. But μαρτυρεῖ should per-
haps be ἐμαρτύρει. For this 
evidence was given when the 
adoption of Boeotus took place 
(sup. 28, and 39 § 22); and it 
should be contrasted with μαρ-
tυρεῖ δὲ νῦν just below. It is 
clear that in both clauses μόνος 
means 'he is the sole witness.' 
Kennedy wrongly renders it in 
the latter, 'Timocrates now de-
clares, that he alone was with 
Crito when he purchased the 
house from me.'
συμφέρει, μαρτυρεί δὲ νυνὶ μόνος Κρίτωνι παρείναι, ὅτε παρ’ ἐμοῦ τὴν οίκλαν ἔσωστο. Ὁ τίς ἀν ὑμῶν πι- στεύσειν; ἀλλὰς τε καὶ ὅτι οὐ περὶ τῆς οἰκλας, πότερα ἐσώσται αὐτὴν Κρίτων ἢ μη, νυνὶ δικαζόμασι, ἀλλὰ περὶ προικὸς, ἢν ἐπενεγκαμένης τῆς μητρὸς οἱ νόμοι κελεύουσιν ἐμὲ κομίσεσθαι. ὡστε καθάπερ ὑμῖν ἐγὼ δὸ καὶ ἐκ μαρτυρίων πολλῶν καὶ ἐκ τεκμηρίων ἐπέδειξα ἐπενεγκαμένην μὲν τὴν μητέρα μου τὰλαντὸν προῖκα, οὐ κομισάμενον δὲ τοῦτ’ ἐμὲ ἐκ τῆς πατρίδος οὐσίας, ἐξαιρεῖν δ’ ὑμῖν γενομένην τὴν οἰκλαν εἰς ταῦτα, οὕτω κελεύετε καὶ τούτον ἐπιδεικνύναι ὑμῖν ἢ ὅσ’ οὐκ ἀληθὴ λέγω ἢ ὅσ’ οὐ προσῆκει μοι κομίσασθαι τὴν προῖκα: περὶ τούτων γὰρ ὑμεῖς νυνὶ τὴν ψῆφον οἴσετε. ἐάν δὲ δὲ инфек  

πότερα—ἡ μὴ] More correctly, perhaps, ἡ οὐ, since it is a direct question of fact. The use of μὴ is rather irregular: perhaps we may say that πότερα—ἡ μὴ is equivalent to εἴτε—ἡ μὴ. 

ἐπενεγκαμένης] Cum domum intulerit. 

60. ἐξαιρεῖν] Sup. § 14. 

61. παρεμβάλλειν] 'If he goes on introducing irrelevant topics.' 

Ar. Vesp. 481, τούτο γὰρ παρεμ- βαλοῦμεν τῶν τριθονων ἔτων. 

βοηθεῖτε μοι τὰ δίκαια] This phrase occurs Or. 35 § 5. It is here opposed to παρὰ πάντα τὰ δίκαια in the next sentence; or rather, perhaps, the clause ἐνθυμοῦμεν ὅτι, κ.π.λ. is exe- getical of τὰ δίκαια, and the two together stand in contrast. 

—ἐξ ἀπάντων, κ.π.λ., 'which all the reasons I have urged show me to be entitled to.' 

Kennedy. 

Πλαγγόνα] The subject to ἀφελέσθαι. The sentence is neatly rendered by Kennedy, 'than that Plangus and her sons,
τοὺς πρὸς τοὺς ἄλλους καὶ τὴν οἰκίαν τὴν εἰς τὴν προῖκα ἐξαλρετον γενομένην ἀφελέσθαι ἡμᾶς παρὰ πάντα τὰ δίκαια.

adding another injury to those which they have already inflicted, should, contrary to every principle of justice, deprive me of the house, which was specially reserved as a security for the marriage portion.' The wrong already done is that described in § 51.
OR. LVI.

ΚΑΤΑ ΔΙΟΝΥΣΟΔΩΡΟΥ ΒΛΑΒΗΣ.

The action “against Dionysodorus for damage” relates, like that against Phormio, to a loan on bottomry, and the non-fulfilment of a contract. The case is plain, and involves no serious difficulties, either in the legal points or in the argument; but the speech is one of considerable value as illustrating the nature of the corn-trade at Athens, and the regulations by which it was controlled¹. Why it is named an action for damage is not so clear. The action was, in fact, to enforce the payment, with interest, of a loan, which was repudiated on the plea of injury to the ship. But, as the ship was the security for the money, and it had not been produced for the mortgagees, we may suppose that βλάβη means “loss” in respect of this part of the contract². According to Mr Kennedy³, any action at the suit of the party injured was a δίκη βλάβης. And as the injury in this case was a wrong done ex delicto, and not merely a breach of obligation ex contractu, it is entitled κατὰ Διονυσοδώρου and not πρὸς Διονυσόδωρον⁴.

Darius and Pamphilus had lent to Dionysodorus 3000 drachms, to enable him to engage in the corn-trade between Athens and Egypt. The loan was to be repaid, with interest, on the return to Athens (ἀμφοτερόπλων, § 6), and clauses were inserted binding the borrowers to trade only between Athens and Egypt (§§ 6, 42) and to give up the ship on their return, as security for the payment, under penalty of twice the whole amount due (§ 45). They were to have the use of the money for one year, and had no right to extend the time (§§ 3, 45).

Dionysodorus had a partner Parmeniscus, who sailed with the ship to purchase corn in Egypt. They all appear to have been in collusion with Cleomenes (τοῦ ἐν τῷ Ἀγάπηρῳ ἀρχαντός, § 7) and had a joint interest in keeping up the price of corn. The agents at Athens used to send advices to those in Egypt, and when corn became cheaper at home through the arrival of cargoes from Sicily or the Pontus, the buyers in Egypt used to send the corn to some other market where it was dearer. It was with this fraudulent intention, which was illegal (§ 3), that the defendants pretended their ship had sprung a leak, and were compelled to put in to Rhodes and unladen the corn, which they also sold there on finding it would fetch a higher price than at Athens (§ 10).

Dionysodorus, who had remained at Athens, was asked by the money-lenders for an explanation of this affair; they did not like to incur the suspicion of being in collusion with Cleomenes (§ 11) and they required the production of the ship. The defendants upon this make an offer to pay the principal and part of the interest, viz. so much of it as was due for the outer voyage and the return voyage as far as Rhodes, on condition of the bond being cancelled, and with it all further obligation (§ 14). This the plaintiffs decline to do, alleging that if the
ship was really wrecked, or in any way seriously disabled, they were bound to submit to the loss; if not, they were entitled to recover the whole sum. And that the ship was not lost is proved by the fact that the defendants afterwards traded with it between Rhodes and Egypt, and that it was even now making voyages (§ 23). If, the plaintiffs argue, the ship had really sprung a leak, the defendants, had they acted honestly, would have brought the ship back to Athens when it had been repaired (§ 40). For all these reasons the conduct of the defendants is denounced as fraudulent and illegal. The offer of partial payment, the plaintiffs say, was made by the defendants with the conviction that it would be refused, δὲ τὰς υπούσας αἰρίας (§ 13).

The suit was one of those called ἐμπορικαί, and the plaintiffs press for a verdict in their favour, not only in their own interest, but in that of the whole mercantile community (§ 48). The indignation of the jury is raised by the hint that the defendants are in collusion with Cleomenes. It seems probable that the cause of the scarcity of corn¹ was popularly attributed to this man’s cupidity, and the date of the speech may be approximately fixed by the allusion (§ 8) to the high prices in the years 330—326 B.C., and probably to the end of that period, as prices are said to be falling (§ 9).

[In Fynes-Clinton’s Fasti Hellenici, the speech is approximately assigned to B.C. 329: not before B.C. 331, because the facts occurred Κλεομένους ἐν τῇ Αἰγύπτῳ ἄρξαντος (p. 1285)—who was appointed praefect of Egypt by Alexander, B.C. 331 (Arrian iii 5, Dexippus apud Phot. Cod. 82 = p. 200). Cleomenes was charged with the building of Alexandria (Aristot. Oeconom. ii

¹ See Introduction to Or. 34, ad fin."

P. S. D. 15
33); vectigalibus Africae Aegyptique praesidis (Curtius iv 8, 5). He remained in office till he was put to death by Ptolemy, B.C. 323 (Pausan. i 6, 3).

Arnold Schaefer holds that the aorist participle in § 7 (ἢσαν ὑπηρέται... Κλεομένους τοῦ ἐν τῇ Αλγύπτῳ ἄρχαντος) shows that the ἄρχη of Cleomenes was at an end when the speech was delivered, and he proposes to assign it to the winter of B.C. 322—321, i.e. some few months after the death of Demosthenes; who therefore, he concludes, could not have written the oration. The argument from ἄρχαντος does not appear conclusive, as the aorist need only imply that Cleomenes was in power at the time of the transactions described, without showing whether he was still in office or not when the speech was delivered. But, of course, if he were still in office, the most natural tense would have been the present.

Blass, Att. Ber. iii 522, places the speech in the winter of B.C. 323—322¹, not because the death of Demosthenes falls in October 322, but because that date marks the downfall of the Athenian democracy; a change which would have found some recognition in the speech itself. On the contrary we have a direct reference to the Demos in the words οὕτε γὰρ τῷ πλῆθει τῷ ύμετέρῳ συμφέρει τούτο (§ 50).

The Zürich editors, while refraining from deciding against the genuineness of the speech, admit that they have doubts on the subject, though they assign no specific reasons².

It closes with an appeal to Demosthenes (ἄξιω δὲ καὶ τῶν φίλων μοι τινα συνειπεῖν. δεῦρο, Δημόσθενε,). A. Schaefer suggests that some early transcriptor may have added

¹ So also Schwarze, De orat. kata Δ. (Göttingen, 1870) p. 18 f.
² Pref. p. xiv 'addimus etiam de Or. 58 nobis videri dubitandum esse.'
the name to enhance the value of a spurious oration; but it may be remarked that a transcriber with such an object in view is little likely to have added a clause, which might lead an ordinary reader to suppose at first sight that as the speaker appeals to Demosthenes, the speech was not written by that orator. If the last clause is genuine, it proves at any rate that the speech was delivered before the death of Demosthenes, and (as Schaefer candidly confesses) it is not per se inconsistent with his having himself composed the speech. He is inclined to ascribe it to the same writer as the speeches against Apaturius (33) and Phormio (34). (Dem. und seine Zeit, III 2, 311—314.) Blass agrees in regarding the speech as spurious (Atit. Ber. III 24—55); and there is an elaborate dissertation by P. Uhle, arguing that the writer was the same as that of the speech against Phormio, but different from that of the speech against Apaturius (Quaestiones de orationum Demostheni falso addictarum scriptoribus ii 1886). It is accepted as genuine by Weil, les Harangues de Dém. p. xiii, ed. 1881. S.]

Mr Mayor (Journal of Philology, vi, p. 251), remarking on the awkward sentence in § 10, says, "This seems to me more unlike Demosthenes than anything in the Lacritus. There are many minor points beside which make me doubt the genuineness of this speech."
Δαρείος καὶ Πάμφιλος Διονυσοδώρῳ δανείζουσι τρισ-χύλας δραχμῶς ἐπὶ τῷ πλεύσαι αὐτὸν εἰς Ἀγγύπτον κακείδεν αὖθις Ἀθήναξε, καὶ λαμβάνονσι μὲν ὑποθήκην τὴν ναῦν, διομολογοῦνται δὲ καὶ τόκους διόνυ-σείς τε Ἄθηναξε καταπλεύσαντος Διονυσοδώρου κο-μίσασθαι. Διονυσοδώρος δὲ ἀναπλέων ἐκ τῆς Ἀλγύ-πτου, τῇ Ῥώδῃ προσσχῶ, ἐκεῖ τὸν γόμον ἐξέβητο, ὡς μὲν αὐτὸς φησι, διὰ τὸ ῥαγῆναι τὴν ναῦν καὶ εἶναι

1. Argument. Δαρείος] His name is nowhere mentioned in the speech, and it seems to have been preserved by the author of the argument (Libanius) from some source now unknown. [The name is also given by the mss Σ and B in the following words added at the close of the speech: δαρεῷ καὶ παμφίλῳ κατὰ διονυ-σοδώρου. He is identified by Boeckh (Staatshaushaltung, addenda to 2nd Germ. ed. p. x) with the person mentioned in an inscription referring to the year Ol. 114, 2 = v.c. 323—2: Δαρεῖο [ἐν Σκαλαμβώνῳ ναὸς Ἡ Ἡ. Η. Η... His partner Pamphilus is probably the Egyptian mentioned in Mid. § 163, τὸν μέτοικον ἐξέβησε τὸν Ἀλγύπτιον Πάμφιλον. Possibly Pamphilus is, like other μέτοικοι, imperfectly acquainted with Greek, and therefore allows Darius to address the court. Boeckh i.c. and A. Schaefer, Dem. u. s. Zeit iii 2, p. 307 n. S.]  

2. ἐπὶ τῷ πλεύσαι] 'With a view to,' or 'on condition of his sailing,' &c.  

4. διομολογοῦνται] 'They come to an agreement between themselves and the lender what interest they were to get when Dionysodorus should have sailed back to Athens.' Cf. § 5.  

7. ἐξέβητο] The same as ἐξηλ-λετο, Οἰ. 84 (πρὸς Φορμ.) § 8, inf. §§ 10, 20.
σαθράν, ὃς δὲ Δαρείος λέγει, διὰ τὸ πυθέσθαι τὸν σῖτον Ἀθήνησιν εὐώνων ὄντα τὴν γὰρ ναῦν σφάν 10 ὑπάρχειν φησὶ καὶ πλεῖν ἔτι καὶ νῦν. ὦ μὲν οὖν δανειστῶν καὶ κατηγοροῦσι τοῦ Διονυσοδόρου παραβεβηκέναι τὴν συγγραφήν, διότι τὴν ύποθήκην, τουτέστι τὴν ναῦν, οὐ παρέσχεν ἐμφανῆ, καὶ ἀπαιτοῦσιν αὐτὸν τοὺς ὑμολογηθέντας τόκους τελείους. ὁ δὲ οὐ 15 πάντας ἀποδίδοναι βούλεται, ἀλλὰ πρὸς λόγον τοῦ πλοῦ τοῦ πλευνθέντος.

Κοινωνός εἰμι τοῦ δανείσματος τούτοις, ὃ ἀνδρεὶς δικασταί. συμβαίνει δὲ ἥμιν τοῖς κατὰ θάλατταν τὴν 1283 έργασίαν προηρμένους καὶ τὰ ἡμέτερα αὐτῶν ἐγχειρίζουσιν ἐπερόσ ἐκεῖνο μὲν σαφῶς εἰδέναι, ὅτι ὁ δανειζόμενος ἐν παντὶ προέχει ἡμῶν. λαβὼν γὰρ ἀγγύριον φανερὸν καὶ ὑμολογηθέντας, ἐν γραμματείδιον δυναῖν

Bekk. om. Z.

12. καὶ κατηγοροῦσι] They both charge him with having kept back the security illegally (see Or. 34 § 7), and also demand payment of the interest without deduction. The defendants are willing to pay a part, but only in proportion (πρὸς λόγον) to the length of the actual voyage, viz. they wish to deduct that due from Rhodes to Athens.

§ 1. (Darius speaks.) 'I am a partner in this loan, and it happens to us, who have made it our profession to trade on sea-securities, and to place our property in the hands of others, to know this full well, that the borrower in every respect has the advantage over us. (Look at the present case:) he has got from us money in hard cash and in sterling coin, for which he leaves us, on a promissory note, that cost him a couple of forthings, and a very small scrap of paper, his agreement to do what is right and honest. Whereas we do not (as he does) merely say we will give, but at the time and on the spot do actually give the money to the borrower.'

κοινωνός] See § 6, from which it appears that the name of Darius was not inserted in the contract.

προηρμένους] προαίρεσις ποιησαμένους. So § 48, πολλοὶ τῶν κατὰ θάλασσαν ἐργάζεσθαι προαιρεσιμένων, and § 50.—ἐγχειρίζουσιν, i.e. προειμένους.

γραμματείδιον] Cf. εν γραμματειδίῳ τα
χαλκοῦν ἑωμημένος καὶ βιβλιδίῳ μικρῷ πάνῳ τὴν ὁμολογίαν καταλέγοντε τοῦ ποιήσεων τα δίκαια. ἦμεῖς δέν φαμέν δώσειν, ἀλλ' εὐθὺς τῷ δανειζομένῳ δίδομεν τὸ ἄργυρον. τῷ οὖν ποτὲ πιστεύοντε καὶ τί λαβόντες τοῦ βέβαιου προϊμέθεν; υμῖν, ὥς ἄνδρες δικασταί, καὶ τοῖς νόμοις τοῖς ὑμετέροις, οὗ κελεύοντος, ὅσα ἂν τις ἔκων ἔτερος ἔτερον ὁμολογησις, κύρια εἶναι. ἀλλὰ μοι δοκεῖ οὔτε τῶν νόμων οὕτω συγγραφῆς οὐδεμιᾶς ὁφέλος εἶναι οὐδέν, ἂν ὁ λαμβάνων τὰ χρήματα μὴ πάνω δίκαιος ἢ τὸν τρόπον καὶ δυοῖν θάτερον, ἡ υμᾶς δεδιώς τῶν συμβαλόντων αἰσχυνόμενος. ὃν οὐδέτερον πρόσεστι Διονυσόδωρῳ τούτῳ, ἀλλ' εἰς τοσοῦτον ἴκει τόλμης ὅστε δανεισμένος παρ' ἡμῶν ἐπὶ τῇ νητρισχύλας δραχμᾶς ἐφ' ὑ τε τὴν αὐναν καταπλεῖν

γενῆ ὑμαρτείνων, Or. 54 § 87.—

doyn χαλκών, a fourth of an obol.

βιβλιδίῴ] 'sur un tout petit morceau de papier' Dareste, who adds in a note 'c'était bien du papier, c'est-à-dire du papyrus, et nous voyons par là quel en était le prix.'

§ 2. In doing this, we trust to the law and its administrators, and in particular to the legal principle, that all voluntary compacts are binding. I however have come to the conclusion that the law is of little avail, if a man is dishonest, and defies both it and the lender of the loan.

τῶν συμβαλόντων] 'What do we get as our security when we part with our money?' Cf. § 15.

προέσθαι (or προεσθαι) is the usual term for 'lending on risk,' 'sacrificing on a venture,' the notion being that of flinging away, projicere. Cf. Or. 36 § 6. The active is so used in Ar. Nub. 1214.

τοῦ συμβαλόντων] The contributor or provider of the loan, thence called συμβολαίον, from the 'bringing together' of the contracting parties.

§ 3. But Dionysodorus is not honest: he borrowed under promise of bringing the ship, which was the security, to Athens; and though we ought to have received our money last autumn, he sold the cargo at Rhodes, illegally and contrary to the terms of agreement, and then went back to Egypt and again to Rhodes. But he has never given the security up to us, and he is using our money now for a second year.

τρισχύλας] Boeckh (P. Econ. p. 108) observes that we "are not justified in assuming the ship had not a greater value, as at Athens a double pledge was not infrequently given in cases of bottomry, and therefore its real value might have been as much as a talent" (6000 drachms).
ʻΑθήνας, καὶ δὲν ἡμᾶς ἐν τῇ πέρυσιν ὥρα κεκοιμήσατε τὰ χρήματα, τὴν μὲν ναῦν εἰς Ῥόδον κατεκόμισε καὶ τὸν γόμον ἐκείσε ἐξελόμενος ἀπέδοτο. παρὰ τὴν συγγραφὴν καὶ τοὺς νόμους τοὺς ὑμετέρους, ἐκ δὲ τῆς Ῥόδου πάλιν ἀπέστειλε τὴν ναῦν εἰς Ἀγγυπτὸν κακεῖθεν εἰς Ῥόδον, ἡμῖν δὲ τοὺς Ἀθήνας δανείσασιν ὑπὲρ ποικίλως καὶ νῦν οὔτε τὰ χρήματα ἀποδίδοσιν οὔτε τὸ ἐνέχυρον καθίστησιν εἰς τὸ ἐμφανές, ἀλλὰ δεύτερον ἔτος τούτως καὶ τὴν ἐργασίαν καὶ τὴν ναῦν τὴν ὑποκειμένην 1284 ἡμῖν, οὔτεν ἦττον εἰσελήλυθε πρὸς ὑμᾶς δηλοῦσέν ὁ χρυσότομος ἡμᾶς τῇ ἐπωθελίᾳ καὶ καταθησόμενος εἰς τὸ ὀκήμα πρὸς τῷ ἀποστερεῖν τὰ χρήματα. ὑμῶν οὖν, ὁ ἄνδρες Ἀθηναίοι, ὅμοιος ἀπάντων δομεθα

* δηλον ὅτι Bekker st. ὅτι in margine manu antiqua additum, Σ. δήλον Ζ.

ὅρα] Properly 'the ripening time,' applied to harvest and vintage, and then to the safe time for sailing. In § 30 it is ὑφαλα. On the time granted for paying loans on bottomry, see Publ. Econ. p. 189.—κεκοιμᾶται, middle, 'when we ought to have got back our money in the season of last year.' Kennedy. ἐκεῖσε] for ἐκεῖ, as in § 26. τοῦ νόμου] Cf. inf. § 10. τὸ ἐνέχυρον] i.e. τὴν ὑποθήκην, τὴν ναῦν.

4. τὴν ἐργασίαν] The privilege of trading with it. τῇ ἐπωθελίᾳ] The fine of one-sixth of the assessment (an obolus for each drachma), if we fail to obtain the fifth part of the votes. (See Boeckh, Publ. Econ. p. 356.) In fact, he thinks we shall not only lose our suit (on the ground that the ship was wrecked or disabled), but shall have to pay the fine to him as the defendant, in compensation; and that if we do not pay it, he will get us put into prison till we do. The term καταθησόμενος is used (as in several places by Thucydides) of depositing captives or hostages in a place of security. The use of τὸ ὀκήμα for the debtors' prison is remarkable. Ἡσαχ. ὀκήμα: τὸ δεσμωτήριον. Cf. Or. 32 § 22, εἰ δὲ μὴ κατεστησίν (τοὺς ἐγγυητὰς), εἰς τὸ ὀκήμα ἄν ἔσει, and 24 §§ 181, 185, 186. For the sense, cf. Or. 35 § 46. Kennedy renders it 'putting us in the lodging.' Boeckh (Publ. Ec. p. 366), "carrying it off to his own house." And he adds (p. 370) that this shows (beside Or. 47 § 64) that in private suits the eponomia was received by the successful party and not by the state.
καὶ ἵκετεύομεν βοηθήσαι ἡμῖν, ἄν δοκῶμεν ἄδικεῖσθαι. τὴν δ’ ἄρχην τοῦ συμβολαίου διεξελθέων ἡμῖν πρῶτον βούλωμαι· οὕτω γὰρ καὶ ὑμεῖς ρᾴστα paraκολουθήσετε.

5 Διονυσίδωρος γὰρ οὕτως, ὁ ἄνδρες Ἀθηναῖοι, καὶ ὁ κοινωνὸς αὐτῶν Παρμενίδακος προσελθόντες ἡμῖν πέρυσι τοῦ μεταγείτωνος μηνὸς ἔλεγον ὅτι βούλονται δανείσασθαι ἐπὶ τῇ νηλ., ἐφ’ ὅ τε πλεύσαι εἰς Αἰγύπτων καὶ εἰς Αἰγύπτων εἰς Ῥόδον ἢ εἰς Ἀθῆνας. διομολογησάμενοι τοὺς τόκους εἰς ἕκατερον τῶν ἐμπορίων τότεν ἔπο-6 ρίων τοῦτον. ἀποκριναμένων δ’ ἡμῶν, δ’ ἄνδρες δικασταὶ, ὅτι οὐκ ἄν δανείσαμεν εἰς ἔτερον ἐμπόριον οὐδὲν ἄλλη ἢ εἰς Ἀθῆνας, οὕτω προσομολογοῦσι πλεύσεσθαι εἰς δεύρο, καὶ ἐπὶ ταῦτας ταῖς ὁμολογίαις

§§ 5, 6. The history of the transaction. We were asked by the defendant and his partner last September to lend them money on the security of the ship, and on condition of their sailing to Egypt, and either to Athens or to Rhodes on the return-voyage; and the interest was to be paid at either of these markets. We objected however to their sailing to any other port but that of Athens; and so they borrowed 3000 drachms and signed a bond on these terms. My partner’s name indeed was written as the lender, but I had an interest in the loan, though my name did not appear (ἐξωθεὶ).

εἰς Ῥόδον ἢ εἰς Ἀθῆνας] An alternative of this kind seems to have been commonly allowed in contracts; so Or. 35 § 10, εἰς Μένον ἢ Σκιώνην. Here their proposal εἰς Ῥόδον was distinctly declined, so that they could not plead ignorance of the lenders’ intentions. Boeckh (Publ. Ec. p. 56) calls it “an exceedingly oppressive regulation, that no Athenian or alien resident in Attica should lend money upon a vessel which did not return to Athens with a cargo of corn or other commodities,” comparing this passage and Lacrit. § 51. He thinks, however, this involves such difficulties, that we must suppose the law is not fully known to us. On the loan called ἐτερόπλοιος see ιδί. pp. 57—8.

diομολογησάμενοι] See Ar-γυμ. 1. 4.

6. εἰς ἔτερον ἐμπόριον—’ Ἀθή-νας] See Or. 34 § 37.

προσομολογοῦσι] They enter into an additional agreement. See Or. 37 § 49.
δανείζονται παρ’ ἡμῶν ἐπὶ τῇ νησί τρισχίλλια δραχμάς ἀμφοτερόπλουν, καὶ συγγραφῆς ἐγράψαντο ύπερ τούτων. ἐν μὲν οὖν ταῖς συνθήκαις δανειστῆς ἐγράψε Πάμφιλος οὐσώσι ἐγὼ δ’ ἐξακολούθητο μετεῖχον αὐτῷ τοῦ δανείσματος. καὶ πρῶτον ὑμῖν ἀναγνώστεται αὐτήν τὴν συγγραφήν.

ΣΤΥΓΓΡΑΦΗ.

Κατὰ ταύτην τὴν συγγραφήν, ὃ ἀνδρεὶς δικασταὶ, 7 λαβόντες παρ’ ἡμῶν τὰ χρήματα Διωνυσίων τε οὔτοι καὶ ὁ κοινώνος αὐτοῦ Παρμενίδος ἀπέστελλον τὴν ναῦν εἰς τὴν Αἰγύπτιον ἐνθένδε. καὶ ὁ μὲν Παρ-1285 μενίσκος ἐπέπλευ ἐπὶ τῆς νεώς, οὔτοι δὲ αὐτοῦ κατέμενεν. ἦσαν γὰρ, ὃ ἀνδρεὶς δικασταὶ, ἵνα μηδὲ τούτῳ ἄνανθητε, ὑπηρέτα τε καὶ συνεργοὶ πάντες οὗτοι Κλεομένου τοῦ ἐν τῇ Αἰγύπτῳ ἀρξαμοῖς, δὲ ἐξ οὗ τὴν ἀρχήν παρέλαβεν οὐκ ὅλην κακὰ εἰργάσατο τὴν πόλιν τῇ υμετέραν, μᾶλλον δὲ καὶ τοὺς ἄλλους "Ελλήνας, παλαγκαπηλεύων καὶ συνιστᾶς τὰς τιμὰς ἀμφοτερόπλουν] See Or. 34 (πρὸς Φορμ. 4) § 6. [Harpocratio, s. v. Δημ. ἐν τῷ κατὰ Διωνυσί- δώρῳ ὡς τὰς νεώτερας δανείσας ἐπὶ τῷ καὶ ἐνθένδε πλευ- σαὶ τοῖς κάκευθεν ἐνθάδε, τοῦτο ἀμφοτερόπλουν καλεῖται. 8.]

ἐγὼ] Darius, who called himself κοινῆς τοῦ δανεισμῶς, § 1.

§ 7. The narrative continued. The ship accordingly sailed for Egypt with the defendant’s partner on board, while he remained at home. The fact is, these men were in collusion with Cleomenes, who had been making a large profit by raising the price of corn.

Κλεομένου] Boeckh (Publ. Ec. p. 84) calls him Alexander’s Satrap in Egypt, and he refers to the second book of Aristotle’s Oeconomics for other examples of “this notorious corn-dealer’s contrivances.” Like the Roman governors of provinces, he seems to have looked principally to his own interests. Apparently he had created a monopoly of corn, and so could sell it at his own prices. (See Introduction, p. 225.)

παλαγκαπηλεὺς] ‘By re- tailing,’ or perhaps ‘by petty jobbing.’ Hesych. παλαγκάπη- λος: ὁ μεταβόλος: ὁ τὸ αὐτὸ δεῖ ἀγοράζου καὶ πωλ. [Schol. on Ar. Plut. 1156, ὁ ἀπὸ τοῦ ἐμπό- ρου ἀγοράζου καὶ πωλ. (Dem.) 25 § 46, κατηλός πωγίας καὶ παλαγκάπηλος καὶ μεταβολεν. See Büchsenschütz, Besitz u.
8 τοῦ σίτου καὶ αὐτῶς καὶ οὗτοι μετ’ αὐτοῦ. οἱ μὲν γὰρ
αὐτῶν ἀπέστελλον ἐκ τῆς Ἁγιύττου τὰ χρήματα, οἱ
δὲ ἐπέπλευσαν ταῖς ἐμπορίαις, οἱ δὲ ἐννάδε μένοντες
διετίθεντο τὰ ἀποστελλόμενα· εἶτα πρὸς τὰς καθεστη-
κυίας τιμᾶς ἐπεμπον γράμματα οἱ ἐπιδημοῦντες τοῖς
ἀποδημοῦσιν, ἵνα εἰκ. μὲν παρ’ ὑμῖν τίμιοι ἢ τί ὁ σῖτος,
δείξε αὐτῶν κομίσωσιν, εἰδάν δ’ εὐανότερος γένηται,
εἰς ἄλλο τι καταπλεύσωσιν ἐμπόριον. ὃθεν περ’ ὅχι
ἡμιστα, οἱ ἀνδρές δικασταὶ, συνετιμήθη τὰ περὶ τὸν

Erwerb, p. 455 n. S.]—συνιστάς
‘by settling the prices of corn.’
Kennedy translates, ‘by buying
up corn for resale and keeping
it at his own price.’

[G. H. Schaefer on p. 219,
20: ‘accendens pretia, flagellans
annonam.’ Prof. Kennedy:
‘By regrating and manipulating
the price of corn.’ In England
severe statutes were passed
from the time of Edward VI
downwards, against all ‘re-
graters,’ ‘engrossers,’ and ‘fore-
stallers of the market.’ They
were repealed in 1772, and the
alleged offence of buying up or
bargaining for goods on the
way to market, to sell them at
a higher price, has ceased to be
a subject of criminal prosecu-
tion. See Adam Smith, Wealth
of Nations, iv 9, on the corn laws.
For part of the Athenian law
on the subject, cf. Lysias, Or. 22
κατὰ τῶν σιτοπώλων, esp. § 6,
παρεσχόμεθα τῶν νόμων (against
engrossing), δι’ ἀπαγορευθεὶς μη-
δένα τῶν ἐν τῇ πόλει πλεῖο
σίτου πεντήκοντα φορμῶν συν-
ωνωσόθα. S.]

cal τοῦ] Dionysodorus and
Parmeniscus. By πάντες οὗτοι
above (not ἀμφα), he appears
to include other traders.

§ 8. An exposure of the
transactions by which corn had
become dearer. Cleomenes’
people used to send off cargoes
from Egypt, while these men
either sailed with them, or staid
at home to watch the market
and send off advices, so that the
corn was always sold in the
dearest mart.

tais emporiais] ‘With the
cargoes.’ The dative depends
on the ἐπι, meaning that he
was guardian and director of
them. So Or. 35 § 16, τὸν δ’
adelfon ἑαυτοῦ Ἀρτέμωνα πλεύ-
σεσθαι ἐπὶ τοῖς χρήμασι, and 82
§ 12 ὁ παρ’ ἡμῶν ἐπιπλεῖον.

πρὸς τὰς κ.τ.λ.] ‘According
to the market (or average)
prices.’ So Or. 34 § 39, διεμε-
τήσαμεν ὑμῖν τῆς καθεστηκυίας
τιμῆς, inf. § 10.

γράμματα] ‘Letters of ad-
vice.’

timos] ‘Dear,’ opp. to ἄξιος,
‘cheap.’ Ar. Ach. 758, τῶς
ὁ σῖτος ἄξιος; Μ. παρ ἀμὲ
πολυτιματος, ἄπερ τοι θεάν.

συντιμηθῇ] It appears likely
that we should read ἐπετιμήθη,
‘the price was raised,’ as in
Or. 34 § 39. The σω may
have crept in from συνιστάς
just above, which some wrongly
explained in the same sense.
[ἐπετιμήθη was preferred by
Wolf, but συντιμήθη is rec-
ognized by Suidas. ‘The price
of corn-imports was manipulated through such letters and compleats,' i.e. the price was managed by a conspiracy. Liddell and Scott unsatisfactorily say 'Pass. to increase in value, rise in price;' a meaning which the passive can scarcely bear. Prof. Kennedy.] Mr Mayor (p. 251) suggests that 'to price (or value) together' may indirectly have meant to raise prices which had been kept down by artificial restrictions.

§§ 9, 10. Corn was dear when they left Athens, so they consented to return to that mart. But supplies from Sicily meanwhile had brought down prices: accordingly advices are sent to intercept the ship on her return voyage at Rhodes, and so, regardless of the penalties in the contract, and the illegality of the act, they dispose of the cargo at Rhodes.

υπέμειναν] 'They made no objection to having it written.'

Σικελίκου κατάδελαι] 'When the Sicilian convoy arrived,' lit. 'When the Sicilian sailing to land took place.' Vessels laden with corn are meant.

έπ' ἐλαττων ἐβάδιζον] Or. 32 (Πηνοθ.) § 25, ὥσ δὲ δέωρ ἢκοντος αὐτοῦ καὶ περὶ ταύτα πραγματευόμενον ἑπανήκεν ὁ σίτος ('the price of corn had gone back'), ἀληθῶς ἐθέλει ἐλαβε γνώμην.

ἀνήκοτο] 'Had already set sail for Egypt.'

τάνθενε καθεστηκότα] 'The market-prices (current or established prices) here.' Or perhaps, 'that prices here were steady,' as inf. § 10. He uses ἐνθένθε for ἐνταῦθα on account of ἀποστέλλει, according to a very common idiom.

ἀναγκαίον εἰς] Perhaps to take in water or provisions.

10. πέρας δ' οὖν] 'In fine,' ceterum. See on Or. 87 § 43. Equivalent to τα δὲ μὴ μακρὰ λέγω. The construction of the long sentence following is irregular. He might have said, ἐπειδὴ ἐλαβε ὁ Παρμενίκοσ—ἔξασται τὸν ὁτον καταφρονήσεις κ.τ.λ., and the plural καταφρονήσατε may have been used because the speaker is
γράμματα τὰ παρὰ τούτου ἀποσταλέντα, καὶ πυθόμενος τὰς τιμὰς τὰς ἐνθάδε τοῦ σιτοῦ καθεστηκήσας, ἐξαιρεῖται τὸν σιτόν ἐν τῇ 'Ρόδῳ κακεὶ ἀποδίδοται,— 1286 καταφρονήσαντες μὲν τῆς συγγραφῆς, ὃ ἄνδρες δικασταλ, καὶ τῶν ἐπιτυμλῶν ἃ συνεγράψαντο αὐτὸν οὕτως καθ' αὐτῶν, ἕαν τι παραβαίνως, καταφρονήσαντες δὲ τῶν νόμων τῶν ὑμετέρων, ὦ κελεύσοι τοὺς ναυκλήρους καὶ τοὺς ἐπιβάτας πλεῖν εἰς ὅ τι ἀν συνθώνται ἐμπόριον, εἰ δὲ μὴ, ταῖς μεγίσταις ζημίαις εἶναι ἐν γύναις. καὶ ἡμεῖς ἐπείδη ἡχίστα ἐπυθόμεθα τὸ γεγονός, ἐκπεπληγμένοι τῷ πράγματι προσῆμεν τοῦτο τῷ ἀρχιτέκτονι τῆς ὅλης ἐπιβουλῆς, ἀγανακτούντες, διὸν εἰκός, καὶ ἐγκαλοῦντες ὅτι διαρρήθην ἡμῶν διορισα-

conscious that he is really describing the acts of two persons in concert. Another, and perhaps a better way of explaining the anomaly is to regard λαβὼν γάρ — ἀποδίδοται as parenthetical, and to suppose that πράγμα ποιοῦσι δεικύσαντο was intended to follow after ἐνγόνος, the last word of the paragraph, but was forgotten in the careless composition of a long sentence. G. H. Schaeffer would read πέρας δὲ, καταφρονήσαντες in both places, while Reiske proposed ἀποδίδοται for ἀποδίδοται.

καθεστηκήσας] This may mean either 'learning the market-prices here' (so Kennedy takes it), or, 'learning that the market here was quiet,' i.e. that prices were about the average. And so Mr Mayor understands it, p. 250. So in Aesch. Pers. 297, λέουν καταστάσις means 'compose yourself and say.' Ar. Equit. 865, ὅταν ἡ λίμνη κατατάσσεται.

tous ἑπιβάτας] 'Must not the word ἑπιβάτης have had some technical sense which does not appear in our lexicons? It seems hardly possible that ordinary passengers should have been liable to the severest punishment if they changed their destination. I understand it of an agent sent in charge of goods.' (Mr Mayor, p. 250.) [Similarly in the seventh ed. of Liddell and Scott: 'a merchant on board ship,' 'a supercargo.' See § 24, Or. 34 § 51, and §§ 4, 5. In § 10 it means (as often) 'a marine.' 8.]

§ 11. We, on learning this transaction, had an interview with the defendant, telling him that he had not only violated the compact, but had thrown a suspicion on us of being concerned in a contraband trade, besides having withheld from us the ship, which was our sole security.

tῷ ἀρχιτέκτονι] So Ar. Pae. 335, πρὸς τάδ' ἡμῖν, εἰ τι χρή δρᾶν, φάρ' καρχιστήκονεν.

ἀγανακτούντες] 'Expressing our indignation.'
μένων ἐν ταῖς συνθήκαις ὡς ἡ ναῦς μηδαμόσε κατα-
πλεύστει τε αλλ' ἡ εἰς Ἀθηνᾶς, καὶ ἐπὶ ταύταις ταῖς
ὀμολογίαις δανεισάντων τὸ ἀργύριον, ἡμᾶς μὲν ἐν
ὑποψίᾳ καταλέλουσε τοὺς βουλομένους αὐτιάσθαι καὶ
λέγειν ὡς ἄρα καὶ ἡμεῖς κεκοιμώνηκαμεν τῆς συνηγίας
tῆς εἰς τὴν Ῥόδουν, αὐτοὶ δ' οὐδὲν μᾶλλον τὴν ναῦν
ἥκουσι κατακομβῆστες εἰς τὸ ἐμπόρον ἐμπόροιν εἰς ὃ
συνεγράφαντο. ἑπειδὴ δ' οὐδὲν ἐπεραίνομεν ὑπὲρ τῆς ἡ
συγγραφῆς καὶ τῶν δικαίων διαλεγόμενων, ἀλλὰ τὸ γε
δάνειον καὶ τοὺς τόκους ἡξιοῦμεν ἀπολαβεῖν τοὺς ἔξ
ἀρχῆς ὀμολογηθέντας. οὗτος δ' οὗτος ὑβριστικῶς
ἐχρὴσατο ἡμῖν ὡστε τοὺς μὲν τόκους τοὺς ἐν τῇ
συγγραφῇ γεγραμένους οὐκ ἔφη δώσειν. "εἰ δὲ
βούλεσθ'κ' ἔφη "κομίζεσθαι τὸ πρὸς μέρος τοῦ πλοῦ
tοῦ πεπλευσμένου, δώσω ἡμῖν" φησὶ "τοὺς εἰς Ῥόδουν
tόκους πλεῖους δ' οὐκ ἂν δοῖν," αὐτοὶ ἐαυτῷ νομο-
thetῶν καὶ οὐχὶ τοῖς ἐκ τῆς συγγραφῆς δικαίοις πεθο-
1287 μενος. ὥς δ' ἡμεῖς οὐκ ἂν ἐφαμεν συγχωρήσαι οὐδὲν 13

1 μηδαμόσ (Dobree) καταπλευσεῖται Z.
1 +ἂτι Z. [ἂτι] Bekk. cum Reiskio. k βούλεσθ' Z. 1 αὐτῷ Z.

οὐδὲν μᾶλλον] Tameeti redi-
tum Athenas ipsis condixissent.
G. H. Schaefer.
§ 12. When we found it was
no use talking about law and
justice to such men, we asked
them to pay at least the loan
and interest agreed upon, though
in fact they were also liable to
the penalty. The defendant
however, refused even this, and
offered interest only as far as
Rhodes—thus laying down the
law for himself.
ała] Saltan.—τὸ πρὸς μέρος, τὸ πρὸς
λόγον, 'the moister in propor-
tion to the voyage actually
sailed.'
§ 13. When we, fearing we
should be implicated in the
transaction, declined to take the
interest offered, he came to us
with witnesses to attest that we
rejected the proffered payment,
knowing perfectly well that we
should reject it, and the reasons
why.
οὐκ ἂν ἐφαμεν κ.τ.λ.] The
usual hyperthesis or attraction
of ἂν to the negative—ἐφαμεν
ἂτι οὐκ ἂν συγχωρήσαμεν. See
37 § 16, and 40 § 10.
τούτων, λογιζόμενοι ὅτι, ὅπωτε τοῦτο πράξομεν, ὁμολογοῦμεν καὶ αὐτοὶ εἰς Ἡρόδου σεσιτηγηκέναι, ἔτι μᾶλλον ἐπέτεινεν οὕτως καὶ μάρτυρας πολλοὺς παραλαβών προσήξει, φάσκων ἐκοιμός ἐλναι ἀποδιδόναι τὸ δάνειον καὶ τοὺς τόκους τοὺς εἰς Ἡρόδου, οὐδὲν μᾶλλον, ὥς ἄνδρες δικασταί, ἀποδοῦναι διανοούμενοι, ἀλλ' ἡμᾶς υπολαμβάνων οὐκ ἂν ἐβελησία ἀπολαβεῖν τὸ ἀργύριον διὰ τὰς ὑπούσας αἰτίας. ἐδήλωσε δ' αὐτῷ τὸ 14 ἔργον. ἐπειδὴ γὰρ, ὥς ἄνδρες Ἀθηναίοι, τῶν ύμετέρων πολιτῶν τινὲς παραγενόμενοι ἀπὸ ταυτομάτου συνεβούλευον ἡμῖν τὸ μὲν διδόμενον λαμβάνειν, περὶ δὲ τῶν ἀντιλεγομένων κρίνεσθαι, τοὺς δὲ εἰς Ἡρόδου τόκους μὴ καθομολογεῖν ἔως ἀν κριθοῦμεν, ἡμεῖς μὲν

m ἦσστι. τέως Bekker st. cum ΣΦ.

ὅπωτε] See Or. 34 § 38.
μᾶλλον ἐπέτεινεν] 'He was still more pressing.' A metaphor, perhaps, from the tuning of a lute, and raising the pitch. Cf. § 24.
μάρτυρας πολλοὺς] Cf. Or. 34 § 30, σοὶ δ' ἀποδιδόντι τὸ τε δάνειον καὶ τοὺς τόκους ἀμφοτέρους—πῶς οὖχι πολλοὺς ἢν παραλαβέων μάρτυρας;
οὐδὲν μᾶλλον] Used here adverbially, 'not at all the more intending to repay' &c.
ὑπούσας] so. τῷ ἀπολαβέων.
§§ 14—16. That we were right in supposing he never meant to pay, was shown by the result (§ 16). We were advised to take the interest as far as Rhodes, and to file a bill against them to recover the rest. To this we consented, not wishing to seem too hard on the defendant. But when he demanded that the whole claim should be cancelled on payment of part, we declined that, offering however to cancel it in so far as it was paid. To this he would not consent, and so to this day he has paid us nothing.

ὑμετέρων πολιτῶν] Hence it follows that the speaker and his partner were not citizens, but μέτοικοι. Cf. note on Argument, 1. 1. 8.

ἀπὸ ταυτομάτου] It seems better to construe this with συνεβούλευον, 'volunteered the advice,' than (as Kennedy takes it) with παραγενόμενοι, 'who were accidentally present.' [M. Weil however (Revue Critique, 1876, p. 145) and Mr Mayor, p. 261, agree with Kennedy's rendering. The other rendering would be naturally expressed by αὐτόματος. 8.]
κρίνεσθαι] 'To go to law,' 'to have the matter decided by a jury.'

μὴ καθομολογεῖν] 'Not to accept as full payment.' The κατὰ here seems to have the same
tauta synexwroûmen, ouc ágnouontes, ò andres dikastai, to ék tis synagraphês dikaiou, all' hgyômenoi deiv epatotoublai ti kai synexwrein, óste mh dokaiw filodikoi elnai, óun to ògevra hmais ómôse poronôménous, "anáireîste" fhipi "toînw twn synagrafhn."

"himais anairoîmeta; oudeven ge màllon h ótioi all' 15 kata' mén tárgyriu, ò an ápotodôs, òmológhsasmen évan-tion tou trapeziatou akurov poiein twn synagrafhn, to méntoi svnolou ouc òn an aneîlomebha, énos òn peri toû an tâllegomênou krîdômen. ti gar échontes dikaiou ò
ti to ischurôn antidikêsasmen, éan te prôs diaithtîn éan te elis dikasthriou dég kadêzewn, anelômenoi twn
synagrafhn en ò twn úpêr twn dikaiîn boûtheian

force as in katagorázein, Or. 34 § 7, 'to agree to as against the debt.'

épatotoublai] 'To take something less than our rights.' See Or. 40 § 53.

ómôse poronôménous] This may mean, 'Ready to proceed against him,' i.e. inclined to stand on our rights, and not to give up altogether the interest from Rhodes to Athens; and this is the regular meaning of the term, 'to go at a person,' as we say, lit. 'in the direction' of ómów, i.e. éngos. Photius, ómôse: ómow eli tón aúton tótochon: èi èz enantias. ómôse taîs lôgyxais lenav, ènti tòu èz enantias eli tò aúto ékhezên. This gloss lends some colour to Kennedy's rendering, 'when the defendant saw that we were closing with his offer.' Mr Mayor also translates (p. 251) 'ready to meet him half-way:' [M. Darest has: préte à le suivre, and Blase (mu 525) notices it as used peculiarly for synexwroûmenas].

anáireîste] See Or. 34 § 31.

15. himais k.p.l.] 'We cancel it! Nothing less likely.'
'The last thing in the world!' Lit. 'not more than we would do anything.'—all' k.p.l. 'No! in proportion to the sum you may have paid, we will agree to cancel the bond in the presence of a banker; but we will not cancel it as a whole, until we have had a verdict given about the amount in dispute. For with what claims of justice, or holding what as our security, shall we join issue, whether we have to go to an arbitrator or to a court, if we cancel the bond in which we have our sole redress in case our rights are refused?' All this is a model for Greek composition, being at once simple and idiomatic. The law said that all voluntary compacts were binding (§ 2): consequently, if the bond had been cancelled, Dionysodorus could have pleaded a demurrer to any further action.

ti échontes—to ischurôn] See § 2.
§ 16. On our saying this, and imploring the defendant not to meddle with, much less to cancel, the agreement which he himself admitted to be still binding, but to pay us what he allowed to be due, and declaring that we were ready to accept the arbitration of any one or more of the merchants on 'Change, Diomysodorus declared that he would not listen to any of these terms, but because we were not willing to cancel the bond entirely on receiving the part of our dues which he ordered us to take, he has been keeping what belongs to us and making use of our money now for two years.

A kind of attraction to ἡμῶν λέγωντων above. = ὡς ἐτολμὼν ἡμῶν ἄντων, Reiske. Kennedy follows G. H. Schaefer in translating, "should leave the disputed claim, the amount of which was certain to be decided by one or more commercial men." ("De controversa autem pecunia, ut de qua liquido constaret." Schaefer.) "In the simplest form the sentence would run ἐξομεν, ὡς ἐτολμὼν δέντων, κραβῆται, which, thrown into the (genitive) absolute, becomes ἐξομενῶν ὥς ἐτολμῶν δέντων κραβῆται." (Mr Mayor, p. 251.) ἐφ' ἐνι. 'Before one arbitrator.' [Fals. leg. § 243 ἐτὶ τοῦ δικασταὶς ἔλεγε, but in this sense the gen. is more common, e.g. 59 § 66 ἐτὶ τοῦ δικαιοῦν τοῦ. S.] ἐπέταττε] i.e. as if he were master and we were but slaves. See Or. 39 § 7.

§ 17. What is the hardest thing to bear is this, that he is getting bottomry interest for our money, while we can get none out of him; and that too though his transactions are not for Athens, but for Egypt and Rhodes (i.e. for the trade between these marts).

ΠΡΟΚΛΗΣΙΣ.

Ταύτα τοίνυν, ὃ άνδρες δικασταί, προκαλεσαμέ-18
νων ἡμῶν Διονυσόδωρον τούτοις πολλάκις, καὶ ἐπὶ
πολλὰς ἡμέρας ἐκτιθέντων τὴν πρόκλησιν, εὐθέως
ἐφη παντελῶς ἡμᾶς εἶναι, εἰ ὑπολαμβάνομεν αὐτὸν
οὕτως ἀλογίστως ἔχειν ὅστ᾽ ἐπὶ διαμητὴν βαδίζειν,
προδήλου ἄντος ὅτι καταγνώσεται αὐτὸν ἀποτίσαι τὰ
χρήματα, ἐξόν αὐτὸ ἐπὶ τὸ δικαστήριον ἤκουεν φέροντα
ναυτικοὺς τόκους] This was
larger than other kinds of in-
terest, probably. Thus, in Or.
34 § 23, it is 600 drachms on
2000, while ibid. § 25, the in-
terest according to a land-
mortgage is 560 on 3360, or
£100, while in Or. 50 (πρὸς
Πολυκ. § 17, the nautilcos τόκος
is ἐτίγδυος.—τὴν πρόκλησιν, see
Or. 39, Argum.

οὕτως ὅτε τοῖς] He thinks he
is not bound.' In this formula,
as in νῦν φημι &c., the infinitive
is virtually negatived. See § 47.
Thus, 33 § 3, τῶν δὲ πόλεμων, δι'
ὅπερ χρήσιμως ἐν εἰς ἔως ἔτει
ἡμῶν μὴ ὅτε ἐστεθαί, 'if any
of you think the war will not
take place,' &c.

§ 18. He, however, ridiculed
the idea of going to an arbi-
trator, who was sure to give
sentence against him. He might
just as well go into court at
once with the money in his
hand, and pay it if he was
forced, or keep it if he could.

ἐκτιθέντων] i.e. προσεβένων.
As we insert advertisements in
newspapers, so notices were
posted on the eponym heroes
(statues in the agora) of each
tribe, that no man might plead
ignorance. The present par-
ticiple expresses the duration,
and so represents the imperfect
tense. [ἐκθέως τοὺς νόμους]
πρόβεβην τῶν ἐπισφέρόμεν ὁκους in
Or. 20 (Lept.) § 94, and simi-
larly in 24 §§ 18, 23, Aeschin. 3
§ 39 and Andoc. 1 § 84; also
(of the public announcement of
the name of one who had bro-
ken his promise to the people)
in Isaeeus Or. 5 § 38. There is
no proof that documents con-
ected with private suits were
published in the same place. S.]
eὐθέως] Isocr. Paneg. § 169 n.
S.]

ἐπὶ διαμητὴν βαδίζειν] cf. § 15
and see note on 53 § 15. S.]

P. S. D. 16
τάργύριον, εἰτ' ἐὰν μὲν δύνηται ὑμᾶς παρακρούσασθαι, ἀπιέναι τάλλοτρια ἔχοντα, εἰ δὲ μὴ, τηνικαίτα καταθείναι τὰ χρήματα, ὡς ἄνθρωπος οὐ τῷ δικαίῳ πιστεύων, ἀλλὰ διάπειραν ὑμῶν λαμβάνεις βουλόμενος.

19 Τὰ μὲν τολμῶν πεπραγμένα Διονυσοδώρῳ ἀκη-1289 κόστα, ὃ ἄνδρες δικασταὶ οἴομαι δ' ὑμᾶς θαυμάζειν ἀκούοντας πάλαι τὴν τόλμαν αὐτοῦ, καὶ τῷ ποτὲ πιστεύων εἰσελήλυθε δευρ. πῶς γὰρ οὐ τολμήρον, εἰ τις ἄνθρωπος δανεισάμενος χρήματα ἐκ τοῦ ἐμπορίου τοῦ Ἀθηναίων, καὶ συγγραφὴν διαρρήκτην γραψάμενος ἐφ' ὃ τε καταπλεῖν τὴν ναῦν εἰς τὸ ύμέτερον ἐμπόριον, εἰ δὲ μὴ, ἀποτίνεις διπλάσια τὰ χρήματα, μῆτε τὴν ναῦν κατακεκόμηκεν εἰς τὸν Πειραιᾶ μῆτε τὰ χρήματα ἀποδίδωσι τοὺς δανείσασι, τὸν τε σῖτον ἐξελόμενον ἐν 'Ρόδῳ ἀπέδωτο, καὶ ταῦτα διαπεραγμένοι ὀυδὲν ἦττον

τιττά Z. ἦ Bekk. cum F (τὸλμαν αὐτοῦ) et Σ (in margine prima manu adscriptum). om. Z.

παρακρούσασθαι] i.e. to induce them to give a verdict in his favour.

§§ 19, 20. The matter of surprise is, that he should dare to come into court without 'a leg to stand upon.' Here is a man who has borrowed money in the Athenian mart, under a promise to sail back to it or pay a heavy fine, and yet refuses either to pay or to produce the security! He has sold the corn in Rhodes, thereby breaking the law, and yet has the face to appear before a jury.

20. γραψάμενος] 'Having had a bond drawn up and engrossed on the express condition that the ship shall put into your port, or in default shall pay the amount of the loan twice over.' For the use of the article by which διπλάσια becomes a predicate, compare Aesch. Ag. 520, διπλά 8' ἔτιαν Πριμύδαι δᾶμαρια.

ἀπέδωτο] Notice the variety of indicatives depending on εἰ, and expressing fact, κατακεκόμηκεν, ἀποδίδωσι, ἀπέδωτο, τολμᾶ.

διαπεραγμένος] This is frequently found in the middle sense (35 § 26; cf. κεκομισθαί, § 3). Demosthenes, as elsewhere remarked, is fond of using the form of the perfect passive in the middle sense. Thus γεγραμμαι is 'I have impeached,' Timocr. § 17. This closely resembles the transitive verbal adjective (commonly called the past participle) of deponent verbs, meditatus, comitatus, &c,
not a few of which are also used in a passive sense, as διαπραγμένος in tragedy means 'done for.' Mr Mayor says, "it is curious that Demosthenes and Plato seem never to employ the active διαπράσσειν."

τολμᾶ—πρόσωπα;] Or. 34 § 19, εἰς τὰ ύμετρα πρόσωπα ἐμβαλέσθη. This is one of the parallels quoted by Blass, Att. Ber. iii 525, indicating that the present speech was by the same author as that against Phormio. s.]

§§ 21, 22. Now hear his excuse. He pretends that the ship sprang a leak in the voyage from Egypt, and so he was forced to put in at Rhodes and sell the cargo there. And he points to the fact in confirmation, that he had to hire other craft, and send off some of the goods to Athens. Another plea is, that other leaders agreed to take the interest to Rhodes, whereby showing that they believed his story. Thirdly, the contract says, 'if the ship gets safe;' but she did not get safe.

καὶ προσχεῖν καὶ—κ.τ.λ.] 'That both the putting in to Rhodes and the unloading of the corn (viz. to get at the leak) were matters of necessity with him.' It might have been urged that at least one of these two expedients was unnecessary. Thus in § 42 it is denied that there was any need of going to Rhodes at all.

22. συγκεκριμέναι] This may be called a brief expression for συγκεκριμένοι δέκασθαι. The simple accusative generally implies the ceding of something to another. So συγκεκριμένα λα-
23 Ἐτέρα πλοία καὶ μετεξειλόμην τὸν γόμον καὶ δεῦρο ἀπέστειλα; ὅτι, ὃ ἀνδρεῖς Ἀθηναίοι, ὅπως αὐτοῖς ὄφειλαν ἃν πάντως ἀναγόμενοι οὗτος ὑμῖν κύριος ὤν οὖσιν ὁ κοινωνὸς αὐτοῦ, ἀλλὰ οἱ ἐπιβάται τὰ ἐκεῖνα χρήματα ἀπέστελλον, οἵματι, δεῦρο ἐν ἐτέραις πλοίαις ἐξ ἀνάγκης, ἐπειδὴ προκατέλυσαν οὗτοι τὸν πλοῦν ὁμοίως ἀναμνήσαντες καὶ τὰ ἀπέστελλον πάντα δεῦρο, ἀλλὰ ἐκλεγόμενοι τίνων αἱ

24 Διὰ τὰ οὖν, φήσιν, ἐμπιστώσαμην ἢ τῶν γόμων καὶ δεῦρο ἀπέστειλα; ὅτι, ὃ ἀνδρεῖς Ἀθηναίοι, ὅπως αὐτοῖς ὄφειλαν ἃν πάντως ἀναγόμενοι οὗτος ὑμῖν κύριος ὤν οὖσιν ὁ κοινωνὸς αὐτοῦ, ἀλλὰ οἱ ἐπιβάται τὰ ἐκεῖνα χρήματα ἀπέστελλον, οἵματι, δεῦρο ἐν ἐτέραις πλοίαις ἐξ ἀνάγκης, ἐπειδὴ προκατέλυσαν οὗτοι τὸν πλοῦν ὁμοίως ἀναμνήσαντες καὶ τὰ ἀπέστελλον πάντα δεῦρο, ἀλλὰ ἐκλεγόμενοι τίνων αἱ

The sentence is quoted in Bekker's Anecdota, p. 144, 16, διὰ τὰ οὖν εἰ μὴ ἢ ἑπεὶς ἄλλοις συγχωρήσομεν.

§§ 23—5. First as to the alleged leak. That must be false, because the ship got safe to Rhodes, and is even now seaworthy. No! the leak only let in water when the ship was wanted at Athens! Secondly, as to the hiring of other craft. Why, he asks, did I do that if the ship could have made the rest of the voyage? Because, gentlemen of the jury, neither he nor his partner was the owner of all the goods: there were passenger-merchants on board who were obliged to forward their goods when these men chose to stop short at Rhodes. As for their own goods, they sent on such only as would fetch a higher price. Otherwise, why was not the corn sent on also? Because corn had got cheaper at Athens. So that this hiring of other craft proves to have been done only in their own interest.

24. ἐκλεγόμενοι] 'Selecting those of which the prices had been raised.' Lit. 'of what goods,' &c. τίνων in this respect differing from ὅ. G. H. Schaefer suggests et τίνων.

[The sense implied by τίνων
πολία, ὥς φατε, οὐχ ἀπαντά τὸν γόμον τῆς νεός μετεν-έθεσθε, ἀλλὰ τὸν σιτοῦν αὐτοῦ ἐν τῇ 'Ῥόδῳ κατελι-πετε'; ὅτι, ὅ ἀνδρες δικασταί, τοῦτο μὲν συνέφερεν αὐτοῖς ἐκεῖσε πωλεῖν' τὰς γὰρ τιμᾶς ἐνθάδε ἀνεικέναι ἥκουν τὰ δ' ἀλλ' ἀγώνιμα ὡς ὑμᾶς ἀπέστελλον, ἀφ' ὃν κερδανεῖν ἥλπιζον. Ἀδότε τὴν μίσθωσιν τῶν πλοίων ὡταν λέγης, οὗ τοῦ λαγήναι τὴν ναῦν τεκμηρίον λέγεις, ἀλλὰ τοῦ συμφέροντος ύμῖν.

Περὶ μὲν οὖν τούτων ἰκανά μοι τὰ εἰρημένα· περὶ δὲ τῶν δανειστῶν, οὓς φασὶ συγκεχωρηκέναι λαβεῖν 1291 παρ' αὐτῶν τοὺς εἰς 'Ῥόδου τόκους, ἔστι μὲν οὐδὲν πρὸς ὑμᾶς τοῦτο. εἰ γὰρ τις ύμῖν ἀφήκε τι τῶν αὐτοῦ, οὐδὲν ἀδικεῖται ὁ πείσας· ἀλλ' ἡμεῖς οὕτ' ἀφελκαμέν σοι οὐδὲν οὔτε συγκεχωρήκαμεν τῷ πλοῖ τῷ εἰς 'Ῥόδου, οὖδ' ἐστιν ὡμίον οὐδὲν κυριώτερον τῆς συγγραφῆς. αὕτη δὲ τὸ λέγει καὶ ὅτι προστάττει τὸν πλοῖν ποιεῖται 27 σθαί; Ἀθήνηθεν εἰς Αἰγύπτου καὶ εἴ Αἰγύπτου εἰς Ἀθήνας· εἰ δὲ μή, ἀποτίνειν κελευεῖ δυσπλάσια τὰ

*Bekk. κατελιπετε Ζ cum Σ. * ἀλλα Ζ.

* + ἦ ὁ πείσας Ζ. (οὐθ' ὁ δωσ ὀθθ' ὁ πείσας γρ. ΦΒ.) ἡ ὁ πείσα] Bekk.

is 'Making a selection with careful note what the goods were, the prices of which had been enhanced.' Prof. Kennedy. (Cf. his Studia Sophoclea, i pp. 69—71.) Σ.] 25. ἀνεικέναι] Intransitively. 'Had given way, relaxed, slackened.' Both this and the preceding word (see § 13) are borrowed from the tuning of a lute.

§ 26. Thirdly, it is nothing to us if other lenders consented to take less than their due. We did not consent, nor agree to the voyage to Rhodes at all. We abide by the words in the bond, which we still hold to be binding on them. τῷ πλῷ] The dative is much more common with the person, as συγκερωθ' σοι.

§ 27. The bond specifies a penalty, and if you have incurred it, then you are bound to pay it. It is a self-imposed obligation, and therefore you cannot evade it. You must prove to the judges either that we can claim no rights by the bond, or that you are not bound to act according to it.
χρήματα. ταύτ' εἰ μὲν πεποληκας, οὖδὲν αδικεῖς, εἰ δὲ μὴ πεποληκας μηδὲ κατακεκόμικας τὴν ναῦν Ἀθήναξε, προσήκει σε ζημιούσθαι τῷ ἐπιτιμῷ τῷ ἐκ τῆς συγγραφῆς· τούτῳ γὰρ τὸ δίκαιον οὐκ ἄλλος οὐδεὶς, ἀλλὰ αὐτὸς σὺ σαυτῷ ὄρισας. δεῖξον οὖν τοῖς δικασταῖς δυὸν βάτερον, ἢ τὴν συγγραφὴν, ὡς οὗτος ἔστιν ἡμῶν κυρία, ἢ ὥσιν δίκαιοι εἰ πάντα κατὰ ταύτην πράττειν.

28 εἰ δὲ τινες ἀφείκασι τὶ σοι καὶ συγκεκαρῆκασι τοὺς εἰς Ρώδον τόκους ὅτι δήποτε τρόπῳ πεισθέντες, διὰ ταύτα οὐδὲν ἀδικεῖς ἡμᾶς, οὐς παρασυγγεγραφήκας εἰς Ρώδον καταγαγόν τὴν ναῦν; οὐκ οἶκοι γε' οὐ γὰρ τὰ υφ' ἐτέρων συγκεκαρημένα δικάζουσιν οὗτοι νῦν, ἀλλὰ τὰ υπ' αὐτοῦ σοῦ πρὸς ἡμᾶς συγγεγραμμένα. ἐπεὶ δὴ γε καὶ τὸ πείρα τὴν ἀφέσεω τῶν τόκων, εἰ ἄρα γέγονεν ὡς οὗτοι λέγουσι, μετὰ τοῦ συμφέροντος τοῦ 29 τῶν δανειστῶν γέγονε, πᾶσιν ὑμῖν φανερὸν ἔστιν. ὃι γὰρ ἐκ τῆς Ἀιγύπτου δανείσαντες τούτοις ἐτερόπλουν

tῷ ἐπιτιμῷ τῷ ἐκ τῆς συγγραφῆς] § 26; inf. § 44, cf. §§ 12, 24, τοῖς ἐκ τῆς συγγραφῆς δικαίους.

§ 28. It does not follow that, because some have taken less than their dues, you do not wrong us by withholding ours. The question before the jury is not what they gave up, but what you engaged to pay. In fact, it is easy to see that the leaders in question really consulted their own interest. They could make more by taking the principal with part of the interest at Rhodes, and lending it for another voyage to Egypt.

The transitive sense of παρα-συγγραφῶν is irregular. It merely means ‘to violate a bond.’ But like many verbs of this sort, it takes an accusative of the person affected by the action. Compare συγκοσμητεῖν, προσέκεισθαι τινι τινι (Or. 37 § 11, 58 § 19). It is intransitive, § 34. Similarly, in Or. 54 (κατὰ Κορ.) § 2, a man is said παρανεμῆθαι, and in Παραπ. § 198, one is said παροικεῖσθαι, and we have πλεονεκτεῖσθαι, ἀρατοκρατεῖσθαι, δημοκρατεῖσθαι, &c.

29. οὐ γὰρ κ.τ.λ.] This serves as the subject to ἀφίκοντο, though it involves a change of subject in οἴκου. But the writer intended some other construction in what follows than οὐδέν διέφερεν αὐτοῖς, e.g. ἤθελον οἰ κρείττων ἔνθισυν.
π. 1292] ΔΙΟΝΤΣΟΔΩΡΟΤ ΒΛΑΒΗΣ. 247

τάργυριον εἰς Ἀθῆνας, ὃς ἀφίκηκεν εἰς τὴν Ῥόδον καὶ τὴν ναῦν ἐκείσε ὁδοί κατεκόμμασαν, οὐδὲν, οἶμαι, διέ
φερεν αὐτοῖς ἀφεμένοις τῶν τόκων καὶ κοιμασμένοις 
τὸ δάνειον ἐν τῇ Ῥόδῳ πάλιν ἐνεργὸν ποιεῖν εἰς τὴν 
1292 Ἀγνηπτον, ᾧ οὐσιτέλει πολλῷ μᾶλλον τούτῳ ἡ 
δεύρ’ ἐπαναπλείν. ἐκείση μὲν γε ἄκεραιοι ὁ πλοῦς, 30

† Bekk. ἀφεμένοις Ζ cum FF; ἀφικόντοις Σ.

* γὰρ ἄκεραιος Ζ cum FFΣ. γε ἄκεραιος Bekk. ‘ἄκεραιος quidem 
neque tuncus (ἀλλιώς), neque identidem redintegratus, neque nun-
quam interruptus usquam alibi valere videtur; ἄκεραιος autem nil 
nisi aut momentaneus aut minutissimus significat. Fortasse igi-
tur scribdum: ἐκεῖσε μὲν γὰρ δὲ ὁράοις ὁ πλοῦς (Hesiodi Op. 628, 
683 ὁράοις πλοῦς). Hunc opponitur infra parocheimαξεν καὶ περι-
μένων τὴν ὁράλαν. Cf. Pindari Isthm. π 42—62 ἐπέρα τοι μὲν 
Φάσω θεραίας (ponto Euxino aestate tantum aperto), ἐν δὲ χειμώνι 
πλέων Νείλου πρὸς ἀκτὰς (navigatione e Sicilia ad Aegyptum ne 
hieme quidem interclusa).—Hiberno scilicet tempore propter maris 
Aegei procellas inter Athenas Rhodumque multo minus tuta est 
navigatio, quam inter Rhodum et Aegyptum, ubi ventus fere semper 
as occasus solis spirat, in alterutram partem navigantium satis com-
modus; aestatis autem tempore quadraginta dies e regione inter 
Boream Zephyrumque inacente (sc. e Rhodo ad Aegyptum) perfert 
Etesiae (J. Smith, Voyage and Shipwreck of St Paul, pp. 72, 76).
Etiam χειμώνιος prope Cnidum (i.e. iuxta Rhodum) invenimus τὰς 
ἀκτ’ Ἀλταίντης ὀλάκδας (Thuc. viii 85).’ J. E. Sandys.

τῶν τόκων] βα. τῶν ἐκ Ἀθηνας, 
‘giving up the interest due from Rhodes to Athens.’
ἐπαναπληίν] ‘To make the 
return voyage.’ Or, ‘to com-
mence a new voyage to Athens’ 
(Kennedy). “Rursus evehí in 
altum, huo ut appellerent” (G. 
H. Schaefer).—ἐκείση μὲν γε 
k.τ.λ. ‘For to Egypt the voyage 
might be made again and again, 
and they might have traded 
twice or thrice with the same 
money; whereas if they had 
come to Athens, they would 
have had to winter there, and 
wait for the sailing-season. So 
that in fact those lenders have 
made additional profit, and have 
not remitted any of their gains 
to benefit them. But, for our 
parts, so far is it from being 
a question about the interest, 
that we cannot get back even 
our principal.’
ἄκεραιοι] Properly ‘pure’ 
(Eur. Hel. 48, ἄκεραιον λέχος), or 
’unimpaired,’ ἀκ. δύναμι, Thuc. 
iii 5. But it seems here to 
take a later sense, analogous 
to εἰς ἄκεραλον, de integro, ‘anew,’ 
which is quoted from Polybius 
xxiv 4 § 10 ἢ γά μὴ πάλιν εἰς 
ἄκεραλον περὶ πάντων ἀντιλέγομεν,
καὶ διὰ τὴς ὑπόρχειν αὐτοῖς ἐργάσασθαι τῷ αὐτῷ ἀργυρῷ ἐνταῦθα δ' ἐπιδημήσαντας παραχειμάζειν ἔδει καὶ περιμένειν τὴν ὥραλαν. ὥστ' ἐκεῖνοι μὲν οἱ δανεισταὶ προσκεκερδήκασι καὶ οὐκ ἀφείκασι τοῦτος οὐδὲν· ἦμιν δ' οὔκ ὅπως περὶ τοῦ τόκου ὁ λόγος ἐστὶν, ἀλλ' οὔδε τάρχαια ἀπολαβεῖν δυνάμεθα.

31 Μὴ οὖν ἀποδέχεσθε τούτου φενακίζοντος ὑμᾶς καὶ τὰ πρὸς τοὺς ἄλλους δανειστὰς πεπαγμένα παραβάλλοντος, ἄλλ' ἐπὶ τὴν συγγραφὴν ἀνάγετ' αὐτὸν καὶ τὰ ἐκ τῆς συγγραφῆς δίκαια. ἔστι γὰρ ἐμοὶ τε λοιπὸν διδάξαι ὑμᾶς τούτο καὶ οὕτως ἰσχυρίζεται τῷ αὐτῷ τούτῳ, φάσκων τὴν συγγραφὴν κελεύειν σωθείσης τῆς νεώς ἀποδιδόναι τὸ δάνειον. καὶ ἦμεις ταύτα οὕτω

* Bekk. αὐτὴν Σιμ. Σ.

§ 31. Don’t listen therefore when he tries to cajole you by comparing our conduct with the treatment that others receive, but bring him to book, and his obligation by the contract. I say, obligation; for we both allow that the matter turns on the clause, ‘if the ship gets in safe.’

ἀποδέχεσθε] As frequently ἀνέχεσθαι, this verb takes a genitive, originally perhaps taken absolutely, ‘when he says this, don’t take it from him,’ or ‘don’t bear it.’ Cf. παραπρεβῇ. (Or. 19) p. 346 fin., ὥστε τῶν τὰ τρόπαια καὶ τὰς ναυμαχίας λεγόντων ἀνέχεσθαι. [For ἀποδέχεσθαι with the genitive, see Or. 27 Aphob. A § 59; 48 Olymp. § 51; Lysias 14 § 24; Deinarchus 1 § 113 μὴ ἀποδέχεσθε αὐτῶν. S.] τὰ πρὸς τοὺς ἄλλους δ. πεπαγμένα] What other borrowers do (or perhaps, what he himself does) to other lenders. G. H. Schaefer explains παραβάλλοντος as παράδειγμα ποιομένου.
φαμέν δειν ἐχειν. ἥδεως δ’ ἂν πυθομὴν αὐτοῦ σοῦ, 32 πότερον ὦς ὑπὲρ διεφθαρμένης τῆς νεῶς διαλέγει
ή ὡς ὑπὲρ σεσωσμένης. εἰ μὲν γὰρ διεφθαρται ἡ ναις καὶ ἀπόλλων, τὰ περὶ τῶν τόκων διαφέρει καὶ ἀξιῶς ἡμᾶς κομίζεσθαι τοὺς εἰς Ὄρδον τόκους; οὐτε γὰρ τοὺς
tόκους οὔτε τάρχαία προσήκει ἡμᾶς ἀπολαβεῖν. εἰ δὲ
ἐστιν ἡ ναις σφάλμα ταῦτα καὶ μὴ διεφθαρται, διὰ τὴν ἡμῖν οὐκ ἀποδίδως τὰ χρήματα δ' συνεγράψω; πόθεν οὖν ἀκριβεστάτα ἂν μᾶθωτε, ὁ ἄνδρες Ἀθηναίοι, ὅτι σεσωσται ἡ
ναις; μάλιστα μὲν ἦν αὐτοῦ τοῦ εἶναι τὴν ναῦν ἐν
πλω, οὐχ ἐπτόν δὲ καὶ ἔλαβεν αὐτοῖς ὁδοὺς λέγουσιν.
ἀξιῶς γὰρ ἡμᾶς τὰ τε ἀρχαία ἀπολαβεῖν καὶ μέρος
1293 τι τῶν τόκων, ὡς σεσωσμένης μὲν τῆς νεῶς, οὐ πεπλευκυλαὶ δὲ πάντα τῶν πλοίων. σκοπεῖτε δὲ, ὁ ἄνδρες 34
Ἀθηναίοι, πότερον ἡμέως τοὺς ἐκ τῆς συγγραφῆς δικαίους
χρώματα ἡ οὕτως, οὐτε εἶναι τὸ συγκελμένον ἐμπόριον
πεπλεύκασιν, ἀλλ' εἰς Ὅρδον καὶ Ἀγγυττον, σωθείσας
τε τῆς νεῶς καὶ οὐ διεφθαρμένης ἀφεσιν οὖνται δειν

b διαλέγῃ Z. o διαφέρει Z.

a σὺς Cobet. Cf. § 37 inf.

Bekk. 1824. οὐ δίδως Z et Bekk. et cum FΣΦ.

§§ 32, 3. Either the ship was lost, or it got in safe. In the
former case, you are exempted from all payment, and have no
need to ask us to accept a part. In the latter case, why do you
not pay what you promised? That the ship was not lost is
proved by its being actually at sea, as well as by the de-
fendants' own admissions; for they want us to accept a part
on the ground that it was not lost, but only made part of the
voyage.

διεφθαρται] Combined with ἀπόλλων, this suggests the sense
'lost' rather than 'damaged' or 'spoiled' by springing a
leak; though either gives a good

See inf. § 46.

§ 34. They, of course, say
that we are violating the com-
 pact by pressing for payment
though the ship has been lost.
But surely it is they who do
so much more plainly, by not
sailing into the port agreed
upon, by claiming a reduction
of the interest though they
sailed to Rhodes only, and by
making much money through
this contraband importation of
corn to that mart.
εὐρίσκεσθαι τῶν τόκων παρασυγγεγραφηκότες, καὶ αὐτοὶ μὲν πολλὰ χρήματ' εἰργασμένοι παρὰ τὴν συνηγίαν τὴν εἰς Ὁδόν, τὰ δ' ἡμέτερα χρήματ' ἔχοντες καὶ 35 καρπούμενοι δεύτερον ἔτος τούτι. καὶ νότον δ' ἐστὶ πάντων τὸ γνωμένον' τὸ μὲν γὰρ δάνειον τὸ ἀρχαῖον ἀποδίδοσιν ἡμῖν ὡς σεσωσμένης τῆς νεός, τοὺς τόκους δ' ἀποστερήσαι οἶον ταῖς δὲ Ἰερεμίαν. καὶ τὸν ἑσυγγράφον οὐχ ἔτερα μὲν λέγει περὶ τῶν τόκων, ἔτερα δὲ περὶ τοῦ ἀρχαίου δανείσματος, ἀλλὰ τὰ δίκαια 36 ταῦτα περὶ ἀμφοῖν ἐστὶ καὶ ἡ πρᾶξις ἡ αὐτή. ἀνὰγωσθεί δὲ μοι πάλιν τὴν συγγραφήν.

ΣΤΤΓΡΑΦΗ.

Ἄκοῦσε, ὦ ἀνήρ ᾿Αθηναῖοι, ᾿Αθηνηθείς, φησίν, εἰς Ἀλυσίτου καὶ ἐξ Ἀλυσίτου ᾿Αθηναῖε. λέγε τὰ λοιπά.

ΣΤΤΓΡΑΦΗ.

37 ᾿Ανθόν ὁ ἄνθρωποι, πάνυ ἀπλοῦν ἐστι διαγνωστοὶ ἔργα[εσθαι χρήματα] 'Το make money,' is a close coincidence with our idiom, and is a phrase not uncommon.—ταῦτα, 'along of,' i.e. through the carrying of corn to Rhodes. § 35. The very nature of the offer itself is unprecedented: they are willing to repay the loan because the ship arrived safe, but will not pay the interest because she did not (i.e. reach Athens). But the bond makes no such distinction between the principal and the interest.

τὸ δάνειον τοῦ δανείου, which will be the genitive after both τὸ ἀρχαίον and τῶν τόκων. So below it is probable that τοῦ ἀρχαίου τοῦ δανείσματος is the true reading, and that in § 37 δάνειον should be omitted after ἀρχαίον. G. H. Schaefer would omit τὸ ἀρχαίον —ἀρχαίον—ἀρχαίον. Mr Mayor (p. 252) has no difficulty in rendering the vulgate 'the original debt.' Possibly δάνειον in § 37 crept in from a gloss. §§ 37, 38. The case then is very simple: the ship was not
νῦν ὑπὲρ ταυτησία τῆς δίκης, καὶ οὐδὲν δεῖ λόγων πολλῶν. ἦν ναῦς ὅτι μὲν σέσωσται καὶ ἐστὶ σφάλμα, καὶ παρ’ αὐτῶν τούτων ὁμολογεῖται. οὐ γὰρ ἂν ἀπεδίδοσαν τὸ τε ἄρχαίον δάνειον καὶ τῶν τόκων μέρος τι. οὐ κατακεκόμησται δὲ καὶ εἰς τὸν Πειραιᾶ. διὰ τοῦτο ἦμεις μὲν 1294 οἱ δανειζόμενοι ἀδικεῖοντας φαμεν, καὶ ὑπὲρ τούτων δικαζόμεθα, ὅτι οὐ κατέπλευσεν εἰς τὸ συγκελμένου ἐμπόριον. Διοισοδώρος δ’ οὐ ἥπησον ἀδικεῖον δι’ αὐτὸ 38 τοῦτο: οὐ γὰρ δεῖν αὐτῶν ἀποδοθοῦν πάντας τοὺς τόκους, ἐπειδὴ ἦν ναῦς οὐ κατέπλευσεν εἰς τὸν Πειραιᾶ. ἦ δὲ συγγραφὴ τι λέγει; οὐ μὰ Δι’ οὐ ταῦθ’ ἃ ὑπὲρ λέγεις, ὃ Διοισοδώρω: ἄλλ’ ἔδω μὴ ἀποδιδόν τὸ δάνειον καὶ τοὺς τόκους ἡ μὴ παράσχεις τὰ υποκέλμενα ἐμφανὴ καὶ ἀνέπαφα ἦ ἄλλο τι παρὰ τὴν συγγραφῆν ποιήσας, ἀποτίνως κελεύει σε διπλάσιο τὰ χρήματα. καὶ μοι λέγε αὐτὸ τοῦτο τῆς συγγραφῆς.

ΣΤΙΓΜΑΤΙΣΗ.

[Ἐὰν δὲ μὴ παράσχωσι τὰ υποκέλμενα ἐμφανὴ καὶ

1 ταύτης Ζ cum ΣΦ.

1-1 'legendum ἦ ναῦς (ὅτι μὲν) σῶς ἐστίν, ut paullo ante p. 1292. utilia de hac re notavit Dindorfius ad (Dem.) paginam (Reiskianam) 61, 14 in editione minore’ (p. xviii). Cobet, Misc. Crit. p. 514.

lost, for they offer to pay in part; it did not sail back to the Peiraus, and that is precisely our grievance, and the ground of this action. The defendant on his part says that is his reason for not paying the whole. But the bond says differently, and imposes a penalty for default.

λόγων πολλῶν] Perhaps πουκάλων, as opposed to ἀπλοῦν. The same antithesis occurs in Eur. Phoen. 469, ἀπλοῦν ὁ μῦθος τῆς ἀληθείας ἐφι, καὶ πουκάλων δεὶ τάνδυς ἐμφανεύματος. [Dem. 9 § 37, οὐδὲν πουκάλων οὐδὲ σοφόν, 29 § 1, εἰ μὲν ἔδει τῶν ἄνδρας ἐν αὐτοῖς δεὶ διδάξαι καὶ διηγήσασθαι. S.] 38. ἀνέπαφα] This word is technically used of goods not seized or intercepted by pirates. See Or. 35 (πρὸς Δακρ.) §§ 11, 24. In Aesch. Suppl. 309, ἔπαθος ἀληθῆς ρυθῶν ἐπάνωμοι (if the verse is genuine), the meaning is that the name was given from ρυθῶν ἐφακτεσθαι, ‘to lay hands on booty.’
39 Ἑστιν οὖν ὅποι παρέσχεται ἐμφαν ἡν ναύν, ἄφ' οὖ τα χρήματα ἔλαβες παρ' ἡμῶν, ὁμολογῶν σφανκ εἶναι αὐτῶς; ἢ καταπέπλευκας ἦν ἐκεῖνον τοῦ χρόνου εἰς τὸ Ἀθηναίων ἐμπόριον, τῆς συγγραφῆς διαρρήκτην λεγοῦσῃ εἰς τὸν Πειραιᾶ κατάγειν τὴν ναύν καὶ ἐμ- 40 φανὴ παρέχειν τοῖς δανείσασιν; καὶ γὰρ τοῦτο, ὅ ἀνδρὲς Ἀθηναῖοι. θεᾶσασθε τὴν ὑπερβολήν, ἔρραγη ἡ ναύς, ὁς φησίν ὁπτος, καὶ διὰ τοῦτο εἰς Ῥόδον κατήγαγεν αὐτήν. οὐκὼν τὸ μετὰ τοῦτο ἑπεκεκάθη καὶ πλωίμοις ἑγένετο. διὰ τὴν Ἀγιάτην καὶ τὰλλα ἐμπόρια ἀπέστειλες αὐτὴν, Ἀθηναῖες δ' οὐκ ἀπεστείλας οὐδέπω καὶ νυνὶ πρὸς ἡμᾶς τοῖς δανείσοντι, ὁς ἡ συγγραφὴ κελεύει σε ἐμφαν ἱ ἀνέπαφον τὴν ναύν παρέχειν, καὶ ταῦτ' ἄξιοντον 41 ἡμῶν καὶ προκαλεσαμένων σε πολλάκις; ἄλλ' οὕτως 1295

lk οὖν Cobet.
ΔΙΟΝΤΣΟΔΩΡΟΤ ΒΛΑΒΗΣ.

αὐδρείος εἶ, μᾶλλον δ᾽ ἀναίσχυντος, ὥστε ἐκ τῆς συγ-
γραφῆς ὁφέλων ἡμῶν διπλάσια τὰ χρήματα οὐκ οἴει
δεῖν οὐδὲ τοὺς τόκους τοὺς γυνομένους ἀποδοῦναι, ἀλλὰ
tοὺς εἰς Ῥόδουν προστάταις ἀπολαβεῖν, ὀσπερ τὸ σὸν
πρόσταγμα τῆς συγγραφῆς δέον κυριώτερον γενέσθαι,
καὶ τολμᾶς λέγειν ὡς ὦκ ἔσωθή ἡ ναῦς εἰς τὸν Πειραιᾶ;
ἐφ᾽ ὃ δικαίως ἀν ἀποθάνοις ὑπὸ τῶν δικαστῶν. δἰὰ 42
τίνα γὰρ ἄλλον, ὃ ἀνδρεὶς δικασταί, οὐ σέσωσται ἡ
ναῦς εἰς τὸν Πειραιᾶ; πότερον δὲ ἡμᾶς τοὺς διαρρήκ
dανείσαντας εἰς Αἴγυπτον καὶ εἰς Ἀθηνᾶς, ἡ διὰ τοῦ-
tον καὶ τὸν κοινωνὸν αὐτοῦ, οὐ ἔπε ταῦτας ταῖς ὀμο-
λογίαις δανειάμενοι, ἐφ᾽ ὃ τε καταπλεῖν Ἀθηναῖκε,
eἰς Ῥόδουν κατήγαγον τὴν ναῦν; ὅτι δὲ ἐκόντες καὶ οὐκ
ἐξ ἀνάγκης ταῦτ᾽ ἐπράξαν, ἐκ πολλῶν δῆλον. εἰ γὰρ 43
ὡς ἀληθῶς ἀκούσιον τὸ συμβαῖν ἐγένετο καὶ ἡ ναῦς
ἐρράγη, τὸ μετὰ τοῦτο, ἐπειδὴ ἐπεσκεύασαν τὴν ναῦν,
οὐκ ἀν εἰς ἑτέρα δήπον ἐμπόρια ἐμίσθον ἁντὶν, ἀλλὰ

1 Bakk. 1824. ἐμίθωσαν Ζ et Bakk. st. cum F2ΦΒ.

... you owe us the whole sum twice over, by incurring the
penalty, you have the face to refuse payment even of the in-
terest, and you tell us to be content with that to Rhodes,
as if your order, forsooth, was to have greater weight than the
bond. Again, you have the face to say, 'she did not get
safe in to the Peiraieus.' Well, through whose fault? Was it
ours, who required that it should go back or was it theirs, who
wilfully and from no necessity at all took it to Rhodes?

τροπάγμα] 'Dictation.' Like ἐπτάττεται in § 16, an invidious
word contrasted with συγγραφή. Similarly, in Isocr. Paneg. § 176
the Peace of Antalcidas is de-
clared to be no equitable com-
 pact (συνθήκαι), and is denounced
as dictated (προστάγματα) by
the king of Persia. S.]

ἀποθάνοι] The legal penalty
for not producing the security
was death. See Or. 84 § 50.

42. ἐκόντες καὶ οὐκ ἐξ ἀνάγκης]
So Aesch. Eum. 520, ἐκὼν ἀνάγ-
κας ἀτρεῖ δικαίον ἂν.

§ 49. If the ship really sprung
a leak by mere accident, as soon
as she had been repaired, he
should have taken her to Athens,
to make amends for the delay
and the inconvenience. But so
far from doing that, he did a
greater wrong still, and then,
as if in mockery of you, he
comes into court, thinking that
at the worst, he can only be con-
demned to repay the loan, and
that he shall evade the penalty.
LVI. KATA

[§§ 43—45]

καὶ ὑμᾶς ἀπέστελλον, ἐπανορθοῦμεν τῷ ἀκοῦσιν σύμπτωμα. νῦν δ’ οὗ τῶν ἑπανορθόσαντο, ἀλλὰ πρὸς τοὺς ἐξ ἀρχῆς ἀδικήμασι πολλῷ μείζω προσεξημαρτηκασι, καὶ ἀστερὲ ἐπὶ καταγέλαζε ἀντιδικοῦντες εἰςελη-λύθαισιν, ὡς ἐπὶ αὐτοῖς ἐσώμενοι, ἐὰν καταψηφίσησθε αὐτῶν, τάρχαία μόνον ἀποδοῦναι καὶ τοὺς τόκους.

44 ὑμεῖς οὖν, ὁ ἀνδρεὶς Ἀθηναῖοι, μὴ ἐπιτρέπετε τούτοις οὔτως ἔχουσι, μηδὲ ἐπὶ δυνῶν ἀγκύραν ὀρμεῖν αὐτοὶς ὑπὲρ ὄνομας εἰς Ἐνταῦρον ζ. (Cf. Veitch, Gk. Vbs.)

ηῷ νῦν] i.e. Ἀθῆναις.

ἐπανορθοῦμεν] ‘Doing all they could to repair the unavoidable mischief.’ The indicative of the aorist of this verb generally takes the double augment, ἐπανορθόσαντο, like ἡρῴα, ἠμετρεάν, &c.

σύμπτωμα] Here synonymous with συμφορὰ (τὸ συμβᾶν above). The word is used by Thuc. xiv 36 and is not unfrequent in Aristotle, but this is the only passage in which it is found in Demosthenes. This point is adduced by A. Schaefer (who quotes Phrynichus, p. 248) as bearing on the doubts sometimes entertained on the genuineness of the speech (Dem. u. s. Zeit iii 2, p. 311). Cf. Rutherford’s New Phrynichus, p. 318. S.]

ὁῦ τῶν] Compare § 30, Or. 34 § 14, and 54 § 22, ὡς ἐτούς ἔπεμπεσεν,—ἀλλ’ αὐτός ἡγεμών γεγένηται. Mid. § 11, ὡς ἄρχ ἔτος τῷ σώμα οὐδεσθαλ των ἐν ταύταις ταῖς ἡμέραις—ωθεθεί χρῆναι, ἀλλὰ καὶ κ.τ.λ. i.e. non modo (non), sed, &c.

§ 44. Do not then let these men rest secure in the confidence that they can keep other men’s property, if they can get a verdict in their favour, or if not, that at least they will not be fined. Fine them, we say; for it is not reasonable that you should be more lenient to them than they were to themselves when they consented to the penalty.

ἐπὶ δυνῶν ἀγκύραν] When a ship came to the shore, she had her stern to the land, where it was fastened by the πρωηκὴν, and her head to the sea. An anchor, or, in case of rough weather, two anchors from the bows, held her in that position. To ride on one anchor was considered rather insecure. Hence, Helens says in Eur. Hel. 277, ἄγκυρα δ’ ἐ μοῦ τὰς τύχας ἄχει μόνη, and Heouba in the play of that name (80), δεῖ μόνον οἴκων ἄγκυρα ἐτ’ ἐμῶν κ.τ.λ. Hence too we see the precise point in Pind. Ol. vi 100, ἀγαθὰ δὲ πέλοντ’ ἐν χειμερίᾳ νυκτὶ θᾶς ἐκ ναὸς ἀνε-σκύμφθαι δο’ ἄγκυρα, which is incorrectly explained in Dr Donaldson’s note. [De Cor. p. 240, § 281, ὡς ἐτ’ ἐν αὐτῆς (sc. ἄγκυρας) ὀρμεῖ τῶν πολλῶν. Apostolins, centuria vii 61 in the Paroemographi Graeci ii 412 ἐπὶ δυνῶν ὀρμεῖ: δηλοῦτι ἄγκυ-ραν λέγεται ἐπὶ τῶν ἀντιφόβων ἐχόντων. Aristides, Panath.
1296 ἑάτε, ὃς, ἔδω μὲν κατορθώσε, τάλλωτρια ἔξοντας, ἔδω δὲ μὴ δύναται ἔξαπατήσαι ύμᾶς, αὐτὰ τὰ ὀφειλόμενα ἀποδώσονται· ἀλλὰ τοὺς ἐπιτιμῶν ζημιοῦτε τοὺς ἐκ τῆς συγγραφῆς· καὶ γὰρ ἄν δεινόν εἰς αὐτοὺς μὲν τούτους διπλασίαν καθ’ αὐτῶν· τὴν ζημίαν γράψασθαι, ἐὰν τι παραβαίνωσι τῶν ἐν τῇ συγγραφῇ, ύμᾶς δ’ ἡπιωτέρως ἔχειν πρὸς αὐτούς, καὶ ταύτ’ οὖχ ἦττον ἴμων συνηδικημένους.

Τὰ μὲν οὖν περὶ τοῦ πράγματος δίκαια βραχεά 45 ἐστὶ καὶ εὐμνημόνευτα. ἐδαισάμεν Διωνυσόδωρον τούτο καὶ τὸ κοινωνὸν αὐτοῦ τρισχιλίας δραχμὰς Ἀθηναῖοι εἰς Ἀθηναίον καὶ ἐξ Αἰγύπτου Ἀθηναίοι· οὐκ ἀπειλήφαμεν τὰ χρήματα οὐδὲ τοὺς τόκους, ἀλλ’ ἔχουσι τὰ ἴμετρα καὶ χρώναι δεύτερον ἐτος· οὐ κατακεκομίκασι τὴν ναόν εἰς τὸ ἴμετρον ἐμπόριον οὐδέπω καὶ νῦν, οὐδ’ ἴμων παρεσχίκασιν ἐμφανῆ· ἡ δὲ συγγραφὴ κελευεί, ἐὰν μὴ παρέχωσιν ἐμφανῆ τὴν

* Αἴσχ. ἐν Ζ.

110, καὶ πάντες ἐπὶ δυὸν ὀρμεῶν ἐδοξάν οἱ Ἑλλήνες, where the Scholastic observes ἐδοξάζει ἐκ μεταφοράς τῶν πλεύσιν, ὅταν ἢ δυὸν ἀγκώρας ὀρμώσαται ἢ ὅταν ἀλλιμενὶσαν μὲν, προσχρόνισαν δὲ καὶ ἀγκώρα διὰ πλεύσιν ἀσφάλειαν. Propr. π 22, 41 'nam melius duo defendunt retinacula navim.' Σ.]

ἐξαπατήσαι] Α πετίτιο πρωικίτι, like παρακροόσαθαι in § 18.

αὐτὰ τὰ ὀφειλόμενα] 'Merely the debt owed,' without the ἐπιτιμῶν.

οὐχ ἦττον ἴμων] Because the taking corn to Rhodes against the laws was a public offence.

§ 45. Recapitulation. Principal points;—the loan was made on clear conditions; it has not been repaid; the ship has never been produced; there is a fine specified for this neglect, and the right of enforcing it rests with one or both partners.

εὐμνημόνευτα] 'Easily recalled to memory:' an ambiguous term, meaning either, 'readily recounted by the speaker,' or 'readily remembered by the hearer.' It is almost certainly the latter, and this is supported by Aristot. Rhet. ι ι 18, where it is said that the ἐκλογος, one of the objects of which is recapitulation (ἀναμνήσαι τὰ προερημένα, ιδ. 19), is unnecessary in a forensic speech ἐὰν μικρὸς ὁ λόγος ἢ τὸ πράγμα εὐμνημόνευτον. Σ.]

p. 1296] ΔΙΟΝΤΣΟΔΩΡΟΤ ΒΛΑΒΗΣ. 255
ναῦν, ἀποτίνειν αὐτοῦς διπλάσια τὰ χρήματα, τὴν δὲ 46 πρᾶξιν εἶναι καὶ εἰς ἐνδιὰ καὶ εἰς ἀμφοῖν. ταύτ’ ἔχοντες τὰ δίκαια εἰσεληλύθαμεν πρὸς ὑμᾶς, ἀξιοῦντες τὰ ἴμετερα αὐτῶν ἀπολαβέων δὲ ὑμῶν, ἐπειδὴ παρ’ αὐτῶν τούτων οὐ δυνάμεθα. ὦ μὲν παρ’ ὑμῶν λόγος οὗτος ἐστιν. οὕτω δὲ δανεισσαθαι μὲν ὁμολογοῦσι καὶ μὴ ἀποδεδωκέναι, διαφέρονται δ’ ὡς ὦ δὲ ἰδεὶ τελείων αὐτοῦς τοὺς τόκους τους ἐν τῇ συγγραφῇ, ἀλλὰ τοὺς εἰς 'Ῥόδον, οὗς οὕτε συνεγράψαυτο οὐτ’ ἐπείσαν ἡμᾶς. 47 εἰ μὲν οὖν, ὡς ἄνδρες Ἀθηναῖοι, ἐν τῷ 'Ῥοδίων δικα- στηρίῳ ἐκρινόμεθα, ἵνας ἕν οὕτως ἐπλεονέκτων ἡμῶν, σεσυνηγορήτες πρὸς αὐτοὺς καὶ καταπεπλευκότες τῇ 1297 ἱπτὶ εἰς τὸ ἐκείνων ἐμπόριον· νῦν δ’ εἰς Ἀθηναίους εἰσ- εληλυθότες καὶ συγγραφήμενοι εἰς τὸ ἴμετέρων ἐμπό- ριον οὐκ ἄξιοῦμεν ἐλαττωθήναι ὑπὸ τῶν καὶ ἡμᾶς καὶ ἡμᾶς ἡδικηκότων.

48 Χωρὶς δὲ τούτων, ὡς ἄνδρες Ἀθηναῖοι, μὴ ἀγνοεῖτε ὅτι νῦν μίαν δίκην δικάξουτε νομοθετείτε ὑπὲρ ὅλου τοῦ ἐμπορίου, καὶ παρεστάσι πολλοὶ τῶν κατὰ θά-

46. διαφέρονται, ἀμφωσιοῦσι.] See § 32.
§ 47. If this trial were held in a court at Rhodes, perhaps they would have an undue advantage over us, as having frequented that mart, and being known there as corn-factors. But now, as we drew up the compact expressly for your mart, we expect not to be losers by men who have wronged us privately and you publicly.

συγγραφήμενοι] viz. συγγραφήμενοι καὶ καταπελέσαται.

οὐκ ἄξιοῦμεν] 'We hardly expect that you will give the advantage to persons who have wronged you as well as our-
selves.' Kennedy. Lit. 'we expect not to be worsted (come off worse) by,' &c. See on § 17.

§ 49. But besides the above arguments in our favour, the present case is anxiously watched by many other merchants; and if their interests are protected, and you show no tolerance for fraud, these men will lend money more freely, and this again will tend to increase your mart.

παρεστάσα] So also in Or. 54 § 41 we have a pointed al-
lusion to the bystanders in court, ὑμῶν ἔνεκα, ὡς ἄνδρες δι-
κασταλ, καὶ τῶν περιεστηκότων.
λατταν ἐργάζεσθαι προαιρουμένων ὑμᾶς θεωροῦντες πώς τὸ πράγμα τούτῳ κρίνετε. εἰ μὲν γὰρ ὑμεῖς τὰς συγγραφὰς καὶ τὰς ὁμολογίας τὰς πρὸς ἀλλήλους γνωσμένας ἐσχατώς οἴκησεσθε a δεῖν εἶναι καὶ τοῖς παραβαίνονσιν αὐτὰς μηδεμίαν συγγνώμην ἔξετε, ἔτοιμοτέρον προήσονται τὰ ἑαυτῶν οἱ ἐπὶ τῶν δανείζων ὄντες, ἐκ δὲ τούτων αὐξηθῆσαι ὑμῖν τὸ ἐμπόριον. εἰ 49 μέντοι ἔξεσται τοῖς ναυκλήροις, συγγραφῆς γραψαμένους ἐφ' ὃ τε πλείν εἰς Ἄθηνας, ἔπειτα κατάγειν τὴν ναῦν εἰς ἑτέρα ἐμπόρια φάσκοντας ραγῆναι καὶ τοιαύτας προφάσεως ποριζομένους οὐλοσπερ καὶ Διονυσόδωρος οὐτοῖς χρήται, καὶ τοὺς τόκους μερίζειν πρὸς τὸν πλοῦν ὅν ἄν φήσωσι πεπλευκέναι, καὶ μὴ πρὸς τὴν συγγραφὴν, οὐδὲν κωλύσει ἀπαντά τὰ συμβολαία διαλύεσθαι. τὰ γὰρ ἐθελήσει τὰ ἑαυτοῦ προέσθαι, 50 ὅταν ὅρα τὰς μὲν1 συγγραφᾶς ἀκύρους, ἑσύχωντας δὲ τοὺς τοιούτους λόγους, καὶ τὰς αἰτίας τῶν ἡδικηκότων ἐμπροσθεν οὕτως τοῖς δικαίου; μηδαμῶς, ὃ ἀνδρεῖς δικασταί· οὔτε γὰρ τὸ πλήθει τὸ ὑμετέρῳ συμφέρει τούτῳ οὔτε τοῖς ἐργάζεσθαι προηημένοις, οἴτε πρεθε-  

a Bekk. 1824. olesse Z et Bekk. st. cum FΣΦB.  
1 Bekk. om. μὲν Z cum FΣΦB.

προαιρουμένων] See § 1, and inf. 50.  
πῶς κρίνετε] Perhaps κρύειτε, which is a marginal reading in the Paris edition and was preferred by Reiske.  
ἐκ τοῦ δανείζων] In the profession or practice of money-lending.—αὐξηθῆσεται τὸ ἐμπόριον, cf. 34 § 52.  
§§ 49, 50. If on the other hand, ship-owners may violate their bond and take their ship to any port under pretence of its being disabled, and then apportion the interest due to the voyage sailed, there will be an end of all obligation by contract. No man will lend his money if he sees that such lame excuses have weight in court. This is not to your interest, nor to that of traders, who are most important members of the state, and therefore should be protected.  
καὶ μὴ πρὸς τὴν συγγραφήν] Supply ἀξοδοῖαν.  
50. αἵτις] The pleas or reasons.

P. S. D. 17
μώτατος εἰςι καὶ κοινῇ πᾶσιν ὑμῖν καὶ ἰδίᾳ τῷ ἐν-
τυγχάνοντι. διόπερ δέι ὑμᾶς αὐτῶν ἐπιμέλειαν ποι-
1298 εἰσθαί.

'Εγὼ μὲν οὖν, ὄσαπερ οἶός τ' ἦν, εἰρηκα. ἀξιῶ δὲ
καὶ τῶν φίλων μοι τινα συνεπείν. Δεύρο, Δημόσθενες.

τῷ ἐντυγχάνοντι] 'To all who have dealings with them.'
See 34 § 51.


dεύρο, κ.τ.λ.] See Or. 34, ad fin., καλῷ δὲ καὶ ἄλλῳ των
τῶν φίλων, ἐὰν κελεύῃ. [Or.
58 (Theocrin.) ad fin. βουθησον
ἡμῖν ὁ δείνα, ἐπὶ ἔχεις, καὶ σύ-
524, suggests that the pre-
sent speech originally ended
with δεύρο ὁ δείνα, and that, on
the speech finding its way in-
to the Demosthenic collection,
ὁ δείνα got altered into Δημό-
σθενης. A. Schaefer, on the
other hand, supposes that it was
the mention of Demosthenes
that led to its being included
among his works (πι 2, 314).
See Introd. ad fin. S.]
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