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DEMOSTHENES

PRIVATE ORATIONS

II



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DEMOSTHENES

PRIVATE ORATIONS

WITH AN ENGLISH TRANSLATION BY
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IN FOUR VOLUMES

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CAMBRIDGE, MASSACHUSETTS
HARVARD UNIVERSITY PRESS
LONDON
WILLIAM HEINEMANN LTD
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Printed in Great Britain

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TABLE OF ATHENIAN MONEY

1 Talent	= 60 Minae
1 Mina	= 100 Drachmae
1 Drachma	= 6 Obols
1 Obol	= 8 Chalkoi

(The Talent and the Mina represent values, not coins.)

In bullion value the Talent may be regarded as worth something more than two hundred Pounds Sterling, but its purchasing power was very much greater.

Besides the regular Attic coins there is mention in these volumes also of the Stater of Cyzicus, the value of which is given as twenty-eight Attic Drachmae, and that of Phocaea, a somewhat heavier coin. These were both of electrum, an alloy of gold and silver.

AGAINST SPUDIAS

INTRODUCTION

POLYEUCTUS, an Athenian, had given his two daughters in marriage, one to the plaintiff in this suit (whose name is not mentioned) and the other to a certain Leocrates, his own wife's brother, whom he also adopted as his son, since he was himself without male issue.

The plaintiff maintains that in accordance with the marriage contract he was to have received with his wife a portion of forty minae. He received thirty minae outright, and it was agreed that the other ten should be paid to him after the death of Polyuctus. For this payment Leocrates made himself responsible. After the lapse of some time a quarrel arose between Polyuctus and Leocrates, and as a result Leocrates severed his connexion with the family, relinquishing his wife and with her the marriage portion. She was then given in marriage to Spudias, the defendant in the present suit, and Polyuctus mortgaged his house to the plaintiff to secure for him the ten minae still due to him, giving directions in his will that pillars in witness of the mortgage should be set up on the property.

After the death of Polyuctus the plaintiff brought this suit ^a to recover the money due to him, and in

^a The plaintiff claims that he had wished to have the dispute settled out of court, but that Spudias had refused to

AGAINST SPUDIAS

addition made some further demands : first, that the defendant should pay him half a mina as his share of the cost of a funeral sacrifice offered in memory of Polyeuctus ; further, that Spudias should pay into the estate of Polyeuctus eighteen minae, which he had borrowed from his mother-in-law, and two minae as the cost of a slave whom he had purchased from Polyeuctus ; and also that he should return certain articles which he had borrowed. In support of his claims the plaintiff produces, along with various depositions, the will of Polyeuctus and some papers which his widow had left sealed at her death ; and he deals briefly with counter-arguments which it might be assumed his opponent would bring forward.

The genuineness of this oration was not doubted in antiquity, and it is generally accepted as an early work of Demosthenes. It is discussed by Schaefer, iii.² pp. 227 ff., and by Blass, iii. pp. 249 ff.

refer it to their common friends who were conversant with all the facts. The matter appears then to have been referred to an arbitrator (vol. i. p. 38, note *a*), or to a board of arbitrators (the singular is used in §12, and the plural in §28), whose decision must have been against the plaintiff since he appeals from their verdict to the Heliastic court.

ΔΗΜΟΣΘΕΝΟΥΣ

XLI

ΠΡΟΣ ΣΠΟΥΔΙΑΝ ΥΠΕΡ ΠΡΟΙΚΟΣ

[1028] Ἄδελφας ἔχομεν, ὧ ἄνδρες δικασταί, γυναῖκας ἐγὼ καὶ Σπουδίας οὐτοσί, Πολυεύκτου θυγατέρας. ἄπαιδος δ' ἐκείνου τελευτήσαντος ἀρρένων παίδων, ἀναγκάζομαι πρὸς τοῦτον περὶ τῶν καταλειφθέντων δικάζεσθαι. καὶ εἰ μὲν, ὧ ἄνδρες δικασταί, μὴ πᾶσαν σπουδὴν καὶ προθυμίαν ἐποίησάμην, βουλόμενος διαλύεσθαι καὶ τοῖς φίλοις ἐπιτρέπειν, ἑμαυτὸν ἂν ἡτιώμην, εἰ μᾶλλον ἡρούμην δίκας καὶ 2 πράγματ' ἔχειν, ἢ μίκρ' ἐλαττωθεὶς ἀνέχεσθαι· νῦν δ' ὅσω πραότερον ἐγὼ καὶ φιланθρωπότερον τούτῳ διελεγόμεν, τοσούτῳ μᾶλλον μου κατεφρόνει. καὶ νῦν κινδυνεύομεν οὐδὲν ὁμοίως πρὸς τουτονὶ τὸν ἀγῶν' ἔχειν, ἀλλ' οὗτος μὲν ῥαδίως φέρει πολλάκις εἰθισμένος ἐνταῦθ' εἰς ὑμᾶς παρίεναι, ἐγὼ δ' αὐτὸ τοῦτο φοβοῦμαι, μὴ διὰ τὴν ἀπειρίαν οὐ δυνηθῶ δηλῶσαι περὶ τῶν πραγμάτων ὑμῖν· ὅμως δ', ὧ ἄνδρες δικασταί, προσέχετε τὸν νοῦν.

DEMOSTHENES

XLI

AN UNKNOWN PLEADER AGAINST SPUDIAS, IN THE MATTER OF A MARRIAGE PORTION

THIS man Spudias and I, men of the jury, are married to two sisters, daughters of Polyeuctus. Polyeuctus having died without male issue, I am forced to go to law with the defendant in regard to the property which has been left. And if, men of the jury, I had not shown all zeal and eagerness in my desire to find a settlement and to submit the matters at issue to our friends, I should have blamed myself for not choosing to suffer a trifling loss rather than engage in a troublesome lawsuit. But, as it is, the more gentleness and consideration I used in talking with the defendant, the more contempt he showed toward me. And now it appears that in my contest with him we are in no sense on equal terms, but he can take the matter lightly, since he has been accustomed to come often before you, whereas I fear this very thing, that because of my lack of experience I may prove unable to explain my case to you. None the less, men of the jury, I beg you to give heed.

3 Πολύευκτος γὰρ ἦν τις Τειθράσιος,¹ ὃν ἴσως οὐδ' ὑμῶν τινες ἀγνοοῦσιν. οὗτος ὁ Πολύευκτος, ἐπειδὴ οὐκ ἦσαν αὐτῷ παῖδες ἄρρενες, ποιεῖται Λεωκράτη τὸν ἀδελφὸν τῆς ἑαυτοῦ γυναικός. οὐσῶν δ' αὐτῷ δύο θυγατέρων ἐκ τῆς τοῦ Λεωκράτους ἀδελφῆς, τὴν μὲν πρεσβυτέραν ἐμοὶ δίδωσι, καὶ τετταράκοντα
 [1029]⁴ μνᾶς προῖκα, τὴν δὲ νεωτέραν Λεωκράτει. τούτων δ' οὕτως ἐχόντων, διαφορᾶς γενομένης τῷ Πολυεύκτῳ πρὸς τὸν Λεωκράτη, περὶ ἧς οὐκ οἶδ' ὅ τι δεῖ λέγειν, ἀφελόμενος ὁ Πολύευκτος τὴν θυγατέρα δίδωσι Σπουδία τουτῶι. μετὰ δὲ ταῦτ' ἠγανάκτει θ' ὁ Λεωκράτης, καὶ δίκας ἐλάγχχανε Πολυεύκτῳ καὶ τουτῶι Σπουδία, καὶ περὶ πάντων ἠναγκάζοντ' εἰς λόγον καθίστασθαι, καὶ τὸ τελευταῖον διελύθησαν, ἐφ' ᾧτε κομισάμενον τὸν Λεωκράτην ἅπερ ἦν εἰς τὴν οὐσίαν εἰσενηνεγμένος, μήτε κακόνουν εἶναι Πολυεύκτῳ, τῶν τε πρὸς ἀλλήλους ἐγκλημάτων ἀπηλλάχθαι πάντων. ⁵ τίνος οὖν ἔνεχ', ὑμῖν, ὦ ἄνδρες δικασταί, ταῦτ' εἶπον; ὅτι τὴν προῖκ' οὐ κομισάμενος ἅπασαν, ἀλλ' ὑπολειφθειςῶν χιλίων δραχμῶν καὶ ὁμολογηθειςῶν ἀπολαβεῖν, ὅταν Πολύευκτος ἀποθάνῃ, τέως μὲν ὁ Λεωκράτης ἦν κληρονόμος τῶν Πολυεύκτου, πρὸς ἐκείνον ἦν μοι τὸ συμβόλαιον· ἐπειδὴ δ' ὁ τε Λεωκράτης ἐξεκεχωρήκειν ὁ τε Πολύευκτος μοχθηρῶς εἶχε, τῆνικαῦτ', ὦ ἄνδρες δικασταί, τὴν οἰκίαν ταύτην

¹ Τειθράσιος] Θριάσιος Blass and the mss. The correction is due to the discovery by the American excavators in the Athenian agora of a dedication which mentions "Cleiocrateia, daughter of Polyneuctus of Teithras, and wife of Spudias"; see *Hesperia*, vi. (1937), p. 341.

Polyeuctus was a man of Teithras,^a not unknown, 3
 it may well be, to some of you. This Polyeuctus,
 since he had no male children, adopted Leocrates, the
 brother of his own wife ; but since he had two
 daughters by the sister of Leocrates, he gave the
 elder to me in marriage with a portion of forty minae,
 and the younger to Leocrates.^b So matters stood, 4
 when a quarrel came about between Polyeuctus
 and Leocrates, as to the nature of which I know of
 nothing which it is incumbent upon me to relate,
 and Polyeuctus took away his daughter^c and gave
 her in marriage to this man Spudias. After this Leo-
 crates, being greatly incensed, brought suit against
 Polyeuctus and Spudias here, and they were forced
 to render an accounting in regard to all the matters
 at issue, and in the end a settlement was reached on
 the terms that Leocrates, on receiving back all that
 he had brought into the estate, should be reconciled
 with Polyeuctus, and that final releases should be
 given from all demands made by each upon the
 other. Now, why is it, men of the jury, *that* I have 5
 told you this ? Because I did not receive the whole
 of my wife's portion, but a thousand drachmae were
 left unpaid with the understanding that I should
 receive them on the death of Polyeuctus ; and so
 long as Leocrates was the heir of Polyeuctus, it was
 he who was responsible to me for the debt ; but when
 Leocrates had left the family, and Polyeuctus was
 seriously ill, then, men of the jury, to secure the ten

^a Teithras was a deme of the tribe Oeneis.

^b Marriage between uncle and niece was allowed in ancient Athens. A man might even marry his half-sister (Oration LVII § 20).

^c This can mean only that he induced his daughter to go before the Archon and demand a divorce.

DEMOSTHENES

ἀποτιμῶμαι πρὸς τὰς δέκα μνᾶς, ἐξ ἧς διακωλύει
 6 με τὰς μισθώσεις κομίζεσθαι Σπουδίας. πρῶτον
 μὲν οὖν ὑμῖν μάρτυρας παρέξομαι τοὺς παραγενο-
 μένους, ὅτ' ἡγγύα μοι Πολύευκτος τὴν θυγατέρ'
 ἐπὶ τετταράκοντα μναῖς· ἔπειθ' ὥς ἔλαττον ταῖς
 χιλίαις ἐκομισάμην· ἔτι δ' ὥς ἅπαντα τὸν χρόνον
 ὀφείλειν ὡμολόγει μοι Πολύευκτος, καὶ τὸν Λεω-
 κράτην συνέστησε, καὶ τελευτῶν διέθεθ' ὅρους ἐπι-
 στῆσαι χιλίων δραχμῶν ἐμοὶ τῆς προικὸς ἐπὶ τὴν
 οἰκίαν.

Καί μοι κάλει τοὺς μάρτυρας.

[1030]

ΜΑΡΤΥΡΕΣ

7 Ἐν μὲν τοίνυν, ὦ ἄνδρες δικασταί, τοῦτ' ἔστιν
 ὦν ἐγκαλῶ Σπουδία. καὶ περὶ τούτου τί ἂν ἔτι
 μείζον ἢ ἰσχυρότερον ἔχων εἰς ὑμᾶς κατέστην, ἢ
 τὸν νόμον, ὃς οὐκ ἐᾷ διαρρήδην, ὅσα τις ἀπετίμη-
 σεν, εἶναι δίκας, οὔτ' αὐτοῖς οὔτε τοῖς κληρονόμοις;
 ἀλλ' ὅμως πρὸς τοῦτο τὸ δίκαιον ἤκει Σπουδίας
 8 ἀμφισβητήσων. ἕτερον δ', ὦ ἄνδρες δικασταί, δύο
 μὲν μνᾶς ἐμαρτύρησεν Ἀριστογένης ἐγκαλεῖν ἀπο-
 θνήσκοντα Πολύευκτον ὀφειλομένας αὐτῷ παρὰ
 Σπουδία καὶ τὸν τόκον (τοῦτο δ' ἐστὶν οἰκέτου
 τιμὴ, ὃν ἐωνημένος οὗτος παρὰ Πολυεύκτου, τὴν
 τιμὴν οὔτ' ἐκείνῳ διέλυσεν οὔτε νῦν εἰς τὸ κοινὸν
 ἀνενήνοχεν), ὀκτακοσίας δὲ καὶ χιλίας, περὶ ὧν
 9 οὐδ' ἔγωγ' οἶδα τί ποθ' ἔξει δίκαιον λέγειν. ἦν

^a That is, as the person who would be responsible for payment after his own death.

minae, I took a mortgage on this house, the rents
acerning from which Spudias seeks to prevent me
from collecting. In the first place, then, I shall bring 6
before you as witnesses those who were present when
Polyeuctus betrothed his daughter to me with a
portion of forty minae; then I shall prove that what
I received was less by a thousand drachmae; and fur-
ther that Polyeuctus always admitted that he was in
my debt, and that he introduced to me Leocrates as
guarantor^a; and that at his death he directed by
his will that pillars should be set up on the house in
my favour for a thousand drachmae due on account
of my wife's portion.

(*To the clerk.*) Please call the witnesses.

THE WITNESSES

This, then, men of the jury, is one of the charges 7
which I make against Spudias. And in this matter
what stronger or more solid ground could I have in
coming before you than the law which expressly
ordains that, in all cases where men have given a
mortgage, there shall be no right of action for them
or for their heirs? But nevertheless it is to dispute
this just provision that Spudias has come here. A 8
second claim, men of the jury, is the following:
Aristogenes has deposed that Polyeuctus, when about
to die, charged that there were due him from Spudias
two minae with interest (this was the price of a
domestic slave whom the defendant had bought from
Polyeuctus, but had neither paid the money nor has
now entered it in the general account); and further-
more there are eighteen hundred drachmae, regard-
ing which I am myself at a loss to know what reason-
able thing he will have to say. He had borrowed the 9

μὲν γὰρ τὸ ἀργύριον παρὰ τῆς Πολυεύκτου δεδανει-
σμένος γυναικός, γράμματα δ' ἔστιν ἂ κατέλιπεν
ἀποθνήσκουσ' ἐκείνη, μάρτυρες δ' οἱ τῆς γυναικὸς
ἀδελφοὶ παρόντες ἅπασι καὶ καθ' ἕκαστον ἐπερω-
τῶντες, ἵνα μηδὲν δυσχερὲς ἡμῖν εἴη πρὸς ἀλλήλους.
οὐκοῦν δεινόν, ὦ ἄνδρες δικασταί, καὶ σχέτλιον,
ἐμὲ μὲν ἀπάντων, ὧν ἡ παρὰ Πολυεύκτου ζῶντος
ἦν ἐωνημένος ἢ παρὰ τῆς γυναικὸς εἶχον αὐτοῦ,
καὶ τόκον τιθέναι καὶ τὴν τιμὴν ἀποδεδωκέναι, καὶ
10 νῦν ἅπερ ὥφειλον πάντ' εἰς τὸ κοινὸν φέρειν, τοῦτον
δὲ μήτε τῶν νόμων τῶν ὑμετέρων φροντίζειν μήθ'
ὧν διέθετο Πολύευκτος μήτε τῶν καταλειφθέντων
γραμμάτων μήτε τῶν συνειδότην, ἀλλὰ πρὸς ἅπαντα
ταῦθ' ἤκειν ἀντιδικήσοντα.

Λαβὲ δὴ μοι πρῶτον μὲν τὸν νόμον, ὃς οὐκ ἔῃ
τῶν ἀποτιμηθέντων ἔτι δίκην εἶναι πρὸς τοὺς
[1031] ἔχοντας, ἔπειτα τὰ γράμματα τὰ καταλειφθέντα
καὶ τὴν μαρτυρίαν τὴν Ἀριστογένους.

ΝΟΜΟΣ. ΓΡΑΜΜΑΤΑ. ΜΑΡΤΥΡΙΑ

11 Βούλομαι τοίνυν, ὦ ἄνδρες δικασταί, καὶ περὶ τῶν
ἄλλων ὧν ἐγκαλῶ καθ' ἕκαστον ὑμᾶς διδάξαι.
φιάλην μὲν γὰρ λαβόντες παρὰ τῆς Πολυεύκτου
γυναικὸς καὶ θέντες ἐνέχυρα μετὰ χρυσίων, οὐκ
ἀνενηνόχασι κεκομισμένοι ταύτην, ὡς ὑμῖν Δημό-
φιλος ὁ θέμενος μαρτυρήσει· σκηνὴν δ' ἣν ἔχουσιν,
οὐδὲ γὰρ ταύτην λαβόντες ἀναφέρουσιν· ἄλλα δὲ
πόσα τοιαῦτα. τὸ δὲ τελευταῖον εἰσενεγκούσης τῆς

^a The word literally means "tent," and it is so rendered

money from the wife of Polyeuctus, and there are papers which that lady left behind at her death, and the lady's brothers are witnesses, for they were present at all times and questioned her on every point, that there might be no unpleasantness between us. It is, then, an outrageous and cruel thing, men of the jury, when I on my part, for everything which I either bought from Polyeuctus during his lifetime or received from his wife, have duly paid the price and the interest as well, and am now bringing into the general account everything which I owed, that this 10 fellow should show no regard either for your laws or for the will of Polyeuctus, or for the papers which have been left, or for those who knew the facts, but in the face of all this should have come into court to contest my plea.

(*To the clerk.*) Please take first the law which denies the right of action for mortgaged property against the holders of the mortgage, then the papers which were left, and the deposition of Aristogenes.

THE LAW. THE PAPERS. THE DEPOSITION

I wish now, men of the jury, to instruct you in 11 detail also regarding the other claims which I make. They received from the wife of Polyeuctus a bowl, which they pawned together with some pieces of jewelry, and this they have not redeemed and brought into the general account, as Demophilus, to whom it was pawned, will testify. They have also some stuff for hangings,^a which they received, but they do not account for this either; and many more articles of the same sort. And finally, although my wife

by some scholars in this passage. Harpocration takes it to mean "a parasol."

DEMOSTHENES

ἐμῆς γυναικὸς εἰς τὰ νεμέσια τῷ πατρὶ μνᾶν ἀργυρίου καὶ προαναλωσάσης, οὐδὲ ταύτης ἀξιοῖ συμβαλέσθαι τὸ μέρος, ἀλλὰ τὰ μὲν ἔχει προλαβών, τῶν δὲ τὰ μέρη κομίζεται, τὰ δ' οὕτω φανερώς οὐκ ἀποδίδωσιν.

Ἴνα τοίνυν μηδὲ ταύτ' ἥ παραλελειμμένα, λαβέ μοι πάντων αὐτῶν τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ

- 12 Ἴσως τοίνυν, ὦ ἄνδρες δικασταί, πρὸς μὲν ταύτ' οὐδὲν ἀντερεῖ Σπουδίας· οὐδὲ γὰρ ἔξει, καίπερ δεινὸς ὢν· αἰτιάσεται δὲ Πολύευκτον καὶ τὴν γυναῖκ' αὐτοῦ, καὶ φήσει πάντα ταῦθ' ὑπ' ἐμοῦ πεισθέντας καταχαρίσασθαι, καὶ νῆ Δί' ἕτερα πολλὰ καὶ μεγάλα βλάπτεσθαι, καὶ δίκην εἰληχέναι μοι· ταῦτα γὰρ καὶ πρὸς τῷ διαιτητῇ λέγειν ἐπ-
- 13 εχειρεί. ἐγὼ δ', ὦ ἄνδρες δικασταί, πρῶτον μὲν οὐχ ἡγοῦμαι δικαίαν εἶναι τὴν ἀπολογίαν τὴν τοιαύτην, οὐδὲ προσήκειν, ὅταν τις φανερώς ἐξελέγχηται,
- [1032] μεταστρέψαντα τὰς αἰτίας ἐγκαλεῖν καὶ διαβάλλειν· ἀλλ' ἐκείνων μὲν, εἴπερ ἀδικεῖται, δῆλον ὅτι δίκην λήψεται, τούτων δὲ δώσει· πῶς γὰρ ἂν ἐγὼ νῦν ταῖς τούτων διαβολαῖς ἀντιδικοίην, ἀφείς ὑπὲρ ὧν ὑμεῖς
- 14 μέλλετε τὴν ψῆφον οἴσειν; ἔπειτα θαυμάζω τί δήποτ', εἴπερ ἀληθῆ καὶ δίκαι' εἶχεν ἐγκαλεῖν, βουλομένων ἡμᾶς τῶν φίλων διαλύειν καὶ πολλῶν λόγων γενομένων, οὐχ οἷος ἦν ἐμμένειν οἷς ἐκείνοι γνοῖεν. καίτοι τίνες ἂν ἄμεινον καὶ τῶν τούτου καὶ

^a Properly, "the Nemeseia," a festival celebrated every year on the fifth day of the month Boedromion (September).

advanced a mina of silver and expended it on her father's behalf for the feast of the dead,^a the defendant refuses to contribute his share even of this : nay, what he has received he keeps : of other items he receives his due portion ; but these claims he thus openly refuses to meet.

Now that these matters too may not be left neglected, (*to the clerk*) take, please, the depositions regarding them all.

THE DEPOSITIONS

It may well be, men of the jury, that Spudias will 12
make no statement to meet these facts ; for he will not
be able to do so, clever though he is ; but will accuse
Polyeuctus and his wife, and will declare that they
did all these things under my influence and as favours
to me, and that he is being greatly injured in many
other respects, and has brought action against me ;
for this is what he undertook to say before the arbi-
trator also. But for my part, men of the jury, in the 13
first place I do not think that a defence of that sort is
legitimate, or that it is proper, when one is manifestly
shown to be in the wrong, for him to shift the charges
and have recourse to accusation and calumny ; nay,
for his counter-charges, if he is suffering any wrong,
he will plainly receive satisfaction, but for the claims
made on him, he will give it. For how could I now
defend myself against the slanders of these men, if I
passed over the matters upon which you are to give
your verdict ? In the next place I wonder, if he had 14
true and just demands to make, why it was that, when
our friends wished to settle our differences, and many
conferences were held, he could not abide by their
decision. And yet who could better have exposed

τῶν ἐμῶν ἐγκλημάτων τὰ μηδὲν ὄντ' ἐξήλεγξαν
 τῶν παραγεγεννημένων ἅπασιν τούτοις, τῶν εἰδόντων
 οὐδὲν ἦττον ἡμῶν τὰ γενόμενα, τῶν κοινῶν ἀμφο-
 15 τέροις καὶ φίλων ὄντων; ἀλλὰ δῆλον ὅτι τούτῳ
 ταῦτ' οὐκ ἐλυσιτέλει, φανερώς ὑπ' αὐτῶν ἐξελεγ-
 χομένῳ τοῦτον τὸν τρόπον λαβεῖν διάλυσιν· μὴ γὰρ
 οἴεσθ', ὦ ἄνδρες δικασταί, τοὺς εἰδότας ἅπαντα
 ταῦτα, νυνὶ μὲν ὑποκινδύνους αὐτοὺς καθιστάντας
 ἐμοὶ μαρτυρεῖν, τότε δ' ἂν ὁμόσαντας ἄλλο τι
 γινῶναι περὶ αὐτῶν. οὐ μὴν ἀλλ' εἰ καὶ μηδὲν
 τούτων ὑπῆρχεν ὑμῖν, οὐδ' ὥς χαλεπὸν ἐστὶ γινῶναι
 16 περὶ αὐτῶν, ὁπότεροι τάληθῇ λέγουσι. περὶ μὲν
 γὰρ τῆς οἰκίας, εἰ φησὶν ὑπ' ἐμοῦ πεισθέντα Πολύ-
 ευκτον προστάξει τοὺς ὄρους στήσαι τῶν χιλίων,
 ἀλλ' οὐ δήπου καὶ τοὺς μάρτυρας ἔπεισα, ὦ Σπου-
 δία, ψευδῇ μοι μαρτυρεῖν, τοὺς παραγενομένους
 ὅτ' ἡγγυά μοι, τοὺς εἰδότας ἔλαττόν με κομισά-
 μενον, τοὺς ἀκούοντας ὁμολογοῦντος ὀφείλειν ἐμοί,
 συστήσαντος ἀποδοῦναι, τοὺς τὸ τελευταῖον ταῖς
 διαθήκαις παραγενομένους· τούτοις γὰρ ἅπασιν
 [1033] οὐκέτι καταχαρίσασθαι ταῦθ' ὑπῆρχεν, ἀλλὰ κινδυνεύειν
 τῶν ψευδομαρτυριῶν, εἰ μηδὲν τῶν γενο-
 μένων μαρτυροῖεν. ἀφῶμεν τοίνυν τοῦτ' ἤδη.
 17 πρὸς ἐκεῖνο δὲ τί ἂν λέγοις; ἀκριβῶς γὰρ ὅπως
 τουτουσὶ διδάξεις· εἰ δὲ μή, πάντες ὑμεῖς ἀπαιτεῖτ'
 αὐτόν. ὅτε γὰρ Πολύευκτος διετίθετο ταῦτα,
 παρῇν μὲν ἢ τούτου γυνή, καὶ δῆλον ὅτι τὰς τοῦ

the baselessness of claims advanced by him or by me than those who were present at all these transactions, who knew the facts as well as we did ourselves, and who were impartial friends of us both? But this was plainly not to the interest of my opponent—that he should be openly convicted by our friends and find a settlement in this way. For do not imagine, men of the jury, that men who know all these facts, and who now at their own risk are giving testimony in my favour, would then, when they had been put under oath, have formed a different conclusion about them. However, though you had none of these facts to aid you, even so it is not difficult to form an opinion as to which of the two parties is speaking the truth. For regarding the house, if he maintains that Polyeuctus was induced by me to order that mortgage-pillars be set up for the thousand draehmae, yet surely, Spudias, I did not use my influence to induce the witnesses to give false testimony in my interest,—witnesses who were present when he betrothed to me his daughter, who knew that I received less than the entire marriage portion, who heard him when he acknowledged that he was in my debt and also when he had introduced Leocrates as the one who should make payment, and who finally were present when the will was made. For with all these persons it was no longer a question of favouring me in these matters, but of risking a charge of giving false testimony, if they deposed to what was not the truth. Let us, then, have no more of that matter; but what will you say to this, Spudias? And see that you give these gentlemen a precise answer. If he does not, do you all demand it of him. For, when Polyeuctus gave these directions in his will, the defendant's wife

πατρός διαθήκας ἀνήγγειλεν, ἄλλως τ' εἰ καὶ μηδὲν ἴσον εἶχεν, ἀλλ' ἐν ἅπασιν ἡλαττοῦτο, παρεκλήθη δ' αὐτὸς οὗτος, ὥστε μηδὲ τοῦτ' εἶναι λέγειν, ὡς λάθρα καὶ διακρυψάμενοι τούτους ἐπράττομεν ταῦτα· παρακαλούμενος γὰρ ἔφησεν αὐτὸς μὲν ἀσχολίαν ἄγειν, τὴν δὲ γυναικ' ἐξαρκεῖν τὴν αὐτοῦ
 18 παροῦσαν. τί ἔτι λοιπόν; ἀπαγγείλαντος Ἀριστογένους αὐτῷ περὶ ἀπάντων τούτων ἀκριβῶς, οὐδ' ἐνταῦθ' οὐδένα φαίνεται λόγον ποιησάμενος, ἀλλ' ἐπιβιόντος μετὰ ταῦτα τοῦ Πολυεύκτου πλεῖν ἢ πένθ' ἡμέρας, οὗτ' ἡγανάκτησεν εἰσελθὼν οὗτ' ἀντεῖπεν οὐδέν, οὐδ' ἡ γυνή, παροῦσ' ἐξ ἀρχῆς ἅπασι τούτοις. ὥστ' οὐκέτι Πολύευκτος αὐτὰ πεισθεὶς ἐμοὶ κατεχαρίζεθ' ὡς ἔοικεν, ἀλλ' ὑμεῖς αὐτοί. ταῦτα τοίνυν, ὦ ἄνδρες δικασταί, μεμνημένοι σαφῶς, ἐὰν ἄρα τι περὶ αὐτῶν ἐγχειρῇ νυνὶ διαβάλλειν, ἀντίθετε.

Πρῶτον δ' ἴν' εἰδῇτ' ἀκριβῶς ὅτι τοῦτον τὸν τρόπον ἔχει, τῶν μαρτύρων ἀκούσατε. λέγε.

ΜΑΡΤΥΡΕΣ

19 Οὐκοῦν, ὦ ἄνδρες δικασταί, τῶν μὲν χιλίων δραχμῶν ὡς δικαίως καὶ προσοφειλομένων ἀπετίμησέ
 [1034] μοι τὴν οἰκίαν ὁ Πολύευκτος, αὐτὸς οὗτός μοι μαρτυρεῖ καὶ ἡ τούτου γυνή πρὸς τοῖς ἄλλοις τούτοις τοῖς μεμαρτυρηκόσι, συγχωροῦντες τότε καὶ οὗτε πρὸς τὸν Πολύευκτον ἀντειπόντες ἐπιβιόντα τοσαύτας ἡμέρας, οὗτε πρὸς τὸν Ἀριστογέννην, ἐπεὶ
 16

was present, and you may be sure that she reported to him the will of her father, especially if he did not receive an equal share, but was at a disadvantage in all respects ; and the defendant himself was invited to be present, so that it is not open to him to say that we managed this in secret and kept them in the dark. For although he was invited to be present, he said that he was busy himself, but that it would be enough if his wife were there. What more would you have ? When Aristogenes gave him an exact account of all 18 these matters, even then he made no comment, and though Polyeuctus lived on more than five days after this, he neither showed any vexation on going to the house, nor made any protest, nor did his wife, who was present from the first on all these occasions. It would appear, then, that Polyeuctus was not induced by me to favour me in these matters ; the act was your own. Keep these facts, then, clearly in your minds, men of the jury, and if he now tries to make any slanderous statements about the matter, confront him with them.

But first, that you may be fully assured that matters are as I have stated, hear the witnesses. (*To the clerk.*) Read.

THE WITNESSES

Well then, men of the jury, in the matter of the 19 one thousand drachmae, to prove that Polyeuctus mortgaged the house to me honestly, and for an existing debt, I have the testimony of my opponent himself and his wife in addition to these other witnesses whose depositions have been put in ; for they concurred at the time, and made no objection either to Polyeuctus who lived so many days after, or to

τάχιστ' ἤκουσαν. ἀλλὰ μὴν εἴ γε δικαίως ἀπετιμήθη, μεμνημένοις τοῦ νόμου κατὰ μὲν τοῦθ' ὑμῖν
 20 οὐκ ἔστιν ἀποψηφίσασθαι Σπουδίου. σκέψασθε δὲ καὶ περὶ τῶν εἴκοσι μνῶν, ἃς οὐκ ἐπαναφέρει· καὶ γὰρ ἐνταυθοῖ πάλιν αὐτὸς οὗτός μοι μέγιστος ἔσται μάρτυς, οὐ λόγῳ μὰ Δί' ὥσπερ νῦν ἀντιδικῶν (τουτὶ μὲν γὰρ οὐδὲν τεκμήριόν ἐστιν), ἀλλ' ἔργῳ περιφανεί. τί ποιῶν, ὦ ἄνδρες δικασταί; τούτῳ γὰρ ἤδη προσέχετε τὸν νοῦν, ἵν' ἐὰν ἄρα τολμᾷ τι καὶ περὶ τῆς μητρὸς τῶν γυναικῶν βλασφημεῖν ἢ περὶ τῶν γραμμάτων, εἰδότας ὑμᾶς μὴ δύνηται λέγων ἐξαπατᾶν.

21 Ταυτὶ γὰρ τὰ γράμματα κατέλιπε μὲν ἡ Πολυεύκτου γυνή, καθάπερ εἶπον ὀλίγῳ πρότερον· ὁμολογουμένων δὲ τῶν σημείων καὶ παρὰ τῆς τούτου γυναικὸς καὶ παρὰ τῆς ἐμῆς, ἀμφότεροι παρόντες ἀνοίξαντες ἀντίγραφά τ' ἐλάβομεν, κακῆϊνα πάλιν κατασημηνάμενοι παρ' Ἀριστογένει κατ-
 22 εθέμεθα. τοῦτο δὴ τοῦτ', ὦ ἄνδρες δικασταί, μάθετε πρὸς θεῶν. ἐνῆσαν μὲν γὰρ αἱ δύο μναῖ, ἡ τιμὴ τοῦ οἰκέτου, καὶ οὐ μόνον ὁ Πολύευκτος ἀποθνήσκων ταύτας ἐνεκεκλήκειν, ἐνῆσαν δ' αἱ χίλιαι καὶ ὀκτακόσιαι. ταῦτα δ' ἀναγνούς, εἰ μὲν αὐτῷ μηδὲν προσῆκε μηδ' ἀληθῆ τὰ γεγραμμέν' ἦν, τί δὴ ποτ' οὐκ εὐθὺς ἡγανάκτει περὶ αὐτῶν; τί δὲ συνεσημαίνετο πάλιν τὰ μηδὲν ὑγιὲς ὄντα μηδ'
 [1035] ἀληθῆ γράμματα; τουτὶ γὰρ οὐδ' ἂν εἰς δήπου μὴ
 23 πᾶσιν ὁμολογῶν τοῖς γεγραμμένοις ποιήσειεν. ἀλλὰ μὴν, ὦ ἄνδρες δικασταί, τοῦτό γε δεινὸν δήπου, εἰ πρὸς τὰ συγκεχωρημέν' ὑπ' αὐτῶν τούτων ἐξέσται

Aristogenes, when they first heard of the will. But assuredly, if the house was honestly mortgaged, it is impossible for you, if you bear the law in mind, to acquit Spudias as to this part of the case. Now con- 20 sider also the matter of the twenty minae, which he does not bring into the account ; for in this again the defendant himself will be my strongest witness—not by words, heaven knows, such as he utters now in opposing my suit—words are a criterion of no worth—but by manifest act. By doing what, men of the jury ? To this I bid you now to give close heed, in order that, if he really dares to utter any slanders about the mother of our wives or about the documents, your knowledge of the facts may make it impossible for him to deceive you by his talk.

These papers were left by the wife of Polyeuctus, as 21 I just now said. The seals being acknowledged both by the defendant's wife and by mine, we both, being present, broke them and took copies, and then sealed up the papers again, and deposited them in the hands of Aristogenes. Now, note this, men of the jury,— 22 note this, I beg of you. There was in the papers mention of the two minae, the price of the slave—and it was not only Polyeuctus on his death-bed who had made this claim—and there was mention of the eighteen hundred drachmae. When he read this, if what was written did not concern him at all and was untrue, why pray did he not at once protest about it ? Why did he join in sealing again papers which were false and of no worth ? This of course no one in the world would do, if he did not concur in all that was written. But surely, men of the jury, this 23 is an outrageous thing if these men are to be permitted now to dispute matters to which they have

DEMOSTHENES

νῦν ἀντιλέγειν, καὶ μηδὲν σημείον ὑμῖν ἔσται, διότι
 πάντες ἄνθρωποι πρὸς τὰ μήτ' ἀληθῆ μήτε δικαία
 τῶν ἐγκλημάτων οὐ κατασιωπᾶν, ἀλλὰ παραχρῆμ'
 ἀμφισβητεῖν εἰώθαμεν, μὴ ποιήσαντες δὲ ταῦτ', ἂν
 ὕστερον ἀντιδικῶσι, πονηροὶ καὶ συκοφάνται δο-
 24 κοῦσιν εἶναι. ταῦτα τοίνυν Σπουδίας οὐδὲν ἦττον
 ἐμοῦ γινώσκων, ἀλλ' οἶμαι μὲν καὶ ἀκριβέστερον,
 ὅσῳ καὶ πυκνότερον ἐνταυθοῖ παρέρχεται, πᾶσιν
 ἐναντία τοῖς πεπραγμένοις ἐαυτῷ λέγων οὐκ αἰσχύ-
 νεται. καίτοι πολλάκις ὑμεῖς ἐν μόνον σκευώρημα
 συνιδόντες, τούτῳ κατὰ τῶν ἄλλων τῶν ἐγκαλου-
 μένων ἐχρήσασθε τεκμηρίῳ· τούτῳ δ' ἅπανθ' ὑφ'
 αὐτοῦ συμβέβηκεν ἐξελέγχεσθαι.

Καί μοι λαβὲ τὴν μαρτυρίαν ὡς ὁμολογεῖτο τότε
 τὰ σημεῖα τῶν γραμμάτων ὑπὸ τῆς τούτου γυ-
 ναικός, καὶ νῦν ὑπὸ Σπουδίου κατασημανθέντα
 κεῖται.

ΜΑΡΤΥΡΙΑ

25 Τούτων τοίνυν σαφῶς οὕτως ἀποδεδειγμένων,
 ἡγοῦμαι μὲν οὐδὲν ἔτι δεῖν πλείω λέγειν· ὁπότε γὰρ
 καὶ νόμους ἔχω παρασχέσθαι καὶ μάρτυρας ἀπάν-
 των τῶν εἰρημένων, καὶ τὸν ἀντίδικον αὐτὸν ὁμο-
 λογοῦντά μοι, τί δεῖ μακρῶν ἔτι λόγων; ὅμως δ'
 ἂν ἄρα περὶ τῆς προικὸς ἀγανακτῇ καὶ φάσκη
 πλεονεκτεῖσθαι ταῖς χιλίαις δράχμαῖς, ψεύσεται·
 οὐδὲν γὰρ ἔχων ἔλαττον ἀμφισβητεῖ πρὸς αὐτάς,
 [1036] ἀλλὰ πλέον, ὡς αὐτίχ' ὑμῖν ἔσται φανερόν. οὐ μὴν

themselves given assent, and you are to find no basis for judgement in the fact that all of us are wont, when charges are made against us that are unjust and untrue, not to keep silent, but to dispute them on the spot, and that those who do not do this, if they contest them subsequently, are accounted rascals and tricksters. Now Spudias knows this as well as I, and ²⁴ I think even better, inasmuch as he comes oftener before your court, yet he feels no shame in saying things that contradict all that he has himself done. And yet full often when you become conscious of one single piece of fraud, you treat it as evidence against the other charges ; but the defendant is found to have been convicted by himself of falsehood on every point.

Take, please, the deposition, proving that the seals of the papers were acknowledged at the time by the wife of the defendant, and that the papers are now deposited, sealed by Spudias.

THE DEPOSITION

Since, then, these facts have been so convincingly ²⁵ established, there is no further need, I think, of more words. For when I am able to produce both laws and witnesses in support of everything that I have said, and also admissions made in my favour by my opponent himself, what further need can there be for a long argument ? However, if Spudias perchance waxes indignant about the marriage portion and maintains that he is being defrauded to the amount of one thousand drachmae, he will be lying. For, while he disputes my claim to this sum, he has received not less, but more, as will presently be made clear to you. Nay more, even if all these statements ²⁶

ἀλλ' εἰ πάντα ταῦθ' ὡς ἀληθῶς συνέβη, οὐ δῆπου δίκαιον ἐμέ τὴν ὁμολογηθεῖσαν προῖκα μὴ λαβεῖν, εἴπερ ὄφελός τι τῶν νόμων ἐστίν, οὐδέ γε τὸν Πολύευκτον, εἰ τῶν θυγατέρων ἐβούλετο τῇ μὲν ἐλάττω, τῇ δὲ πλείῳ προῖκ' ἐπιδοῦναι, διακωλυθῆναι νῦν· σοὶ γὰρ αὐτῷ μὴ λαμβάνειν ἐξῆν, ὦ Σπουδία, μὴ προστιθεμένων ὥσπερ ἐμοὶ τῶν χιλίων. ἀλλ' οὐδὲν ἔλαττον εἶχες, ὡς ἐγὼ διδάξω.

Πρῶτον δ' ἐφ' οἷς ἐξέδοτο τούτῳ, λαβὲ τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ

- 27 Πῶς οὖν οὐδὲν ἔλαττον ἔχει, φήσκει τις, εἰ τούτῳ μὲν ἐν ταῖς τετταράκοντα μναῖς ἐνετιμᾶτο τὰ χρυσία καὶ τὰ ἱμάτια τῶν χιλίων, ἐμοὶ δ' αἱ δέκα μναῖ χωρὶς προσαπεδίδοντο; τοῦτο δὴ καὶ μέλλω λέγειν. ὁ μὲν γὰρ Σπουδίας, ὦ ἄνδρες δικασταί, παρὰ τοῦ Λεωκράτους ἔχουσαν τὰ χρυσία καὶ τὰ ἱμάτια τὴν γυναῖκ' ἔλαβεν, ὧν ὁ Πολύευκτος προσ-
 απέτεισε τῷ Λεωκράτει πλεῖν ἢ χιλίας· ἐγὼ δ', ἅπερ ἔπεμψέ μοι χωρὶς τῆς προικός, ὅσ' ἔχω μόνον, πρὸς τὰ τούτῳ δοθέντ' εἶαν ἀντιθῇ τις, εὐρήσει παραπλήσια, χωρὶς τῶν εἰς τὰς χιλίας ἀποτιμη-
 28 θέντων. ὥστ' εἰκότως ἐν ταῖς τετταράκοντα μναῖς ἐνετιμᾶτο ταῦθ', ἅπερ ἀπετετεῖκει τῷ Λεωκράτει καὶ πλείῳ τῶν ἐμοὶ δοθέντων ἦν.

Καί μοι λαβὲ πρῶτον μὲν τὴν ἀπογραφὴν ταυτηνὶ καὶ λέγ' αὐτοῖς, ἅπερ ἐκάτερος ἡμῶν ἔχει, μετὰ δὲ ταῦτα τὴν τῶν διαιτητῶν μαρτυρίαν, ἵν' ἴδωσιν ὅτι

of his were indeed true, it is not just, I take it, if the laws are good for anything, that I should lose the marriage portion which was promised me, or that Polyeuctus, if he chose to give a smaller portion to one daughter and a larger to the other, should now be thwarted. For it was open to you, Spudias, not to marry his daughter, unless the thousand drachmae were given to you as well as to me. However you received no less than I, as I shall show.

(*To the clerk.*) But, first, take the deposition which shows on what terms the lady was given to him.

THE DEPOSITION

But how can it be that he has received as much as 27 I, one may ask, if in his case the jewelry and the apparel, to the value of a thousand drachmae, were reckoned in the forty minae, while to me the ten minae were paid separately and in addition? This is precisely what I am going to explain. For Spudias, men of the jury, received his wife from Leoerates with the jewelry and apparel on which Polyeuctus set a value to Leoerates of more than a thousand drachmae, while in my case, if you set what was sent to me over and above the marriage portion—all that I have in my possession—over against what was given to Spudias, you will find them practically equal over and above what was reckoned in the thousand drachmae; so that it was only fair that these articles 28 should be included in the forty minae, seeing that Polyeuctus had charged them against Leoerates, and they were more than had been given me.

(*To the clerk.*) Now please take this inventory and read to the jurymen what each of us has in his possession; after that, read the deposition of the arbitrators,

καὶ πολλῶ πλείω χρήματ' ἔχει, καὶ περὶ τούτων ὁ Λεωκράτης ἐνεκάλει, καὶ ταῦτ' ἔγνωσαν οἱ διαιτηταί. λέγε.

[1037]

ΑΠΟΓΡΑΦΗ. ΜΑΡΤΥΡΙΑ

- 29 Ἄρ' οὖν οὐ φανερώς οὗτος μὲν ἔχει τετταράκοντα μνᾶς πάλαι τὴν προῖκα, ἐγὼ δὲ τὰς μὲν τριάκοντα καθάπερ οὗτος, τὰς δὲ χιλίας οὐ μόνον ὕστερον οὐκ ἐκομισάμην, ἀλλὰ καὶ νυνὶ κινδυνεύω περὶ αὐτῶν ὡς ἀδίκως ἔχων; διὰ ταῦτα μέντοι Σπουδίας, ᾧ ἄνδρες δικασταί, τοῖς φίλοις οὐκ ἐβούλετ' ἐπιτρέψας ἀπαλλαγῇναι τῶν πρὸς ἔμ' ἐγκλημάτων, ὅτι συνέβαινεν αὐτῷ πάντα ταῦτ' ἐλέγχεσθαι· πᾶσι γὰρ τούτοις παραγεγεννημένοι καὶ σαφῶς εἰδότες, οὐκ ἐπέτρεπον ἂν αὐτῷ λέγειν ὅ τι τύχοι· παρ' ὑμῖν δ' οἴεται ψευδόμενος ἐμοῦ τάληθῃ
- 30 λέγοντος περιγενήσεσθαι. καίτοι περὶ ᾧ ἐγκαλῶ, πάνθ' ὑμῖν ἀπέδειξα σαφῶς, ὡς οἶός τ' ἦν αὐτός. τοὺς δ' εἰδότες οὗτος ἔφευγεν, οὐχ ἡγούμενος εἶναι παραλογίσασθαι. μὴ τοίνυν, ᾧ ἄνδρες δικασταί, μηδ' ὑμεῖς ἐπιτρέπετ' αὐτῷ ψεύδεσθαι καὶ διαβάλλειν, μεμνημένοι τῶν εἰρημένων· ἴστε γὰρ πάνθ' ὡς ἐγένετο, πλὴν εἴ τι παρέλιπον ἐγὼ πρὸς ὀλίγον ὕδωρ ἀναγκαζόμενος λέγειν.

that they may see that Spudias has received even far more than I, and that Leocrates made complaint regarding this, and that the arbitrators rendered this decision.

THE INVENTORY. THE DEPOSITION

Is it not plain, then, that the defendant has long 29 had in his possession forty minae as his wife's marriage portion, whereas I received the thirty minae, just as he did, but not only did not receive the thousand drachmae, but am now actually in jeopardy regarding them, charged with possessing them wrongfully. It was for this reason, men of the jury, that Spudias would not leave to our friends the settlement of his claims against me, since the result would have been that all these falsehoods of his would have been exposed, for they had been present at all these transactions and knew all about them, and would therefore not have permitted him to say whatever he pleased ; whereas in your court he thinks that by his falsehoods he will get the better of me and my statement of the truth. And yet I have set forth to you clearly all my 30 charges, as well as I could do it myself, while my opponent evaded coming before those acquainted with the facts thinking that he would be unable to lead them astray. Do not you, then, men of the jury, do not you any more than they suffer him to have recourse to lies and calumnies, but bear in mind what you have heard ; for you know all the facts of the case, unless perhaps I have omitted something, since I have been forced to speak with but scant water in the water-clock.



AGAINST PHAENIPPUS

INTRODUCTION

THIS speech, while it is so commonplace in character that few have been inclined to attribute it to Demosthenes, is nevertheless of interest and importance because of the light which it throws upon the curious provision of Athenian law which offered relief to a person who felt that he was unfairly burdened with public duties, such as the trierarchy, and that another, whose means were more ample than his own, should more properly be called upon to render the service in question. In such a case the former person might demand that the latter should undertake the public service in his stead, or else exchange properties with him.

The plaintiff in the present suit, whose name is nowhere mentioned, was evidently one of the wealthy citizens of Athens. He had for some time been a member of the select group of three hundred who paid taxes at the highest rate, and who might in case of need be called upon to pay the entire tax in advance, but it appears that he had suffered financial reverses, and in particular had been obliged to pay the state three talents as the liabilities of a mining venture. He therefore sought relief under the law, and named as the proper person to assume the burden in his place a certain Phaenippus, a member of the prosperous agricultural class, who had moreover

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inherited two estates, both of such value that the holders had been called upon to render public service. Phaenippus, however, denied his liability, and the question of an exchange of estates had therefore to be settled. Each party was naturally required to give to the other an inventory of all that he possessed, and each had the right to inspect the property of the other in order to make sure that nothing was withheld or subsequently withdrawn.

The plaintiff charges that the property of Phaenippus far exceeded his own, but that the latter had in various dishonest ways sought to conceal its value. He had delayed the trial, had withheld his inventory, and had even gone so far as to break the seals which the plaintiff had placed on the doors of his farm house and to carry off grain, timber and wine, and had posted notices of a non-existent mortgage upon his property. A further statement made by the plaintiff is to the effect that Phaenippus had heretofore evaded the performance of public duties, while himself living in luxury.

Phaenippus brought counter-charges against the plaintiff, insisting that he had omitted from his inventory his mining properties. This was in conformity with Athenian law, for the mines, while leased to individuals, remained the property of the state, and were not subject to the property tax ; but the plaintiff expresses his readiness to include the mining property in his estate, if Phaenippus will give his land free from the pretended encumbrances, and will restore what he has fraudulently removed from it.

This speech is discussed by Schaefer, iii.² pp. 280 ff., and Blass, iii. pp. 505 ff.

XLII

ΠΡΟΣ ΦΑΙΝΙΠΠΙΟΝ ΠΕΡΙ ΑΝΤΙΔΟΣΕΩΣ

Πολλὰ καγαθὰ γένοιτ', ὦ ἄνδρες δικασταί, πρῶτον μὲν ὑμῖν ἅπασιν, ἔπειτα δὲ καὶ Σόλωνι τῷ νομοθετήσαντι τὸν περὶ τῶν ἀντιδόσεων νόμον. εἰ μὴ γὰρ οὗτος ἡμῖν σαφῶς διώρισε, τί πρῶτον δεῖ ποιεῖν τοὺς ἀντιδεδωκότας καὶ τί δεύτερον καὶ τᾶλλα δ' ἐφεξῆς, οὐκ οἶδ' ὅποι προῆλθεν ἂν ἢ τουτουὶ Φαινίππου τόλμα, ὅπου γε καὶ νῦν ἅπαντα [1039] ταῦτα προλέγοντος ἡμῖν τοῦ νόμου, ὅμως οὐδὲν φροντίσας τῶν ἐν αὐτῷ γεγραμμένων δικαίων, ἀντὶ μὲν τοῦ τριῶν ἡμερῶν ἀφ' ἧς ὤμοσε τὴν ἀπόφασιν δοῦναί μοι τῆς οὐσίας τῆς αὐτοῦ κατὰ τὸν νόμον, ἢ εἰ μὴ τότε ἐβούλετο, τῇ γ' ἔκτη δοῦναι τοῦ Βοηδρομιῶνος μηνός, ἣν δεηθείς μου ἔθετο καὶ ἐν ἧ ὠμολόγησε δώσειν τὴν ἀπόφασιν, οὐδέτερα τούτων 2 ἐποίησεν, ἀλλὰ καταφρονήσας ἀμφοτέρων, καὶ ἡμῶν καὶ τοῦ νόμου, δευτέρῳ μηνὶ δέδωκε, δυοῖν ἢ τρισὶν ἡμέραις πρότερον τῆς εἰς τὸ δικαστήριον εἰσόδου, τὸν δ' ἄλλον ἅπαντ' ἐκποδὼν ἦν χρόνον· ἀντὶ δὲ

^a The month Boedromion corresponds to the latter half of September and the prior half of October.

XLII

AN UNKNOWN PLEADER AGAINST PHAENIPPUS IN THE MATTER OF AN EXCHANGE OF PROPERTIES

I INVOKE many blessings, men of the jury, first upon all of you, and then also upon Solon, who established the law about the exchange of estates. For if he had not clearly defined for us what is the first thing to be done by those who have offered an exchange, and what the second, and so on in due order, I do not know to what lengths the audacity of this man Phaenippus would have gone, when even as it is, notwithstanding that the law prescribes all these things for us, he has nevertheless disregarded its just provisions, and instead of giving me the inventory of his property as the law prescribes within three days after he took the oath, or if he did not wish to do so then, giving it at least on the sixth day of the month Boedromion,^a which date was fixed upon at his request, and on which he promised to deliver the inventory, he did neither the one thing nor the other, but, showing contempt both for me and for the law, ² he has delivered his inventory a month later, only two or three days before the case was brought into court, and all the rest of the time has kept him-

τοῦ τὰ σημεῖ' ἔαν τῶν οἰκημάτων ἃ παρεση-
 μηνάμην, ἐλθὼν εἰς ἀγρὸν ἀνέωξε καὶ τὰς κριθὰς
 ἐξεφόρησε καὶ τᾶλλα, ὥσπερ ἐξουσίαν δεδωκότος
 αὐτῷ τοῦ νόμου ποιεῖν ὃ τι ἂν βούληται καὶ μὴ ὡς
 3 δίκαιόν ἐστιν. ἐγὼ δ', ὦ ἄνδρες δικασταί, ἥδιστα
 μὲν ἂν ἐμαυτὸν εἶδον εὐτυχοῦνθ' ὥσπερ πρότερον
 τῇ οὐσίᾳ καὶ μένοντ' ἐν τοῖς τριακοσίοις· ἐπειδὴ δὲ
 τὰ μὲν τῆς κοινῆς ἀτυχίας μετασχὼν τοῖς ἄλλοις
 τοῖς ἐργαζομένοις ἐν τοῖς ἔργοις, τὰ δ' ἰδίᾳ μεγά-
 λαις περιπεπτωκὼς ζημίαις ἀπολώλεκα τὴν οὐσίαν,
 καὶ τὸ τελευταῖον νυνὶ με δεῖ τῇ πόλει τρία τάλαντα
 καταθεῖναι, τάλαντον κατὰ τὴν μερίδα (μετέσχον
 γάρ, ὡς μή ποτ' ὄφελον, κἀγὼ τοῦ δημευθέντος
 μετάλλου), ἀναγκαῖόν ἐστιν εἰς τὴν ἐμὴν τάξιν
 πειρᾶσθαι καθιστάναι τὸν οὐ μόνον ἐμοῦ νῦν ὄντα
 πλουσιώτερον, ἀλλὰ καὶ πρότερον, καὶ οὐδεπώποτ'
 οὐδὲν λελητουργηκόθ' ὑμῖν οὐδ' εἰσηνηνοχότα τῇ
 4 πόλει. δέομαι οὖν ὑμῶν ἀπάντων, ὦ ἄνδρες δικα-
 σταί, ἔαν ἐπιδεικνύω Φαῖνιππον τουτονὶ καὶ παρα-
 βεβηκότα τὰ ἐν τοῖς νόμοις δίκαια καὶ πλουσιώ-
 [1040] τερον ὄντ' ἐμαυτοῦ, βοηθῆσαί μοι καὶ τοῦτον εἰς
 τοὺς τριακοσίους ἀντ' ἐμοῦ καταστήσαι· διὰ τοῦτο
 γὰρ οἱ νόμοι καθ' ἕκαστον ἔτος ποιοῦσι τὰς ἀντι-
 δόσεις, ὅτι τὸ διευτυχεῖν συνεχῶς τῇ οὐσίᾳ, οὐ

^a Each of the ten Athenian tribes reported a list of its wealthiest citizens to the number of 120. The resulting body of 1200 was divided into four groups of 300 each (for the division into symmories, see note on vol. i. p. 10), and these groups, being made up of the richest citizens, naturally bore the heaviest burdens, and in times of crisis might be called upon to advance the entire amount of money required. See 32

self out of sight ; and instead of leaving untouched the seals which I had put upon the buildings, he went into the country, opened the buildings, and carried off the barley and other things, just as if the law had granted him the privilege of doing whatever he pleases, and not what is right. For my part, men of ³ the jury, I should be most happy to see myself enjoying the material prosperity which was mine before, and remaining in the group of the Three Hundred,^a but since, partly through having to share in the misfortunes common to all those who are engaged in mining works, and partly through having met heavy reverses in my private business, I have lost my estate, and now at the last must pay three talents to the state, a talent for each share (for I too was a partner, as I wish I had not been, in the confiscated mine),^b I am compelled to try to substitute in my place a man who is not only richer than I am now, but was richer even before my losses, and who has never borne any state services, nor made any contribution to the state. I therefore beg of you all, men of the ⁴ jury, that, if I prove that Phaenippus here has both transgressed the just provisions of the law and is a richer man than myself, you will succour me, and appoint him in the list of the Three Hundred in my stead ; for it is on this account that the laws every year provide for the tendering of exchanges, because to enjoy unbroken prosperity is not wont to be the

Boeckh, *Publ. Econ.*, Book IV, chapter xiii., and Gilbert, *Gk. Const. Ant.* pp. 368-374 (English Trans.).

^b The mine had apparently been taken over by the state because of non-payment of the rental, and to recover possession the lessees had to make the payment specified. On the general subject of the mining business in ancient Athens see Oration XXXVII in vol. i. with the Introduction and notes.

πολλοῖς τῶν πολιτῶν διαμένειν εἴθισται. ἐξ ἀρχῆς δ' ὑμῖν ἅπαντα τὰ γενόμενα περὶ τὴν ἀντίδοσιν διηγῆσομαι.

5 Τοῦ γὰρ Μεταγειτνιῶνος μηνός, ὧ ἄνδρες δικασταί, τῇ δευτέρᾳ ἵσταμένου, ἐποιοῦν οἱ στρατηγοὶ τοῖς τριακοσίοις τὰς ἀντιδόσεις. ἐν ταύταις ἐκάλεσα κατὰ τὸν νόμον Φαίνιππον τουτονί. καλέσας δὲ καὶ παραλαβὼν τῶν οἰκείων τινὰς καὶ φίλων, ἐπορευόμην Κύθηρόνδ' εἰς τὴν ἐσχατιὰν αὐτοῦ. καὶ πρῶτον μὲν περιαγαγὼν τὴν ἐσχατιὰν πλεόν ἢ σταδίων οὖσαν τετταράκοντα κύκλῳ, ἔδειξα καὶ διεμαρτυράμην ἐναντίον Φαινίππου, ὅτι οὐδεὶς ὄρος ἔπεστιν ἐπὶ τῇ ἐσχατιᾷ· εἰ δέ φησιν, εἰπεῖν ἐκέλευον αὐτὸν ἤδη καὶ δεῖξαι, ὅπως μὴ ὕστερον ἐνταῦθα

6 χρέως γένόμενον ἀναφανήσεται. ἔπειτα παρεσημνάμην τὰ οἰκήματα, καὶ τοῦτον ἐκέλευον εἰς τὰμὰ βαδίζειν. μετὰ δὲ ταῦτ' ἡρόμην, ὅπου ὁ σίτος εἴη ὁ ἀπηλοημένος· ἦσαν γὰρ νῆ τοὺς θεοὺς καὶ τὰς θεάς, ἄνδρες δικασταί, δύ' ἄλως αὐτόθι, μικροῦ πλέθρου ἑκατέρα. ὁ δ' ἀπεκρίνατό μοι, ὅτι ὁ μὲν πεπραμένος εἴη τοῦ σίτου, ὁ δ' ἔνδον ἀποκείμενος.

7 τέλος δ', ἵνα μὴ μακρολογῶ, καταστήσας φυλάττειν ἔνδον τινάς, καὶ νῆ Δί' ἀπειπὼν καὶ κωλύσας τοὺς ὀνηλάτας μὴ ἐξάγειν τὴν ὕλην ἐκ τῆς ἐσχατιᾶς [1041] (πρὸς γὰρ τῇ ἄλλῃ οὐσίᾳ τῇ Φαινίππου, ὧ ἄνδρες δικασταί, καὶ αὕτη πρόσδος μεγάλη ἐστὶν αὐτῷ· ἐξ ὅνοι δι' ἐνιαυτοῦ ὑλαγωγοῦσι, καὶ λαμβάνει

^a The month Metageitnion corresponds to the latter half of August and the prior half of September.

^b Cytherus was a deme of the tribe Pandionis.

^c The stade was roughly a furlong.

AGAINST PHAENIPPUS, 4-7

permanent fortune of any large number of our citizens. But I will tell you all that has been done regarding the exchange from the very beginning.

On the second day of the month Metageitnion,^a 5 men of the jury, the generals appointed a court for the Three Hundred for the tendering of exchanges. Among these I cited this man Phaenippus as the law provides. After citing him, I took some of my friends and relatives, and proceeded to his outlying farm at Cytherus.^b And first I led them around the farm, the circuit of which was more than forty stades,^c and pointed out to them, and called them to witness in the presence of Phaenippus, that there were no mortgage-pillars^d on the farm, and I bade Phaenippus, if he said there were, to declare it at once and point them out to me, for fear some debt existing against the property might be brought to light later on. Then 6 I sealed the buildings, and bade Phaenippus to proceed to my property. After this I asked him where his threshed grain was, for by the gods and goddesses, men of the jury, there were two threshing-floors there, each one of nearly a plethron in extent.^e He answered me that some of the grain had been sold, and that some was stored within. Finally, to 7 make a long story short, I stationed men inside to keep watch, and by Zeus I gave strict orders to the ass-drivers and made them stop carrying off timber from the farm (for in addition to the rest of his property Phaenippus has also this very considerable source of revenue : six asses carry off wood the whole

^a Inscribed pillars were set up to indicate that a piece of property was mortgaged. See Oration XXXI *passim*.

^e That is, in diameter. The speaker evidently expected to find large quantities of threshed grain, owing to the size of the threshing floors. The plethron was about 100 feet.

οὗτος πλέον ἢ δώδεκα δραχμὰς τῆς ἡμέρας), τούτοις ἀπειπών, ὥσπερ λέγω, τῆς ὕλης μὴ ἄπτεσθαι, καὶ ἐπαγγείλας ἐπὶ τὰ ἱερὰ Φαινίππῳ κατὰ τὸν νόμον ἀπαντᾶν, ὠχόμην ἀπιὼν εἰς ἄστυ.

- 8 Πρῶτον μὲν οὖν τῶν εἰρημένων τὰς μαρτυρίας ὑμῖν παρέξομαι, ἔπειτα καὶ περὶ τῶν ἄλλων ἀκούσεσθε πάσας τὰς ἀληθείας· τουτονὶ γάρ, ὦ ἄνδρες δικασταί, Φαίνιππον εὐρήσεται^a εὐθὺς ἀπὸ τῆς πρώτης ἡμέρας ἀρξάμενον τοῦ μηδὲν δίκαιον ποιεῖν. παρεσημηνάμην τὰ οἰκήματα, τοῦ νόμου μοι δεδωκότος· οὗτος ἀνέωξε. καὶ τὸ μὲν ἀφελεῖν τὸ σημεῖον ὁμολογεῖ, τὸ δ' ἀνοῖξαι τὴν θύραν οὐχ ὁμολογεῖ, ὥσπερ ἄλλου τινὸς ἕνεκα τὰ σημεῖα⁹ ἀφαιροῦντας, ἢ τοῦ τὰς θύρας ἀνοῖξαι. ἔπειτ' ἀπεῖπον τὴν ὕλην μὴ ἐξάγειν· ἐξῆγεν οὗτος ἀπάσας τὰς ἡμέρας, πλὴν ἐκείνης ἐν ᾗ ἐγὼ ἀπέειπον. χρέως οὐδ' ὅτιοῦν ὠφείλεται⁹ ἐπὶ τῇ ἐσχάτῃ· νῦν οὗτος ἀποφαίνει πολλά. ἀπλῶς ποιεῖ ὃ τι ἂν βούληται, οὐχ ὃ τι οἱ νόμοι κελεύουσιν.

Λέγε τὰς μαρτυρίας, πρῶτον μὲν τὰς περὶ τοῦ μετᾴλλου, ἔπειτα καὶ τὰς ἄλλας.

ΜΑΡΤΥΡΙΑΙ

- 10 "Α μὲν τοίνυν εὐθὺς τῇ πρώτῃ ἡμέρᾳ μετὰ τὰς ἀντιδόσεις ἤρξατό με Φαίνιππος ἀδικεῖν, ἀκηκόατ', ὦ ἄνδρες Ἀθηναῖοι, καὶ ἐμοῦ καὶ τῶν μαρτύρων. τὰ δὲ μετὰ ταῦτα γεγενημέν' οὐκέτ' εἰς ἐμὲ μόνον
11 αὐτῷ ἡμάρτηται, ἀλλὰ καὶ εἰς τοὺς νόμους, ὑπὲρ
[1042] ὧν ὑμῖν ἅπασι σπουδαστέον ἐστίν. ὁμόσας γὰρ τῇ ἐνδεκάτῃ τοῦ Βοηδρομιῶνος μηνὸς ἀποφανεῖν ὀρθῶς

^a Evidently for the purpose of taking the oath.

year through, and he receives more than twelve drachmae a day). I forbade the ass-drivers, as I said, to touch the wood, and after giving notice to Phaenippus to attend the sacrifice,^a as the law commands, I went back to the city.

First, now, I will produce for you the depositions 8 substantiating what I have said, and then you shall hear the entire truth about the other aspects of the case. For you will find, men of the jury, that this fellow Phaenippus began from the very first day to act in utter disregard of right. I sealed the buildings, as the law permitted me; he opened them. And he acknowledges that he removed the seal, but does not acknowledge that he opened the door, as if men removed the seals for any other purpose than to open the doors. Then I had forbidden that wood should be 9 carried off; he carried it off every day except that on which I issued the order. There was no debt charged against the farm; he now reports a number of debts. In a word, he does just what he pleases, not what the laws bid him do.

(*To the clerk.*) Read the depositions, first those concerning the mine, and then the others as well.

THE DEPOSITIONS

The wrongs, therefore, which Phaenippus began to 10 do to me beginning with the very first day after the tendering of the exchanges, you have heard, men of Athens, both from myself and from the witnesses; but the things which he did after this have been offences, not against me only, but also against the laws, to the defence of which you are all bound to rally. For 11 although he had sworn on the eleventh of the month Boedromion to give me a true and just inventory of

καὶ δικαίως τὴν οὐσίαν, τοῦ νόμου διαρρήδην λέγοντος τριῶν ἡμερῶν ἀφ' ἧς ἂν ὁμόσῃ διδόναι τὴν ἀπόφασιν, ἐδεῖτό μου προσελθὼν πρὸ τῶν δικαστηρίων μετὰ Πολυεύκτου τοῦ Κριωέως καὶ ἐτέρων τινῶν, πρῶτον μὲν περὶ διαλύσεως συνελθεῖν αὐτῷ· πάντα γάρ μοι τὰ δίκαια ποιήσιν· ἔπειτα τὴν ἀπόφασιν τῆς οὐσίας ἀναβαλέσθαι μὴ πολλὰς ἡμέρας·

12 οὐ γὰρ ἄγνοεῖν μου τὰ πράγματα. ἡγησάμενος δ' ἐγὼ καὶ μετρίου καὶ ἀπράγμονος εἶναι πολίτου, μὴ εὐθύς ἐπὶ κεφαλὴν εἰς τὸ δικαστήριον βαδίζειν, ἐπείσθην (τί γὰρ δεῖ μακρολογεῖν;) τὴν μὲν σύνοδον τὴν περὶ τῶν διαλύσεων τῇ ὀγδόῃ φθίνοντος τοῦ Βοηδρομιῶνος μηνὸς ὁμολογήσαι ποιήσασθαι, τὴν δ' ἀπόφασιν τῆς οὐσίας τῇ ἕκτῃ φθίνοντος. τυχὼν δὲ τούτων ἀμφοτέρων παρ' ἐμοῦ Φαίνιππος, οὐδ' εἰς ἑτέραν τῶν ἡμερῶν ἀπήντησεν· ἀλλ' ἀνθ' ἑνὸς δύο νόμους ἤκει πρὸς ὑμᾶς παραβεβηκώς, ἕνα μὲν τὸν κελεύοντα τριῶν ἡμερῶν ἀφ' ἧς ἂν ὁμόσῃ τὴν οὐσίαν ἀποφαίνειν, ἕτερον δὲ τὸν κελεύοντα κυρίας εἶναι τὰς πρὸς ἀλλήλους ὁμολογίας, ἃς ἂν

13 ἐναντίον ποιήσωνται μαρτύρων. καίτοι, ὦ ἄνδρες δικασταί, τίς οὐκ οἶδεν ὑμῶν, ὅτι ὁμοίως ἢ τ' ἐν τῷ νόμῳ γεγραμμένη κυρία ἐστὶν ἡμέρα, καὶ ἡ ὑπὸ τῶν ἀντιδίκων συγχωρηθεῖσα; πολλάκις γὰρ ἔν τε τοῖς νόμοις γεγραμμένης τριακοστῆς ἡμέρας ἑτέραν ἡμῖν αὐτοῖς συγχωρήσαντες ἐθέμεθα, παρά τε ταῖς

[1043] ἀρχαῖς ἀπάσαις καὶ δίκας καὶ κρίσεις ἀναβάλλονται

his property, and the law expressly declares that the inventory shall be given within three days after one takes the oath, he came up to me in front of the court-rooms with Polyeuctus of Crioia^a and some others, and begged me, first to have a conference with him regarding a settlement, assuring me that he would do everything that was right ; and, secondly, to put off the declaration regarding the property for a few days only (for he said he understood my position). I, on 12 my part, thinking it was becoming to a good citizen who wished to avoid quarrels not to rush headlong into court, was persuaded (for why should I multiply words ?) to consent that the conference regarding a settlement should take place on the twenty-third of the month Boedromion, and the declaration regarding the property on the twenty-fifth.^b Yet, although he had obtained both his requests from me, Phaenippus did not present himself on either of these days ; instead, he now appears before you as one who has transgressed two laws instead of one ;—first, that which declares that the inventory shall be presented within three days after that on which one takes the oath, and, secondly, that which declares that mutual covenants, agreed upon in the presence of witnesses, shall be binding. Yet, men of the jury, who among 13 you does not know that the day fixed by law and that agreed upon by the contending parties are equally binding ? Why, very often, although the thirtieth day is appointed by law, we fix upon another by mutual agreement ; and in all the offices the magistrates put off trials and judgements for the contestants,

^a Crioia was a deme of the tribe Antiochis.

^b Literally the 8th and the 6th of the last group of ten days in the month, which was counted backward.

- τοῖς ἀντιδίκοις οἱ ἄρχοντες συγχωρησάντων ἐκείνων ἀλλήλοις· ὧν εἴ τις ἄκυρον ἡγήσαιτο δεῖν εἶναι τὴν πρὸς ἀλλήλους ὁμολογίαν, μισήσαιτ' ἂν αὐτὸν ὥς
- 14 ὑπερβάλλοντα συκοφαντία. Φαίνιππος τοίνυν, ὥσπερ τοῦ νόμου προστάττοντος μηδὲν ποιεῖν ὧν ἂν ὁμολογήσῃ τις, ἀπ' ἐκείνης τῆς ἡμέρας, ἀφ' ἧς ὁμολόγησεν ἐπὶ τε τὰς διαλύσεις ἀπαντήσεσθαι καὶ τὴν ἀπόφασίν μοι τὴν αὐτοῦ δώσειν καὶ τὴν παρ' ἐμοῦ λήψεσθαι, οὐδεπώποτ' ἀπήντησεν· ἀλλ' ἐγὼ μὲν ἐπειδὴ τοῦτον ἐώρων οὐ προσέχοντά μοι τὸν νοῦν οὐδὲ τοῖς νόμοις, εἰς τὸ στρατήγιον ἔδωκα τὴν ἀπόφασιν, οὗτος δ', ὅπερ καὶ μικρῶ πρότερον εἶπον, πρῶην ἔδωκέ μοι βιβλίον, οὐδὲν ἄλλο βουλόμενος, ἢ δοκεῖν μὲν δεδωκέναι τὴν ἀπόφασιν, μὴ ἔχειν δέ με τοῖς ἐν αὐτῇ γεγραμμένοις ὅ τι χρή-
- 15 σομαι. χρή δ', ὦ ἄνδρες δικασταί, μὴ τοῖς ἰσχυροτέραν νομίζουσι τῶν νόμων τὴν αὐτῶν βδελυρίαν εἶναι, πλεον τούτοις τοῦ δικαίου νέμειν· εἰ δὲ μή, πολλοὺς ποιήσετε τοὺς καταγελῶντας τῶν ἐν τοῖς νόμοις δικαίων γεγραμμένων· ἀλλ' ἐκείνοις βοηθεῖν, οἷτινες ἂν τὴν τῶν νόμων φωνὴν ὑμετέραν εἶναι νομίζωσι, καὶ τὴν ἡμέραν ταύτην, τὴν εἰς τὸ δικαστήριον, ὑπὲρ τῶν ἡδικημένων εἶναι, μὴ τῶν ἡδικηκότων.
- 16 Λέγε τῶν ἀρτίως εἰρημένων τὰς μαρτυρίας καὶ τοὺς νόμους.

ΜΑΡΤΥΡΙΑΙ. ΝΟΜΟΙ

Τοιαῦτα τοίνυν, ὦ ἄνδρες δικασταί, πεπονθὼς ὑπὸ Φαινίππου, ἀπεγραψάμην πρὸς τοὺς στρατηγούς ταυτηνὶ τὴν ἀπογραφὴν. λέγε.

AGAINST PHAENIPPUS, 13-16

when these have come to a mutual agreement ; and if anyoneshould hold that the agreement thus entered upon was to be of no effect, you would despise him as a cheat without equal. Well then, Phaenippus, 14 just as though the law enjoined that one should do nothing that one had agreed to, from the day on which he promised to meet me for a settlement and to give me an inventory of his property and receive from me one of mine, never put in an appearance ; but I, when I saw that he was paying no heed to me or to the laws, gave in my inventory at the office of the generals, whereas Phaenippus, as I said a moment ago, gave me a paper only the other day with no other purpose than that he might appear to have given me his inventory, but that I should be unable to make any use of its contents. But, men of the 15 jury, you should not grant more than their due to those who hold their own shamelessness to be stronger than the laws ; if you do, you will multiply the numbers of those who mock at the just provisions of the laws. No ; you should succour those who regard the voice of the laws as your voice, and the day appointed for coming into court as established in the interest of those who have been wronged, not of those who have done wrong.

(*To the clerk.*) Read the depositions in support of 16 what I have just said, and the laws.

THE DEPOSITIONS. THE LAWS

Having, then, been thus treated by Phaenippus, men of the jury, I reported to the generals the following inventory of my property. (*To the clerk.*) Read.

THE INVENTORY

- 17 Πῶς οὖν ἄλλως, πρὸς τῶν θεῶν καὶ δαιμόνων, ὧ
 ἄνδρες δικασταί, ἐπιδεικνύειν ὑμῖν δεῖ Φαίνιππον
 ἔνοχον ὄντα τοῖς ἀνεγνωσμένοις, ἢ ὅνπερ τρόπον
 ἐγὼ νῦν ἐπιδεικνύω; ἀλλ' ὅμως ἔμ' ἀντεγράψατο
 Φαίνιππος μὴ δικαίως ἀποφαίνειν τὴν οὐσίαν· οὕτω
 τὸ πρὸς ὑμᾶς ψεύδεσθαι τοῖς τοιούτοις ῥάδιόν ἐστι·
 καὶ κατηγορεῖ τοῦ ὅρκου, ὃν ὥμοσα πρὸ τῆς ἀπο-
 φάσεως, λέγων ὅτι πλὴν τῶν ἐν τοῖς ἔργοις ὑπε-
 σχόμην ἀποφανεῖν τὴν ἄλλην οὐσίαν, ὥσπερ τὸ κατὰ
 τοὺς νόμους ὁμνύειν, τοῦτ' ἄξιον κατηγορίας ὄν.
- 18 ὑμεῖς δ' ἴσ' ὧ ἄνδρες δικασταί (ὑμεῖς γὰρ ἔθεσθε)
 τὸν νόμον, ὃς διαρρήδην οὕτω λέγει, τοὺς δ' ἀντιδι-
 δόντας ἀλλήλοις, ὅταν ὁμόσαντες ἀποφαίνωσι τὴν
 οὐσίαν, προσομνύειν τόνδε τὸν ὅρκον “ ἀποφανῶ
 τὴν οὐσίαν τὴν ἐμαυτοῦ ὀρθῶς καὶ δικαίως, πλὴν
 τῶν ἐν τοῖς ἔργοις τοῖς ἀργυρείοις, ὅσα οἱ νόμοι
- 19 ἀτελῇ πεποιήκασιν.” μᾶλλον δὲ λέγε τὸν νόμον
 αὐτόν. μικρὸν μὲν οὖν ἱκετεύω ἐπίσχες. ἐγὼ γὰρ
 καὶ πρότερον προῦκαλεσάμην Φαίνιππον, καὶ νῦν,
 ὧ ἄνδρες δικασταί, δίδωμ' αὐτῷ δωρεὴν καὶ ἀφ-
 ἱσταμαι μετὰ τῆς ἄλλης οὐσίας καὶ τῶν ἐν τοῖς
 ἔργοις, εἴαν μοι τὴν ἐσχατιὰν μόνην ἐλευθέραν
 παραδῶ, ὥσπερ ἦν ὅτ' ἐγὼ τὸ πρῶτον ἦλθον εἰς
 αὐτὴν μετὰ μαρτύρων, καὶ εἴαν, ὃν ἐξῆχεν ἐκ τῶν
 οἰκημάτων σῖτον καὶ οἶνον καὶ τᾶλλα, ἀφελὼν ἀπὸ
 τῶν θυρῶν τὰ σημεῖα, ταῦτα πάλιν εἰς ταῦτ' ἀποκα-
 20 στήσῃ. καὶ τί λέγεις ἔτι καὶ βοᾷς; πόλλ' ἐκ τῶν
 [1045] ἔργων τῶν ἀργυρείων ἐγώ, Φαίνιππε, πρότερον
 αὐτὸς τῷ ἐμαυτοῦ σώματι πονῶν καὶ ἐργαζόμενος
 συνελεξάμην· ὁμολογῶ. νυνὶ δὲ πλὴν ὀλίγων

How else, then, in the name of the gods and 17
 divinities, men of the jury, should one prove that
 Phaenippus is liable under the laws which have been
 read, than precisely in the way in which I am proving
 it? Yet Phaenippus has none the less brought a
 counter-charge against me that I am not rendering a
 just inventory of my property; so easy is it for men
 of his stamp to make false statements before you;
 and he complains of the oath which I took before
 filing the inventory, asserting that I undertook to
 report all the rest of my property except that in the
 mining-works;—as if to swear according to law were
 a matter for complaint! But you know the law, men 18
 of the jury, for you enacted it, that which expressly
 makes this provision, that those tendering exchanges
 to one another, when they under oath report their
 inventories, shall swear also the following oath: “I
 will give a true and honest inventory of my property
 except that in the silver mines, all of which the laws
 have made exempt from taxes.” (*To the clerk.*) But, 19
 rather, read the law itself. Yet, stop a moment, please.
 For I made this offer before to Phaenippus, and now
 again, men of the jury, I tender it freely:—I will sur-
 render to him all my property including that in the
 mining works, if he will hand over to me the farm
 alone free from all encumbrances as it was when I first
 went to it with witnesses, and will replace as they were
 before the grain and wine and the other things which
 he has carried away from the buildings after remov-
 ing the seals from the doors. Why, pray, do you keep 20
 on talking and crying out? From my silver mines,
 Phaenippus, I formerly by my own bodily toil and
 labour reaped a large profit. I confess it. But now
 I have lost all but a small portion of my gains. You,

ἅπαντ' ἀπολώλεκα. σὺ δ' ἐκ τῆς ἐσχατιᾶς νῦν
 πωλῶν τὰς κριθὰς ὀκτωκαιδεκαδράχμους καὶ τὸν
 οἶνον δωδεκάδραχμον, πλουτεῖς εἰκότως, ἐπειδὴν
 ποιῆς σίτου μὲν μεδίμνους πλέον ἢ χιλίους, οἶνου
 21 δὲ μετρήτας ὑπὲρ ὀκτακοσίους. ἔτ' οὖν τὴν αὐτὴν
 ἡμᾶς τάξιν ἔχειν δεῖ, μὴ τῆς αὐτῆς τύχης ἡμῖν
 παρακολουθούσης νῦν τε καὶ πρότερον; μηδαμῶς·
 οὐ γὰρ δίκαιον. ἀλλὰ διάδεξαι καὶ σὺ καὶ μετάλαβε
 μικρὸν χρόνον τῆς τοῦ λητουργοῦντος τάξεως,
 ἐπειδὴ οἱ μὲν ἐν τοῖς ἔργοις ἡτυχήκασιν, ὑμεῖς δ' οἱ
 γεωργοῦντες εὐπορεῖτε μᾶλλον ἢ προσῆκεν. ἱκανὸν
 γὰρ χρόνον δὴ οὐσίας καρπούμενος διατελεῖς, τὴν
 μὲν τοῦ φύσει πατρὸς Καλλίππου, τὴν δὲ τοῦ
 ποιησαμένου σε, Φιλοστράτου τοῦ ῥήτορος, καὶ
 22 οὐδὲν πώποτε τουτοισὶ πεποιήκας. καίτοι ὁ μὲν
 ἐμὸς πατὴρ πέντε καὶ τετταράκοντα μνῶν μόνων
 ἐκατέρω, ἐμοὶ καὶ τῷ ἀδελφῷ, τὴν οὐσίαν κατ-
 ἔλιπεν, ἀφ' ἧς ζῆν οὐ ῥάδιόν ἐστιν· οἱ δὲ σοὶ πατέρες
 τοσούτων ἦσαν κύριοι χρημάτων, ὥσθ' ἐκατέρου
 τρίπους ἀνάκειται, νικησάντων αὐτῶν Διονύσια
 χορηγούντων. καὶ οὐ φθονῶ· δεῖ γὰρ τοὺς εὐπόρους
 χρησίμους αὐτοὺς παρέχειν τοῖς πολίταις. σὺ
 τοίνυν δείξον χαλκοῦν ἓνα μόνον εἰς τὴν πόλιν
 ἀνηλωκώς, ὁ τὰς δύο λητουργούσας οὐσίας παρ-
 23 ειληφώς. ἀλλ' οὐ δείξεις· ἀποκρύπτεσθαι γὰρ καὶ
 διαδύεσθαι καὶ πάντα ποιεῖν ἐξ ὧν μὴ λητουργήσεις
 τουτοισὶ μεμάθηκας. ἀλλ' ἐγὼ δείξω πόλλ' ἀνη-

on the contrary, since you sell from your farm your barley at a price of eighteen drachmae and your wine at a price of twelve, are a rich man, naturally, for you make more than a thousand medimni ^a of grain and above eight hundred measures ^b of wine. Ought I, 21 then, to continue in the same class, when the same fortune does not attend me now as formerly? Do not demand that; it would not be just. No; do you also take your turn and share for a little while in the class that performs public services, since those engaged in mining have suffered reverses while you farmers are prospering beyond what is your due. For a considerable time you have enjoyed the income of two estates, that of your natural father, Callippus, and that of him who adopted you, Philostratus, the orator, and you have never done anything for your fellow-citizens here.^c Yet my father left to 22 each of us, my brother and myself, an estate of forty-five minae merely, on which it is not easy to live, while your fathers were possessed of such wealth that each of them set up a tripod in honour of choregic victories at the Dionysia. And I do not begrudge them this, for it is the duty of the wealthy to render service to the state. Do you, therefore, show that you have expended one single copper coin on the state—you, who have inherited two estates which performed public services. But 23 you cannot show it, for you have learned secrecy and evasion and how to do everything to escape rendering service to your fellow-citizens here. But

^a The medimnus was roughly equivalent to a bushel and a half.

^b The metretes was roughly equivalent to nine gallons.

^c *i.e.* the members of the jury.

λωκώς, ὃ τὴν μικρὰν οὐσίαν παραλαβὼν παρὰ τοῦ πατρός.

Πρῶτον δέ μοι τὸν νόμον ἐκείνον ἀνάγνωθι τὸν οὐκ ἑῶντα τῶν ἐν τοῖς ἔργοις οὐδὲν ἀποφαίνειν καὶ τὴν πρόκλησιν, ἔπειτα τὰς μαρτυρίας, ὡς δὴ οἰκων λητουργούντων οὕτως Φαίνιππος κεκληρονόμηκεν.

ΝΟΜΟΣ. ΠΡΟΚΛΗΣΙΣ. ΜΑΡΤΥΡΙΑΙ

- 24 Ἐν μόνον ἂν τις ἔχοι δεῖξαι τουτονὶ Φαίνιππον πεφιλοτιμημένον εἰς ὑμᾶς, ἄνδρες δικασταί· ἵππο-
τρόφος ἀγαθὸς ἐστὶ καὶ φιλότιμος, ἅτε νέος καὶ
πλούσιος καὶ ἰσχυρὸς ὢν. τί τούτου μέγα σημεῖον;
ἀποδόμενος τὸν πολεμιστήριον ἵππον καταβέβηκεν
ἀπὸ τῶν ἵππων, καὶ ἀντ' ἐκείνου ὄχημ' αὐτῷ
τηλικούτος ὢν ἐώνηται, ἵνα μὴ πεζῇ πορεύηται.
τοσαύτης οὗτος τρυφῆς ἐστὶ μεστός. καὶ τοῦτ'
ἀπογέγραφέ μοι, τῶν δὲ κριθῶν καὶ τοῦ οἴνου καὶ
τῶν ἄλλων τῶν ἐκ τῆς ἐσχατιᾶς γιγνομένων οὐδὲ τὸ
25 δέκατον μέρος. ἄξιόν γ' ἀφείναι νῦν αὐτόν ἐστιν,
ἐπειδὴ χρήσιμος καὶ φιλότιμος καὶ τῇ οὐσίᾳ καὶ τῷ
σώματι; πολλοῦ γε καὶ δεῖ. καλῶν γὰρ καγαθῶν
ἐστὶ δικαστῶν, τοὺς μὲν τῶν πολιτῶν ἐθέλοντας,
ὅταν εὐπορῶσι, λητουργούντας καὶ ἐν τοῖς τριακο-
σίοις ὄντας ἀναπαύειν, ὅταν τούτου δεόμενοι τυγχά-
νωσι, τοὺς δὲ νομίζοντας ἀπολλύειν, ὅταν εἰς τὸ
κοινόν τι δαπανήσωσιν, ἄγειν εἰς τοὺς προεισφέρον-
τας καὶ μὴ ἐπιτρέπειν δραπετεύειν.

I will show that I have expended large sums—I, who inherited that slender estate from my father.

(*To the clerk.*) Now read me first that law which declares that no mining property shall be included in the inventory, and the challenge and then the depositions proving that this fellow Phaenippus has inherited two estates that performed public services.

THE LAW. THE CHALLENGE. THE DEPOSITIONS

There is one thing only, men of the jury, in which ²⁴ anyone could show that this man Phaenippus has been ambitious of honour from you : he is an able and ambitious breeder of horses,^a being young and rich and vigorous. What is a convincing proof of this ? He has given up riding on horseback, has sold his war horse, and in his place has bought himself a chariot—he, at his age !—that he may not have to travel on foot ; such is the luxury that fills him. This chariot he has included in his inventory to me, but of the barley and wine and the rest of the farm-produce not a tenth part. He deserves then, does he not, ²⁵ to be let off now, seeing that he has been so public-spirited and ambitious to serve both with his property and his person ? No ; far from it. For it is the duty of honest jurymen to give respite to those citizens, when they have need of such help, who, when prosperous, willingly perform public services and remain in the list of the Three Hundred ; but as to those who consider as lost whatever money they spend upon the state, you should bring them into the list of those who make advance contributions, and not suffer them to run away from their duty.

^a Only well-to-do persons in Athens owned horses, and only the wealthy possessed stock-farms.

DEMOSTHENES

Λέγε πρῶτον μὲν τὴν μαρτυρίαν, ἔπειτα τὴν ἀπόφασιν αὐτοῦ.

ΜΑΡΤΥΡΙΑ. ΑΠΟΦΑΣΙΣ

26 Ἔα ταῦτα. καίτοι πολλὰ τῶν ἔνδοθεν ἐκφορήσας, ὧ ἄνδρες δικασταί, Φαίνιππος, ἀνοίξας τὰ
[1047] παρασεσημασμένα τῶν οἰκημάτων, ὥς ὑμῖν μεμαρτύρηται, καὶ καταλιπὼν ὅς' ἔδοξεν αὐτῷ, δευτέρῳ μηνὶ τὴν ἀπόφασιν ἔδωκέ μοι τῆς οὐσίας. ἀλλ' ὅμως ἔα ταῦτα.

Λέγε δ' ἐντευθενὶ “ ἐπὶ τούτοις τάδε ὀφείλω.”

ΑΠΟΦΑΣΙΣ

27 Ἐπίσχες. αὕτη ἐστίν, ὧ ἄνδρες δικασταί, ἡ Ἀριστονόη τοῦ Φιλοστράτου θυγάτηρ, μήτηρ δὲ τουτουί. ταύτῃ χρέως φησὶν ὀφείλεσθαι Φαίνιππος τὴν προῖκα, ἧς οἱ νόμοι κύριον τοῦτον ποιοῦσι, ψευδόμενος καὶ οὐ δικαίως χρώμενος τῇ ἀποφάσει. διὰ τί γὰρ ἐγώ, Φαίνιππε, μενούσης μοι τῆς μητρὸς ἐν τῷ οἴκῳ καὶ ζώσης καὶ προῖκ' ἐπενεγκαμένης, οὐκ ἀπογράφω τὴν προῖκα χρέως αὐτῇ, οὐδὲ παρακρούομαι τοὺς δικαστάς, ἀλλ' ἐῷ μετέχειν τῶν ἔμμαντοῦ τὴν μητέρα, ἂν τε τὴν Φαινίππου ἂν τε τὴν ἔμμαντοῦ ἔχω οὐσίαν; ὅτι οἱ νόμοι ταῦτα κελεύουσιν, ὧ βέλτιστε· σὺ δὲ πάντα ποιεῖς παρὰ τοὺς νόμους. λέγ' ἕτερον.

^a After the death of her husband a woman might return to the house of her *κύριος* (nearest male relative), or, if there were children, she might live with them in her husband's

AGAINST PHAENIPPUS, 25-27

(*To the clerk.*) Read first the deposition, and then his declaration.

THE DEPOSITION. THE DECLARATION

Enough of that. Yet Phaenippus, men of the jury, 26 opened the rooms that had been sealed and carried off much that was within, as the witnesses have testified to you, leaving behind just what he pleased; and one month after the law prescribes gave me the declaration regarding his property. Nevertheless, enough of that.

(*To the clerk.*) Read from the words, "Upon this property I owe the following debts."

THE DECLARATION

Stop reading. This Aristonoê, men of the jury, is 27 the daughter of Philostratus and mother of Phaenippus. He declares that a debt is owing to her for her marriage portion, but of this the laws make him the owner.^a His statement is therefore false, and he does not make a just declaration. For why is it that I, Phaenippus, while my mother—who brought with her a marriage portion—is living and dwelling in my house, do not declare the marriage portion as a debt due to her, and thus try to lead the jurymen astray, but permit her to share in all that I have, alike whether it shall prove to be the estate of Phaenippus or my own? Because the laws so command, my good Sir. But all that you do is contrary to the laws. (*To the clerk.*) Read on.

house. In this case the marriage portion became the property of her son. In return he was bound to give his mother maintenance, but the portion could not be counted a lien upon his property.

ΑΠΟΦΑΣΙΣ

- 28 Ἀκούετ', ὦ ἄνδρες δικασταί· Παμφίλῳ φησὶ καὶ Φειδόλεω Ῥαμνουσίοις κοινῇ τάλαντον ἐνοφείλειν καὶ Αἰαντίδῃ Φλυεὶ τετρακισχιλίας καὶ Ἀριστομένει Ἀναγυρασίῳ τέτταρας καὶ δέκα μνᾶς. διὰ τί οὖν, Φαίνιππε, ὅτε μὲν ἐγὼ μάρτυρας ἔχων ἡρώτων σ' εἴ τι ὀφείλεις ἐπὶ τῇ ἐσχατιᾷ, καὶ ἐκέλευον δεῖξαι ὅρον εἴ που ἔπεστι, καὶ διεμαρτυρόμην ὅπως μή μοι ὕστερον κατεσκευασμένοι δανεισταὶ φανήσονται, τότε μὲν οὐδὲν ἀπέφηνας τῶν χρεῶν, ἐπειδὴ δὲ δευτέρῳ μηνὶ τὴν ἀπόφασιν ἔδωκάς μοι, τοῦ νόμου κελεύοντος τριῶν ἡμερῶν, νῦν ἤκουσι δανεισταὶ καὶ ὀφειλήματα πλέον ἢ τριῶν
29 ταλάντων; ὅτι, ὦ βέλτιστ', οὐδὲν ἄλλο κατασκευάζεις, ἢ ὅσονπερ κοινῇ γέγονέ μοι πρὸς τὴν
[1048] πόλιν ὄφλημα, τοσοῦτο καὶ σοὶ ἰδίᾳ νῦν εἶναι. ὅτι δ', ὦ Φαίνιππε, ψεύδη καὶ ἐπιωρκηκῶς ἤκεις πρὸς τούτους, ἥδη φανερώς ἐλέγξω.

Λαβέ μοι, γραμματεῦ, τὴν τοῦ Αἰαντίδου καὶ Θεοτέλους μαρτυρίαν, οἷς οὗτος ἀπογέγραφεν ὀφείλονθ' αὐτὸν τετρακισχιλίας δραχμὰς ψευδόμενος καὶ πάλαι ἀποδεδωκώς, οὐχ ἐκὼν, ἀλλὰ δίκην ὀφλῶν. λέγε.

ΜΑΡΤΥΡΙΑ

- 30 Ἔπειτ', ἄνδρες δικασταί, τὸν οὕτω καταφανῶς ἐν ᾗπασιν ἀδίκως πεποιημένον τὴν ἀπόφασιν, καὶ

^a Rhamnus was a deme of the tribe Aeantis.

^b Phlyus was a deme of the tribe Cecropis.

^c Anagyrus was a deme of the tribe Erechtheis.

AGAINST PHAENIPPUS, 28-30

THE DECLARATION

You hear, men of the jury. He declares that 28 he owes upon the land to Pamphilus and Pheidoleus of Rhamnus ^a jointly a talent, and to Aeantides of Phlyus ^b four thousand draehmae, and to Aristomenes of Anagyrus ^c fourteen minae. Why, then, Phaenippus, when I asked you in the presence of witnesses whether you owed anything on your farm, and bade you show me the pillar of mortgage, if one were set up anywhere upon it, and adjured you not to have any fictitious creditors to be brought to light later on to my prejudice—why, pray, did you not reveal any of these debts then? And why, when you have been a month late in giving me your declaration, though the law bids that it be given within three days, have creditors and debts for more than three talents now come on the scene? Because, my 29 good Sir, it is merely this that you are contriving. that you may now have private debts equal in amount to the public debt which I have incurred to the state. But that your statement is false, Phaenippus, and that you have come before these gentlemen as a perjured man, I shall straightway prove beyond all question.

Please, clerk, take the deposition of Aeantides and Theoteles to whom this fellow has declared that he owes four thousand drachmae. His declaration is false, and he long ago paid the debt, not willingly, but after a judgement had been secured against him. Read.

THE DEPOSITION

Well, then, men of the jury, when a man has made 30 out a declaration that is so manifestly false in all

μήτε τῶν νόμων φροντίσαντα μηδέν, οἳ διωρίκασιν ἐν οἷς δεῖ τὴν ἀπόφασιν ποιεῖσθαι χρόνοις, μήτε τῶν ἰδίων ὁμολογιῶν, ἃς ὁμοίως ὑπολαμβάνομεν ἰσχυράς, χωρὶς δὲ τούτων ἀνεωχότα τὰ σημεῖα τῶν οἰκημάτων καὶ ἐκπεφορηκότα τὸν σῖτον καὶ τὸν οἶνον ἔνδοθεν, πρὸς δὲ τούτοις τὴν ὕλην τὴν τετμημένην πεπρακότα μετὰ τὴν ἀντίδοσιν, πλέον ἢ τριάκοντα μνῶν οὖσαν ἀξίαν, καὶ τὸ πάντων μέγιστον, χρέα ψευδῇ κατεσκευακότα τῆς ἀντιδόσεως ἔνεκα, τοῦτον δικαίως ψηφιεῖσθε πεποιῆσθαι τὴν

31 ἀπόφασιν; μηδαμῶς, ὦ ἄνδρες δικασταί. ποῖ γὰρ τραπέσθαι δεήσει διαμαρτόντα τῆς ὑμετέρας γνώμης, ὅταν οἱ πλούσιοι καὶ μηδὲν ὑμῖν πώποτε χρήσιμοι γεγενημένοι, πολλὴν καὶ σῖτον καὶ οἶνον ποιοῦντες καὶ τοῦτον τριπλασίας τιμῆς ἢ πρότερον διατιθέμενοι, πλεονεκτῶσι παρ' ὑμῖν; ὁ μηδαμῶς νυνὶ γενέσθω, ἀλλ' ὥσπερ καὶ κοινῇ πᾶσι βεβοηθήκατε τοῖς ἐν τοῖς ἔργοις ἐργαζομένοις, οὕτω καὶ

32 ἰδίᾳ βοηθήσατέ μοι νῦν. καὶ γὰρ εἰ οἰκέτης ὑμῶν, [1049] μὴ πολίτης ἦν, ὁρῶντες ἂν μου τὴν φιλεργίαν καὶ τὴν εἰς ὑμᾶς εὐνοίαν, ἀνεπαύσατ' ἂν με τῶν ἀναλωμάτων καὶ ἐπὶ τὸν δραπετεύοντα τῶν ἄλλων ἦλθετε. τὸν αὐτὸν τρόπον, ἐπειδὴν ἀποτείσω τὰ τρία τάλαιθ' ὑμῖν ἅ ὠφλον καὶ ἀναλάβω ἑμαυτόν, πάλιν ἀναπαύσαντες τῶν τεταλαιπωρηκότων ἕτερον ἐπ' ἔμ' ἥξετε· νῦν δ' ἄφετε, ἵκετεύω πάντας ὑμᾶς, ἄνδρες δικασταί, καὶ τὰ δίκαι' εἰρηκῶς δέομαι βοηθήσαί μοι καὶ μή με περιελαθέντα περιῦδεῖν ὑπὸ τούτων.

points and has shown no regard for the laws which define the time within which the declaration must be made out, or to the private agreements which we hold to be equally binding ; when besides this he has opened the seals of the buildings and earried off the grain and wine from within, and furthermore has after the offer to exchange sold the cut timber to the value of more than thirty minae ; and when (worst of all) he has concocted false debts for the purpose of the exchange—will you decide by your votes that this man has made a just declaration ? Surely not, men of the jury. For where is one to turn if he 31 fails of a verdict from you, when men of wealth who have never been of any service to you, who produce large quantities of grain and wine and dispose of this at three times its former price, have an advantage in your courts ? Let not this happen now, I beg of you ; but, as you have given public aid to all those engaged in mining, so now give aid to me as a private citizen. For, if I had been your slave and not a 32 citizen, seeing my industry and my goodwill toward you, you would have given me respite from my expenditures and would have turned to one of the rest who was running away from his duty. In the same manner, when I shall have paid the three talents for which I became liable to you, and shall have recovered my losses, you will relieve some other person among those in distress and turn to me. But for the present discharge me, men of the jury, I beg of you all ; and since I have spoken only what is just, I implore you to come to my aid, and not to suffer me to be harried by these men.

AGAINST MACARTATUS

INTRODUCTION

A CERTAIN Hagnias, of Oeon, a man of considerable wealth, was sent out from Athens on an important embassy, was captured with his companions by the Lacedaemonians, and by them put to death. He left no children, but had adopted a niece who died while still a minor.

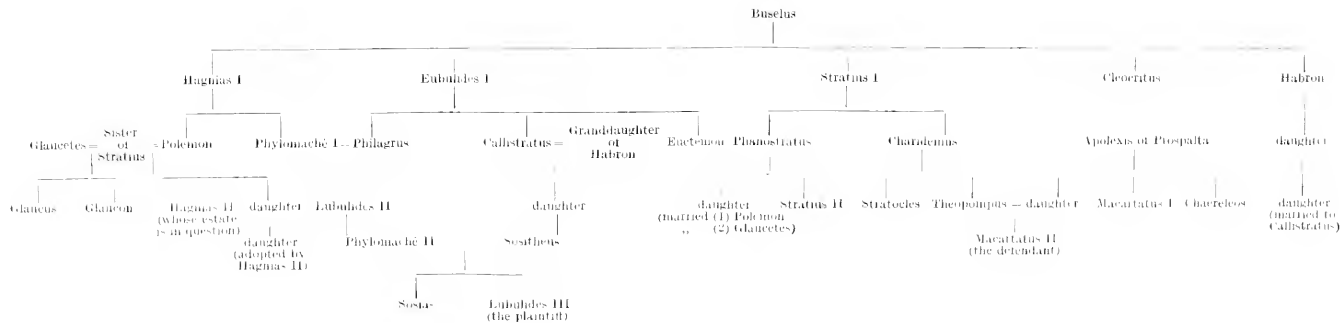
Under a will which the court held to be spurious his estate was claimed by his half brothers Glaucus and Glaucon, sons of his mother and Glaucetes, whom she had married, whether before her marriage with his father Polemon, or after the latter's death, does not appear. (For the complicated family relationships the reader is referred to the annexed table.) A counter-claim was put in by Eubulides II, who was the first cousin of Hagnias (the son of Phylomachê I, who was own sister to Polemon). This Eubulides appears to have died before the case was settled, but after the rejection of the spurious will the property was awarded to his daughter Phylomachê II. She, then, as an ἐπίκληρος with a rich marriage portion, was claimed in marriage by Sositheus, who was the son of a female first cousin of her father.

Another suit was then instituted, regarding which there is much obscurity, inasmuch as the accounts given us by Pseudo-Demosthenes and by Isaeus (in Oration VII, *On the Estate of Hagnias*) disagree, and

DEMOSTHENES

both have plainly suppressed important facts. According to the speech before us there were five claimants, Phylomachê II, Theopompus (whose relationship to Hagnias was so remote that he had no shadow of right to the estate), Glaucus and Glaucon, and a certain Eupolemus. It is contended by the writer of our speech, as so often by Athenian pleaders, that the other four contestants had entered into a conspiracy to defraud Phylomachê of her rights. Neither he nor Isaeus makes any mention of the fact that Glaucus and Glaucon were far nearer of kin to Hagnias than any of the others. In any case the property was awarded to Theopompus, and in the argument stress appears to have been laid on the claim that Polemon never had a sister Phylomachê I, the alleged grandmother of Phylomachê II. Our writer is therefore at pains to bring forward evidence to prove that Phylomachê I was no myth, but in very truth the own sister of Polemon.

At the death of Theopompus the estate passed to his son Macartatus, and thereupon Sositheus, the husband of Phylomachê II, made a new attempt to recover the property. He had his second son, Eubulides III, a minor, entered in the clan of Eubulides II, his maternal grandfather, and recorded as the latter's adopted son, his older brother Sosias being designated as his guardian. This action, if allowed, would make Eubulides III a legitimate heir, as the son of a first cousin of the deceased. Sosias then summoned Macartatus to trial to determine the right of inheritance. Sositheus, the father, in the speech before us pleads for his minor son, maintains that the decision rendered by the former court was won by the conspiracy formed against him, insists that



AGAINST MACARTATUS

Phylomachê II had proved her right to the property when she won the suit against Glaucon and Glaucus. and dwells at length on the laws and on the religious observances performed by her branch of the family as being nearest of kin to Hagnias. The outcome of the suit is not known.

The speech, despite its pompous tone, possesses much interest, though it is universally regarded as the work of some lesser speech-writer and not of Demosthenes.

The reader may profitably consult Schaefer, iii.² pp. 229 ff., and Blass, iii. pp. 540 ff.

XLIII

ΠΡΟΣ ΜΑΚΑΡΤΑΤΟΝ ΠΕΡΙ ΑΓΝΙΟΥ ΚΛΗΡΟΥ

- Ἐπειδὴ καὶ πρότερον ἀγῶνες ἐγένοντο ἡμῖν, ὦ ἄνδρες δικασταί, πρὸς τοὺς αὐτοὺς τούτους περὶ τοῦ κλήρου τοῦ Ἀγνίου, καὶ οὐδὲν παύονται παρανομοῦντες καὶ βιαζόμενοι, ὥστ' ἐκ παντὸς τρόπου τὰ μὴ προσήκονθ' ἑαυτοῖς ἔχειν, ἀνάγκη ἴσως ἐστὶ τὰ πραχθέντ' ἐξ ἀρχῆς διηγήσασθαι· ὑμεῖς τε γάρ, ὦ ἄνδρες δικασταί, ῥᾶον παρακολουθήσετε ἅπασιν τοῖς λεγομένοις, καὶ οὗτοι ἐπιδειχθήσονται οἰοί εἰσιν ἄνθρωποι, καὶ ὅτι πάλαι ἤδη ἀρξάμενοι οὐδὲν παύονται κακοτεχνοῦντες καὶ οἰόμενοι δεῖν δια-
[1051] πράττεσθαι ὅ τι ἂν ἐπέλθῃ τούτοις. δεόμεθα οὖν ὑμῶν, ὦ ἄνδρες δικασταί, εὐνοϊκῶς ἀκροάσασθαι τῶν λεγομένων καὶ παρακολουθεῖν προσέχοντας τὸν νοῦν. πειράσομαι δὲ καὶ γὰρ διδάσκειν ὥς ἂν οἰός τε ὦ σαφέστατα περὶ τῶν πεπραγμένων.
- 3 Τουτουὶ γὰρ τοῦ παιδὸς ἢ μήτηρ, ὦ ἄνδρες δικασταί, γένει οὕσα ἐγγυτάτῳ Ἀγνία τῷ ἐξ Οἴου, ἐπεδικάσατο τοῦ κλήρου τοῦ Ἀγνίου κατὰ τοὺς νόμους τοὺς ὑμετέρους· καὶ τῶν τότε ἀμφισβητη-

^a There were two demes bearing the name Oeon, one

XLIII

SOSITHEUS AGAINST MACARTATUS, IN REGARD TO THE ESTATE OF HAGNIAS

SINCE we have had suits before now, men of the jury, against these same men regarding the estate of Hagnias, and they do not cease from their lawless and violent conduct, endeavouring by hook or crook to keep what does not belong to them, it is perhaps necessary to set forth all that has been done from the beginning ; for you, men of the jury, will thus more easily follow the course of the whole argument, and ² these men will be exhibited in their true character, and you will see that they began long ago and still continue to play their tricks, and to think that they may do whatever occurs to them. We therefore beg of you, men of the jury, to listen to our arguments with goodwill, and to follow with close attention. And I, on my part, will endeavour to give you the clearest information I can concerning the facts.

The mother of this boy, men of the jury, being the ³ nearest of kin to Hagnias of Oeon,^a had the estate of Hagnias adjudged to her according to your laws : and

belonging to the tribe Leontis, the other to the tribe Hippothontis.

σάντων αὐτῇ τοῦ κλήρου τουτουί, γένει μὲν ὡς
 ἐγγυτέρω τις εἴη αὐτῶν τῆς γυναικός, οὐδ' ἐπ-
 εχείρησεν οὐδεὶς ἀντομόσαι (ὡμολογεῖτο γὰρ παρὰ
 πάντων τῆς γυναικός εἶναι ἢ κληρονομία κατὰ
 4 τὴν ἀγχιστείαν), διαθήκας δὲ ψευδεῖς ἦκον κατα-
 σκευάσαντες Γλαῦκός τε ὁ ἐξ Οἴου καὶ Γλαύκων
 ὁ ἀδελφὸς αὐτοῦ, καὶ Θεόπομπος ὁ τουτουὶ πατὴρ
 Μακαρτάτου ἐκείνοις συγκατεσκεύαζεν ἅπαντα
 ταῦτα καὶ ἐμαρτύρει τὰς πλείστας μαρτυρίας. αἱ
 δὲ διαθήκαι, ἅς τότε παρέσχοντο, ἐξηλέγχθησαν
 ψευδεῖς οὔσαι· καὶ οὐ μόνον ἡττήθησαν, ἀλλὰ καὶ
 πονηρότατοι δόξαντες εἶναι ἀπηλλάττοντο ἀπὸ τοῦ
 5 δικαστηρίου. καὶ ἐπιδημῶν τότε Θεόπομπος ὁ
 τουτουὶ πατὴρ Μακαρτάτου, τοῦ κήρυκος κηρύτ-
 τοντος, εἴ τις ἀμφισβητεῖν ἢ παρακαταβάλλειν
 βούλεται τοῦ κλήρου τοῦ Ἀγνίου ἢ κατὰ γένος ἢ
 κατὰ διαθήκας, οὐκ ἐτόλμησε παρακαταβαλεῖν, ἀλλ'
 αὐτὸς ἑαυτῷ ἐδίκασεν ὅτι οὐδαμόθεν αὐτῷ προσ-
 6 ἦκεν οὐδὲν τοῦ κλήρου τοῦ Ἀγνίου. ἐχούσης δὲ
 τῆς μητρὸς τοῦ παιδὸς τουτουὶ τὸν κλῆρον, ἐπειδὴ
 ἐνίκησεν ἐν τῷ δικαστηρίῳ ἅπαντας τοὺς ἀμφισ-
 βητήσαντας ἑαυτῇ, οὕτως εἰσὶ μιανοὶ οὗτοι, καὶ
 [1052] οὐκ οἶονται δεῖν οὔτε τοῖς νόμοις τοῖς ὑμετέροις
 πείθεσθαι οὔτε τοῖς γνωσθεῖσιν ἐν τῷ δικαστηρίῳ,
 ἀλλὰ πάντα τρόπον ἐπιχειροῦντες ἀφελέσθαι πάλιν
 τὴν γυναῖκα τὸν κλῆρον ὃν ὑμεῖς αὐτῇ ἐψηφίσασθε,
 7 συνομόσαντες καὶ συνθήκας γράψαντες πρὸς ἀλλή-
 λους καὶ καταθέμενοι παρὰ Μηδείῳ Ἀγνουσίῳ,
 Θεόπομπος ὁ τουτουὶ πατὴρ Μακαρτάτου καὶ
 Γλαύκων καὶ Γλαῦκος ὁ ἡττηθεὶς τὸ πρότερον,
 καὶ ἕτερόν τινα τῶν ἐπιτηδείων τέταρτον προσ-

of those who then made counter-claims to this estate not one ventured to swear that he was nearer of kin than the lady (for it was admitted by all that the inheritance belonged to her by virtue of nearest kinship), but Glaucus of Oeon and Glaucon his brother 4 presented themselves, having concocted a spurious will, and Theopompus, the father of Macartatus here, joined with them in getting up this whole scheme, and was their witness in most of the depositions that were put in. The will which they then produced was proved to be spurious, and they not only lost their case, but went out of court completely disgraced. And Theopompus, the father of Macartatus here, al- 5 though he was in town when the herald asked by proclamation whether anyone wished to lay claim to the estate of Hagnias by virtue of kinship or under a will, or to deposit security for the costs of such claim, yet did not venture to make a deposit, but by his own act gave judgement against himself that he had no conceivable claim on the estate of Hagnias. But, although the 6 mother of this boy here became possessed of the inheritance, since she had prevailed in the suit over all those who disputed her claim, these men are abominable, as you see, and imagine that they need obey neither your laws nor the decisions of your courts, but they are trying by fair means or foul once more to take away from the lady the inheritance which you awarded to her. A conspiracy was formed, and a 7 written agreement entered into, and deposited with Medeios of Hagnus,^a by Theopompus, the father of Macartatus here, and by Glaucon and the Glaucus who was worsted in the former suit; and they added to themselves as a fourth another of their friends (Eupolemus

^a Hagnus was a deme of the tribe Acamantis.

λαβόντες (Εὐπόλεμος ἦν αὐτῷ ὄνομα), οὗτοι ἅπαν-
τες κοινῇ ἐπιβουλεύσαντες προσεκαλέσαντο τὴν
γυναῖκα πρὸς τὸν ἄρχοντα εἰς διαδικασίαν τοῦ
κλήρου τοῦ Ἀγνίου, φάσκοντες τὸν νόμον κελεύειν
παρὰ τοῦ ἐπιδεδικασμένου καὶ ἔχοντος τὸν κλῆρον

8 προσκαλεῖσθαι, εἴαν τις βούληται ἀμφισβητεῖν. καὶ
ἐπειδὴ ἦγεν ὁ ἄρχων εἰς τὸ δικαστήριον καὶ ἔδει
ἀγωνίζεσθαι, τά τε ἄλλα ἦν αὐτοῖς ἅπαντα κατ-
εσκευασμένα εἰς τὸν ἀγῶνα, καὶ τὸ ὕδωρ, πρὸς ὃ
ἔδει ἀγωνίζεσθαι, τετραπλάσιον ἡμῶν ἔλαβον. ἐξ
ἀνάγκης γὰρ ἦν, ὦ ἄνδρες δικασταί, τῷ ἄρχοντι
ἀμφορέα ἐκάστω ἐγχείαι τῶν ἀμφισβητούντων, καὶ

9 τρεῖς χοᾶς τῷ ὑστέρω λόγῳ. ὥστε συνέβαιεν
ἐμοὶ τῷ ὑπὲρ τῆς γυναικὸς ἀγωνιζομένῳ, μὴ ὅτι
περὶ τοῦ γένους καὶ τῶν ἄλλων ὧν μοι προσῆκε
διηγῆσασθαι τοῖς δικασταῖς ὥς ἐγὼ ἐβουλόμην,
ἀλλ' οὐδ' ἀπολογῆσασθαι μοι ἐξεγένετο οὐδὲ
πολλοστὸν μέρος ὧν κατεψεύδοντο ἡμῶν· πέμπτον
γὰρ μέρος εἶχον τοῦ ὕδατος. καὶ τὸ σόφισμα ἦν
τοῦτο, αὐτοὺς μὲν ἑαυτοῖς συναγωνίζεσθαι καὶ

[1053] ὁμολογεῖν ἅπαντα, περὶ ἡμῶν δὲ λέγειν τὰ οὐδε-

10 πώποτε γενόμενα. καὶ τοῦτον τὸν τρόπον ἐπι-
βουλευσάντων καὶ συναγωνιζομένων ἀλλήλοις ἐφ'
ἡμᾶς, καδίσκων τεττάρων τεθέντων κατὰ τὸν
νόμον, εἰκότως, οἶμαι, οἱ δικασταὶ ἐξηπατήθησαν
καὶ ἐστασίασαν ἀλλήλοις καὶ παρακρουσθέντες ὑπὸ
τῆς παρασκευῆς ἐψηφίζοντο ὃ τι ἔτυχεν ἕκαστος.
καὶ αἱ ψῆφοι ὀλίγαις πάνυ ἐγένοντο πλείους, ἢ

^a The amphora contained about nine gallons.

was his name). All these men, having in common formed their plot, cited the lady before the archon for the adjudication of claims to the estate of Hagnias, declaring that the law prescribed that if anyone wished to enter a claim, citation should be made of the one to whom the estate had been adjudged and who had it in his possession. And 8 when the archon brought the case into court, and the trial was to be held, they had everything cleverly arranged for the trial, and in particular the water which was to measure their speeches was four times as much as that allowed to us. For the archon, men of the jury, was obliged to pour into the water-clock an amphora ^a of water for each claimant, and three choes ^b for the reply ; so that I, who acted as pleader 9 for the lady, was not only unable to explain to the jurymen the relationship and other matters as clearly as I could have wished, but could not even defend myself against the smallest fraction of the lies which they told about us ; for I had but a fifth part of the water. Their scheme was this : to tell a wholly false story about us, but to back one another up and agree in everything. So, since they had formed their plot 10 in this way, and each backed up the other's charges against us, when the four ballot-boxes ^c were set out according to law, the jurymen, naturally enough, as I think, were deceived and could not agree with one another, and being led astray by this trick, they voted each as chance determined. And there were a

^b The chous contained about $\frac{1}{12}$ of an amphora.

^c One ballot-box, that is, for each contestant. There were five in all, but the two brothers, Glaucus and Glaucon, were apparently counted as one, since their title was the same. This problem is discussed by Wyse in his introduction to Isaeus XI.

τρισὶν ἢ τέτταρσιν, ἐν τῷ Θεοπόμπου καδίσκῳ ἢ ἐν τῷ τῆς γυναικός.

- 11 Καὶ τότε μὲν ταῦτα, ὦ ἄνδρες δικασταί, ἦν τὰ πραχθέντα. ἐπεὶ δ' οὐτοσὶ ὁ παῖς ἐγένετο καὶ ἐδόκει καιρὸς εἶναι, οὐκ ὀργισθεὶς ἐγὼ τοῖς γενομένοις, ἀλλ' ἡγούμενος εἰκὸς τι παθεῖν τοὺς τότε δικάζοντας, εἰσήγαγον εἰς τοὺς φράτερας τοὺς τοῦ Ἀγνίου Εὐβουλίδῃ τὸν παῖδα τουτονί, ἐκ τῆς θυγατρὸς ὄντα τῆς ἐκείνου, ἵνα μὴ ἐξερημωθῇ ὁ οἶκος.
- 12 ἐκείνος γάρ, ὦ ἄνδρες δικασταί, ὁ Εὐβουλίδης, ὁ τῷ Ἀγνίᾳ γένει ὦν ἐγγυτάτῳ, μάλιστα μὲν ἡὔχετο τοῖς θεοῖς υἱὸν αὐτῷ γενέσθαι, ὥσπερ καὶ ἡ θυγάτηρ ἡ τουτουὶ μήτηρ τοῦ παιδὸς αὐτῷ ἐγένετο· ἐπεὶ δὲ τούτου ἀπέτυχε καὶ οὐκ ἐγένετο παῖς ἄρρην αὐτῷ οὐδὲ εἷς, μετὰ ταῦτ' ἤδη ἐσπούδαζεν ὅπως ἐκ τῆς θυγατρὸς εἰσποιηθῇ αὐτῷ υἱὸς εἰς τὸν οἶκον τὸν ἑαυτοῦ καὶ τὸν Ἀγνίου, καὶ εἰς τοὺς φράτερας εἰσαχθῇ τοὺς ἐκείνου, ἡγούμενος, ὦ ἄνδρες δικασταί, ἐκ τῶν ὑπολοίπων τοῦτον εἶναι ἑαυτῷ οἰκειότατον, καὶ οὕτως ἂν μάλιστα τὸν οἶκον τὸν ἑαυτῶν διασώζεσθαι καὶ οὐκ ἂν ἐξερημωθῆναι.
- 13 καὶ ἐγὼ ταῦτα ὑπῆρέτησ' αὐτῷ, ὁ τὴν Εὐβουλίδου [1054] θυγατέρα ἔχων ἐπιδικασάμενος γένει ὦν ἐγγυτάτῳ, καὶ εἰσήγαγον τὸν παῖδα τουτονὶ εἰς τοὺς Ἀγνίου καὶ Εὐβουλίδου φράτερας, μεθ' ὧν καὶ Θεόπομπος ὁ τουτουὶ πατὴρ Μακαρτάτου, ἕως ἔζη, ἐφράτριζε
- 14 καὶ αὐτὸς οὗτος. καὶ οἱ φράτερες, ὦ ἄνδρες δικασταί, οἱ τουτουὶ Μακαρτάτου, οἱ ἄριστα εἰδότες περὶ τοῦ γένους, ὁρῶντες αὐτὸν μὲν τοῦτον οὐ θέλοντα κινδυνεύειν οὐδ' ἀπάγοντα τὸ ἱερεῖον ἀπὸ τοῦ βωμοῦ, εἰ μὴ προσηκόντως εἰσῆγετο ὁ

AGAINST MACARTATUS, 10-14

very few more votes—some three or four—in the box of Theopompus than in that of the lady.

This, then, was what took place at that time. But 11 when this boy was born, and it seemed a fitting time, I, being in no way incensed at what had happened, but considering that the former jurymen had met with a very natural experience, introduced this boy here to the clansmen of Hagnias in the interest of Eubulides, seeing that the boy was the son of his daughter, in order that the family might not become extinct. For the elder Eubulides, men of 12 the jury, who was next of kin to Hagnias, prayed to the gods above all else that a son might be born to him as a daughter had been, the mother of this boy : but since he failed of this hope and not a single male child was born to him, his next dearest wish was that a son of his daughter should be adopted into his own family and that of Hagnias and should be introduced to the members of his clan : for he thought, men of the jury, that of his surviving relatives this boy was nearest to him, and that in this way their house would best be preserved and kept from extinction. And I was the one to render him this service, since I 13 was husband to the daughter of Eubulides, she having been adjudged to me as being the nearest of kin, and I introduced this boy to the clansmen of Hagnias and Eubulides, to which fellowship Theopompus, the father of Macartatus here, belonged during his lifetime, and to which Macartatus now belongs. And 14 the fellow-clansmen of Macartatus here, who knew better than any others the pedigree of the family, seeing that he himself did not choose to risk a contest and did not remove the victim from the altar, as he should have done had the introduction of this boy not

- παῖς οὐτοσί, αὐτοὺς δ' ἀξιοῦντα ἐπιорκεῖν, λαβόντες τὴν ψῆφον καομένων τῶν ἱερείων, ἀπὸ τοῦ βωμοῦ φέροντες τοῦ Διὸς τοῦ φρατρίου, παρόντος τουτουὶ Μακαρτάτου, ἐψηφίσαντο τὰ δίκαια, ὧ ἄνδρες δικασταί, ὀρθῶς καὶ προσηκόντως τὸν παῖδα τουτονὶ εἰσάγεσθαι Εὐβουλίδῃ υἱὸν εἰς τὸν οἶκον τὸν
- 15 Ἀγνίου. ψηφισαμένων δὲ ταῦτα τῶν φρατέρων τῶν τουτουὶ Μακαρτάτου, υἱὸς ὢν Εὐβουλίδου ὁ παῖς οὐτοσί προσεκαλέσατο Μακάρτατον τοῦ κλήρου τοῦ Ἀγνίου εἰς διαδικασίαν, καὶ ἔλαχε πρὸς τὸν ἄρχοντα, κύριον ἐπιγραφάμενος τὸν ἀδελφὸν τὸν ἑαυτοῦ· ἐμοὶ γὰρ οὐκέτι οἶόν τ' ἦν, ὧ ἄνδρες δικασταί, κυρίῳ ἐπιγεγράφθαι, εἰσπεποιηκότι τὸν παῖδα εἰς τὸν οἶκον τὸν Εὐβουλίδου. καὶ ἡ πρόσκλησις ἐγένετο τῷ παιδί τουτωὶ κατὰ τὸν νόμον, καθ' ὃν περ καὶ οὗτοι προσεκαλέσαντο τὴν τουτουὶ μητέρα, τὴν νενικηκυῖαν πρότερον ἐν τῷ δικαστηρίῳ καὶ ἔχουσαν τὸν κλῆρον τὸν Ἀγνίου.
- 16 Καί μοι ἀνάγνωθι τὸν νόμον, καθ' ὃν ἡ πρόσκλησις ἐστὶ παρὰ τοῦ ἔχοντος τὸν κλῆρον.

ΝΟΜΟΣ

Ἐὰν δ' ἐπιδεδικασμένον ἀμφισβητῇ τοῦ κλήρου ἢ τῆς ἐπικλήρου, προσκαλείσθω τὸν ἐπιδεδικασμένον πρὸς [1055] τὸν ἄρχοντα, καθάπερ ἐπὶ τῶν ἄλλων δικῶν· παρακατοβολὰς δ' εἶναι τῷ ἀμφισβητοῦντι. ἐὰν δὲ μὴ προσκαλεσάμενος ἐπιδικάσῃται, ἀτελὴς ἔσται ἡ ἐπιδικασία τοῦ κλήρου. ἐὰν δὲ μὴ ᾔῃ ὁ ἐπιδικασάμενος τοῦ κλήρου, προσκαλείσθω κατὰ ταῦτά, ᾧ ἂν ἡ προ-

^a That is, by demanding that they should render a decision in violation of the oath which they had sworn.

been legitimate, but demanded that they commit perjury,^a took the ballot while the victims were still burning, and carried it from the altar of Zeus Phatrius^b in the presence of the defendant Macartatus, and gave a just verdict, men of the jury—that this boy was duly and rightfully introduced as the adopted son of Eubulides into the family of Hagnias. But when the fellow-clansmen of the defendant Macartatus had passed this vote, this boy, as the son of Eubulides, cited the defendant Macartatus for an adjudication of claims for the estate of Hagnias, and had a day appointed by the archon for the hearing, inscribing his brother's name as his guardian; for it was no longer open to me, men of the jury, to stand inscribed as guardian, since I had got the boy adopted into the family of Eubulides. And the citation was made by this boy according to the same laws in accordance with which these men had cited his mother, who had won the former suit in court, and was in possession of the estate of Hagnias. 15

(*To the clerk.*) Please read the law which ordains 16 that citation shall be made of the person possessing the inheritance.

THE LAW

If any person shall claim the inheritance or the heiress after adjudication has been made, let him cite before the archon the person who has obtained the adjudication just as in other suits, and a deposit to cover costs shall be made by the claimant. And if he wins an adjudication without citation, the adjudication of the estate shall be of no effect. And if the person who has had the estate adjudged to him be not living, let the claimant cite in like manner the successor, provided that the period covered by the statute of limitations

^b So named, as god of the clan (phratry)—which was a religious institution.

θεσμία μήπω ἐξήκη. τὴν δ' ἀμφισβήτησιν εἶναι τῷ ἔχοντι, καθότι ἐπεδικάσατο οὐδ' ἂν ἔχῃ τὰ χρήματα.

- 17 Τοῦ μὲν νόμου ἀκηκόατε, δέομαι δ' ὑμῶν δικαίαν δέησιν, ὦ ἄνδρες δικασταί. ἐὰν γὰρ ἐπιδείξω Θεοπόμπου τοῦ πατρὸς τοῦ Μακαρτάτου γένει ὄντας Ἀγνία ἐγγυτέρω Εὐβουλίδην τε τὸν παῖδα τουτονὶ καὶ Φυλομάχην, ἣ ἐστὶ μήτηρ τῷ παιδί, Εὐβουλίδου δὲ θυγάτηρ, καὶ οὐ μόνον γένει ἐγγυτάτῳ ὄντας, ἀλλὰ τὸ παράπαν οὐδὲ ὄντα οὐδένα ἀνθρώπων ἐν τῷ οἴκῳ τῷ Ἀγνίου ἄλλον ἢ τὴν μητέρα τοῦ παιδὸς τουτονὶ καὶ αὐτὸν τουτονὶ τὸν παῖδα, ταῦτ' ἐὰν ἐπιδείξω, δέομαι ὑμῶν, ὦ ἄνδρες δικασταί, βοηθεῖν ἡμῖν.
- 18 Τὸ μὲν οὖν πρῶτον διενοήθην, ὦ ἄνδρες δικασταί, γράψας ἐν πίνακι ἅπαντας τοὺς συγγενεῖς τοὺς Ἀγνίου, οὕτως ἐπιδεικνύειν ὑμῖν καθ' ἕκαστον· ἐπειδὴ δ' ἐδόκει οὐκ ἂν εἶναι ἐξ ἴσου ἡ θεωρία ἅπασιν τοῖς δικασταῖς, ἀλλ' οἱ πόρρῳ καθήμενοι ἀπολείπεσθαι, ἀναγκαῖον ἴσως τῷ λόγῳ διδάσκειν ὑμᾶς· τοῦτο γὰρ ἅπασιν κοινόν ἐστιν. πειρασόμεθα δὲ καὶ ἡμεῖς ὥς ἂν μάλιστα δυνώμεθα διὰ βραχυτάτων ἐπιδείξαι περὶ τοῦ γένους τοῦ Ἀγνίου.
- 19 Βούσελος γὰρ ἦν ἐξ Οἴου, ὦ ἄνδρες δικασταί, καὶ τούτῳ ἐγένοντο πέντε υἱεῖς, Ἀγνίας καὶ Εὐβουλίδης καὶ Στρατίος καὶ Ἀβρων καὶ Κλεόκριτος. καὶ οὗτοι ἅπαντες οἱ τοῦ Βουσέλου υἱεῖς ἄνδρες ἐγένοντο, καὶ διένειμεν αὐτοῖς τὴν οὐσίαν ὁ πατὴρ ὁ Βούσελος ἅπασιν καλῶς καὶ δικαίως, ὥσπερ [1056] προσῆκεν. νειμάμενοι δὲ τὴν οὐσίαν, γυναῖκα αὐτῶν ἕκαστος ἔγημε κατὰ τοὺς νόμους τοὺς ὑμετέρους, καὶ παῖδες ἐγένοντο αὐτοῖς ἅπασιν καὶ

AGAINST MACARTATUS, 16-19

has not expired.^a And the claim upon the possessor shall be that he shall show on what terms the person whose property he holds had it adjudged to him.

You have heard the law, and it is a reasonable request I make of you, men of the jury. If I shall prove to you that this boy Eubulides here and Phylomachê, who is the mother of the boy and the daughter of Eubulides, are nearer of kin to Hagnias than Theopompus, the father of Macartatus, and not only that they are nearest of kin, but that there is absolutely no human being belonging to the house of Hagnias except the mother of this boy and the boy himself,—if I shall prove this, I beg of you, men of the jury, to give your aid to us.

At the first, men of the jury, it was my intention to write on a board all the kinsfolk of Hagnias, and thus to exhibit them to you one by one; but when I saw plainly that not all the jurymen would have an equally good view, but that those sitting at a distance would be at a disadvantage, it is perhaps necessary to instruct you by word of mouth, for thus all will be on the same footing. I, on my part, will endeavour to the best of my ability to inform you regarding the family of Hagnias in the fewest words possible.

Buselus, men of the jury, was a member of the deme Oeon, and to him were born five sons, Hagnias and Eubulides and Stratius and Habron and Cleocritus. And all these sons of Buselus grew up to manhood, and their father Buselus divided his property among them all fairly and equitably, as was fitting. And when they had divided the property among themselves, each of them married a wife according to your laws, and sons and grandsons were

^a This period was five years.

- παίδων παῖδες, καὶ ἐγένοντο πέντε οἴκοι ἐκ τοῦ
 Βουσέλου οἴκου ἑνὸς ὄντος, καὶ χωρὶς ἕκαστος
 ᾧκει τὸν ἑαυτοῦ ἔχων καὶ ἐκγόνους ἑαυτοῦ ποιού-
 20 μένος. περὶ μὲν οὖν τῶν τριῶν ἀδελφῶν τῶν τοῦ
 Βουσέλου υἱέων, καὶ τῶν ἐκγόνων τῶν τούτοις
 γενομένων, τί ἂν ἐγὼ ἢ ὑμῖν, ὦ ἄνδρες δικασταί,
 πράγματα παρέχοιμι ἢ ἑμαυτῷ, ἐξηγούμενος περὶ
 ἑκάστου; ὄντες γὰρ ἐν ταύτῳ γένει Θεοπόμπῳ
 καὶ προσήκοντες ὁμοίως τῷ Ἀγνία, οὗ ἐστὶν ὁ
 κλῆρος, οὐδεὶς αὐτῶν οὔτε πρότερον πώποτ' οὔτε
 νῦν ἠνώχλησεν ἡμῖν, οὐδ' ἠμφεσβήτησεν οὔτε τοῦ
 κλήρου τοῦ Ἀγνίου οὔτε τῆς γυναικὸς τῆς ἐπικλή-
 ρου, ἣν ἐγὼ ἔχω ἐπιδικασάμενος, ἡγούμενοι οὐδ'
 ὁτιοῦν προσήκειν ἑαυτοῖς οὐδενὸς τῶν Ἀγνίου.
 21 περίεργον δὴ μοι δοκεῖ εἶναι λέγειν περὶ τούτων,
 πλὴν ὅς' ἐξ ἀνάγκης ἐστὶν ἐπιμνησθῆναι. περὶ δὲ
 Θεοπόμπου τοῦ πατρὸς τοῦ Μακαρτάτου καὶ αὐτοῦ
 τουτουὶ Μακαρτάτου, περὶ τούτων μοί ἐστιν ἐξ
 ἀνάγκης λέγειν. ἔστι δὲ βραχὺς ὁ λόγος, ὦ ἄνδρες
 δικασταί. ὥσπερ γὰρ ὀλίγον τι πρότερον ἀκηκόατε
 ὅτι τῷ Βουσέλῳ πέντε υἱεῖς ἐγένοντο, τούτων εἷς
 ἦν Στρατίος ὁ τουτουὶ πρόγονος Μακαρτάτου, καὶ
 ἕτερος Ἀγνίας ὁ τουτουὶ πρόγονος τοῦ παιδός.
 22 ἐγένετο δὴ υἱὸς τῷ Ἀγνία Πολέμων καὶ θυγάτηρ
 Φυλομάχη, ἀδελφὴ τοῦ Πολέμωνος ὁμοπατρία καὶ
 ὁμομητρία· τοῦ δὲ Στρατίου ἐγένοντο τοῦ ἀδελφοῦ
 τοῦ Ἀγνίου Φανόστρατος καὶ Χαρίδημος ὁ του-
 τουὶ πάππος Μακαρτάτου. ἐρωτῶ δὴ ὑμᾶς, ὦ
 ἄνδρες δικασταί, πότερος οἰκειότερός ἐστι καὶ
 [1057] προσήκει μᾶλλον τῷ Ἀγνία, ὁ υἱὸς ὁ Πολέμων
 καὶ ἡ θυγάτηρ ἡ Φυλομάχη, ἢ Χαρίδημος ὁ υἱὸς
 ὁ Στρατίου, ἀδελφιδοῦς δ' Ἀγνίου; ἐγὼ μὲν γὰρ

born to them all, and there sprang up five households from the single one of Buselus ; and they dwelt apart, each one having his own home and begetting his descendants. Now with regard to three of the 20 brothers, sons of Buselus, and the descendants born to them, why should I trouble you, men of the jury, or myself by going into particulars about each one ? For although they are in the same degree of relationship as Theopompus, and are as near of kin to Hagnias, whose estate is in question, not one of them has ever troubled us either at an earlier time or now, nor has made any claim to the estate of Hagnias or to the woman who is the heiress, who was assigned in marriage to me ; for they considered that they had no claim whatever to anything belonging to Hagnias. It seems to me therefore that it would be 21 entirely superfluous to say anything about them save only what I cannot help mentioning. Of Theopompus, however, the father of Macartatus, and of Macartatus the defendant himself, it is necessary for me to speak. Yet the story, men of the jury, is a short one. As you have just heard, Buselus had five sons. One of these was Stratius, the ancestor of Macartatus, and another was Hagnias, the ancestor of this boy. To Hagnias was born a son, 22 Polemon, and a daughter, Phylomachê, sister of Polemon by the same father and the same mother ; and to Stratius, the brother of Hagnias, there were born Phanostratus and Charidemus, the grandfather of the defendant Macartatus. Now I ask you, men of the jury, which is nearer of kin and more closely related to Hagnias, his son Polemon and his daughter Phylomachê, or Charidemus, the son of Stratius, and nephew of Hagnias ? For my part I

ἡγοῦμαι τὸν υἱὸν καὶ τὴν θυγατέρα οἰκειότερον εἶναι ἐκάστῳ ἡμῶν μᾶλλον ἢ τὸν ἀδελφιδοῦν καὶ οὐ μόνον παρ' ἡμῖν τοῦτο νενόμισται, ἀλλὰ καὶ παρὰ τοῖς ἄλλοις ἅπασιν καὶ Ἕλλησι καὶ βαρβάροις.

23 ἐπεὶ δὲ τοίνυν τοῦθ' ὁμολογεῖται, ῥαδίως ἤδη τοῖς ἄλλοις, ὧ ἄνδρες δικασταί, παρακολουθήσετε, καὶ αἰσθήσεσθε τούτους ὅτι εἰσὶ βίαιοι καὶ ἀσελεγεῖς ἄνθρωποι.

Τοῦ Πολέμωνος γὰρ τοῦ υἱέος τοῦ Ἀγνίου ἐγένετο υἱὸς Ἀγνίας, τὸ τοῦ πάππου τοῦ ἑαυτοῦ ὄνομ' ἔχων, τοῦ Ἀγνίου. καὶ οὗτος μὲν ἅπαις
24 ἐτελεύτησεν ὁ Ἀγνίας ὁ ὕστερος. τῆς Φυλομάχης δὲ τῆς ἀδελφῆς τῆς Πολέμωνος, καὶ Φιλάγρου, ὧ ἔδωκεν αὐτὴν ὁ ἀδελφὸς Πολέμων ἀνεψιῷ ὄντι ἑαυτοῦ (ὁ γὰρ Φίλαγρος υἱὸς ἦν Εὐβουλίδου τοῦ ἀδελφοῦ τοῦ Ἀγνίου), τοῦ δὲ Φιλάγρου τοῦ ἀνεψιοῦ τοῦ Πολέμωνος καὶ τῆς Φυλομάχης τῆς ἀδελφῆς τῆς Πολέμωνος ἐγένετο υἱὸς Εὐβουλίδης, ὁ πατὴρ ὁ τῆς μητρὸς τοῦ παιδὸς τουτουί. καὶ οὗτοι μὲν υἱεῖς ἐγένοντο Πολέμωνι καὶ τῇ ἀδελφῇ τῇ Πολέμωνος Φυλομάχῃ. τοῦ δὲ Χარიδήμου ἐγένετο, τοῦ υἱέος τοῦ Στρατίου, Θεόπομπος ὁ

25 τουτουὶ πατὴρ Μακαρτάτου. πάλιν, δὴ ἐρωτῶ, ὧ ἄνδρες δικασταί, πότερος οἰκειότερός ἐστι καὶ προσήκει μᾶλλον Ἀγνία τῷ πρώτῳ ἐκείνῳ, ὁ Πολέμωνος υἱὸς Ἀγνίας, καὶ Εὐβουλίδης ὁ Φυλομάχης υἱὸς καὶ Φιλάγρου, ἢ Θεόπομπος ὁ Χარიδήμου υἱός, Στρατίου δὲ υἱοῦς; ἐγὼ μὲν γὰρ οἶμαι, ὧ ἄνδρες δικασταί, εἴπερ καὶ ὁ υἱὸς οἰκειοτατός ἐστι καὶ ἡ θυγάτηρ, πάλιν ὁ υἱοῦς καὶ ὁ
[1058] ἐκ τῆς θυγατρὸς υἱός, οὗτοι οἰκειότεροί εἰσι μᾶλλον
26 ἢ ὁ τοῦ ἀδελφιδοῦ υἱὸς καὶ ὁ ἐτέρου ὧν οἴκου. τῷ

think that to every one of us his son and daughter are more nearly related than his nephew ; and not only with us does this hold good, but also among all other people whether Greeks or barbarians. Since, then, 23 this is admitted, you will now easily follow the rest of the argument, men of the jury, and you will see how arbitrary and how reckless these men are.

To Polemon, son of Hagnias, was born a son, Hagnias, having the name of his grandfather Hagnias, and this second Hagnias died without issue. But from Phylomachê, the sister of Polemon, and Philagrus, to whom her brother Polemon had given her in marriage, he being his first cousin (for Philagrus was the son of Eubulides, the brother of Hagnias)—from Philagrus, I say, the cousin of Polemon, and Phylomachê the sister of Polemon, there was born Eubulides the father of this boy's mother. These sons, then, were born to Polemon and to Polemon's sister Phylomachê. But to Charidemus, the son of Stratius, there was born a son Theopompus, the father of the defendant Macartatus. Again, then, I ask you, men of the jury, 25 which is nearer of kin and more closely related to the first Hagnias, Hagnias, the son of Polemon, and Eubulides, the son of Phylomachê and Philagrus, or Theopompus, the son of Charidemus and grandson of Stratius ? I am of the opinion, men of the jury, that if the son and the daughter are the nearest of kin, so, too, the son's son and the daughter's son are more nearly related than the son of a nephew and one who is a member of another branch of the family.

μὲν οὖν Θεοπόμπῳ ἐγένετο υἱὸς Μακάρτατος
 οὗτοσί, τῷ δὲ Εὐβουλίδῃ τῷ τῆς Φυλομάχης υἱεῖ,
 ἀνεψιῷ δ' Ἀγνίου ὄντι πρὸς πατρός, οὗτοσὶ ὁ
 παῖς, ἀνεψιοῦ παῖς ὢν Ἀγνία πρὸς πατρός, ἐπειδὴ
 ἢ Φυλομάχῃ ἢ μήτηρ ἢ Εὐβουλίδου καὶ ὁ Πολέμων
 ὁ πατήρ ὁ Ἀγνίου ἀδελφοὶ ἦσαν ὁμοπάτριοι καὶ
 ὁμομήτριοι. τῷ δέ γε Μακαρτάτῳ τῳδί, τῷ υἱεῖ
 τῷ Θεοπόμπου, οὐδὲν ἐγένετο ἔκγονον ὃ τι ἐστὶν
 27 ἐν τῷ οἴκῳ τῷ τούτου καὶ τῷ Στρατίου. τούτων
 δ' οὕτως ἐχόντων, τῷ μὲν παιδί τουτῳί ἐστὶν ὄνομα
 τῶν ἐν τῷ νόμῳ εἰρημένων, καὶ μέχρι ὧν ὁ νόμος
 κελεύει τὴν ἀγχιστείαν εἶναι· ἀνεψιοῦ γὰρ Ἀγνίου
 παῖς ἐστὶν· ὁ γὰρ πατήρ αὐτοῦ Εὐβουλίδης ἀνεψιὸς
 ἦν Ἀγνία, οὐ ἐστὶν ὁ κλῆρος. ὁ δέ γε Θεόπομπος
 ὁ τουτουὶ πατήρ Μακαρτάτου οὐκ ἂν εἶχεν ὄνομα
 θέσθαι ἑαυτῷ τῶν ἐν τῷ νόμῳ εἰρημένων οὐδέν·
 28 ἐξ ἐτέρου γὰρ οἴκου ἦν τοῦ Στρατίου. οὐ προσήκει
 δέ, ὧ ἄνδρες δικασταί, οὐδένα ἀνθρώπων ἔχειν τὸν
 κλῆρον τὸν Ἀγνίου ἐξ ἐτέρου οἴκου ὄντα, ἕως ἄν
 τις λείπηται τῶν γενομένων ἐν τῷ οἴκῳ τῷ Ἀγνίου,
 οὐδ' ἐκβάλλειν βία, ὅπερ οὗτοι διαπράττονται,
 γένει τε ἀπωτέρω ὄντες καὶ οὐκ ἐν τῷ αὐτῷ οἴκῳ.
 τοῦτο γάρ ἐστιν, ὧ ἄνδρες δικασταί, ὧ παρεκρού-
 σατο Θεόπομπος ὁ τουτουὶ πατήρ Μακαρτάτου.
 29 τίνες οὖν οἱ λοιποὶ ἔτι νῦν ὄντες ἐν τῷ οἴκῳ τῷ
 Ἀγνίου; Φυλομάχῃ τε ἢ ἐμῇ γυνή, Εὐβουλίδου
 δὲ θυγάτηρ οὖσα τοῦ ἀνεψιοῦ τοῦ Ἀγνίου, καὶ
 οὗτοσὶ ὁ παῖς ὁ εἰσηγμένος εἰς τὸν οἶκον τὸν
 [1059] Εὐβουλίδου καὶ Ἀγνίου. Θεόπομπος δ' ὁ τουτουὶ

Well, to Theopompus was born a son, Macartatus, the 26
 defendant, and to Eubulides, the son of Phylomachê,
 and cousin of Hagnias on his father's side, this boy,
 who is to Hagnias the son of a first cousin on the
 father's side ; since Phylomachê, the mother of
 Eubulides and Polemon, the father of Hagnias, were
 brother and sister, born of the same father and the
 same mother. But to Macartatus here, the son of
 Theopompus, there has been no issue which is both
 in the family of Hagnias and in that of Stratius. Such 27
 being the facts, this boy here has one of the titles
 mentioned in the law, and up to which the law ordains
 that the right of succession should extend ; for he is
 the child of the first cousin of Hagnias, since his
 father Eubulides was cousin to Hagnias, whose in-
 heritance is in question. Theopompus, on the con-
 trary, the father of the defendant Macartatus,
 could not have appropriated to himself any one of
 the titles mentioned in the law, for he belonged to
 another branch of the family, that of Stratius. But 28
 it is not fitting, men of the jury, that any man what-
 soever should possess the estate of Hagnias, one who
 belongs to another branch, so long as there is left
 any one of those born of the branch of Hagnias ; no,
 nor is it right to expel such person by violence, as
 these men are trying to do, while they are themselves
 more distantly related, and not of the same branch of
 the family. For this, men of the jury, is the point
 upon which Theopompus, the father of the defendant
 Macartatus, misled the jury. Who, then, are those 29
 still surviving in the branch of Hagnias ? Phylo-
 machê, my wife, who is the daughter of Eubulides,
 the cousin of Hagnias, and this boy, who has been
 adopted into the family of Eubulides and Hagnias.

πατὴρ Μακαρτάτου, οὐκ ὦν τοῦ οἴκου τοῦ Ἀγνίου, ἐψεύσατο πρὸς τοὺς δικαστὰς ὑπερμέγεθες ψεῦδος περὶ τε τῆς Φυλομάχης τῆς τοῦ Πολέμωνος ἀδελφῆς, τηθίδος δ' Ἀγνίου, ὅτι οὐκ εἴη τῷ Πολέμωνι τῷ τοῦ Ἀγνίου νιέει ὁμοπατρία καὶ ὁμομητρία ἀδελφή, καὶ πάλιν προσποιούμενος τοῦ αὐτοῦ οἴκου εἶναι Ἀγνία, ὃ οὐδεπώποτε γενόμενος.

- 30 ταῦτα δὲ πάντ' ἀδεῶς ἔλεγεν ὁ Θεόπομπος, μάρτυρα μὲν οὐδένα παρασχόμενος, ὅστις ἔμελλεν ὑπεύθυνος ἡμῖν ἔσεσθαι, συνομολογοῦντας δ' ἑαυτῷ ἔχων τοὺς κοινωνοὺς, οἳ ἦσαν ἀλλήλοις συναγωνισταὶ καὶ ἅπαντα ἔπραττον κοινῇ, ὅπως ἀφέλωνται τὴν γυναῖκα τὴν τουτουὶ μητέρα τοῦ παιδὸς τὸν
- 31 κλῆρον, ὃν ὑμεῖς αὐτῇ ἐψηφίσασθε. βούλομαι οὖν, ὦ ἄνδρες δικασταί, περὶ ὧν εἴρηκα πρὸς ὑμᾶς, μαρτυρίας παρασχέσθαι, πρῶτον μὲν ὡς ἐνίκησε τοῦ κλήρου τοῦ Ἀγνίου ἡ Εὐβουλίδου θυγάτηρ Φυλομάχη, γένει οὖσα ἐγγυτάτω, ἔπειτα περὶ τῶν ἄλλων ἀπάντων.

Ἀναγίγνωσκε τὴν μαρτυρίαν.

MARTYRIA

Μαρτυροῦσι παρῆναι πρὸς τῷ διαιτητῇ ἐπὶ Νικοφύμῳ ἄρχοντι, ὅτε ἐνίκησε Φυλομάχη ἡ Εὐβουλίδου θυγάτηρ τοῦ κλήρου τοῦ Ἀγνίου τοὺς ἀμφισβητοῦντας αὐτῇ πάντα.

- 32 Ὅτι μὲν ἐνίκησε Φυλομάχη ἡ Εὐβουλίδου θυγάτηρ τοῦ κλήρου τοῦ Ἀγνίου, ἀκηκόατε, ὦ ἄνδρες δικασταί. καὶ αὕτη ἐνίκησεν οὐδεμιᾷ παρασκευῇ ἀδίκῳ οὐδὲ συνωμοσίᾳ, ἀλλ' ὡς οἶόν τε δικαιοτάτα, ἐπιδειξάντων ἡμῶν ὅτι γένει ἐγγυτάτω
- 78

AGAINST MACARTATUS, 29-32

Theopompus, however, the father of the defendant Macartatus, not being himself of the branch of Hagnias, told the jurymen a monstrous lie regarding Phylomachê, the sister of Polemon and the aunt of Hagnias, alleging that she was not the sister of Polemon, the son of Hagnias, by the same father and mother, and another in pretending that he himself was of the same family as Hagnias, whereas he had never belonged to it. All these assertions Theopompus 30 made fearlessly, not producing any witness who would have been responsible to us, but having only his associates to corroborate what he said; for they were leagued with one another and did everything in concert, in order to rob the lady, the mother of this boy here, of the inheritance which you by your votes had decided to be hers. I wish now, men of the jury, 31 to produce witnesses in support of the statements which I have made to you—first, to prove that Phylomachê, the daughter of Eubulides, won judgement for the estate of Hagnias as being the nearest of kin, and then to establish the rest of the facts.

(*To the clerk.*) Read the deposition.

THE DEPOSITION

The deponents state that they were present before the arbitrator in the archonship of Nicophemus,^a when Phylomachê, the daughter of Eubulides, won judgement for the estate of Hagnias against all who disputed her title.

That Phylomachê, the daughter of Eubulides, won 32 judgement for the estate of Hagnias, you have heard, men of the jury. And she won it, not by wrongful trickery or conspiracy, but in the fairest manner possible, since we proved that she was nearest of kin

^a That is, in B.C. 361-360.

- ἦν Ἀγνία, οὗ ἐστιν ὁ κλῆρος, ἀνεψιοῦ παῖς οὖσα
 33 πρὸς πατρός καὶ ἐκ τοῦ οἴκου οὖσα τοῦ Ἀγνίου.
 [1060] ἐπειδὴν οὖν λέγῃ Μακάρτατος, ὅτι ἐνίκησεν αὐτοῦ
 ὁ πατήρ Θεόπομπος τοῦ κλήρου τούτου, ὑπολαμ-
 βάνετε αὐτῷ ὑμεῖς, ὧ ἄνδρες δικασταί, ὅτι καὶ ἡ
 γυνὴ ἐνίκησε πρότερον ἢ Θεόπομπος ὁ τούτου
 πατήρ, καὶ ὅτι δικαίως ἐνίκησεν ἡ γυνὴ ἐκ τοῦ
 οἴκου οὖσα τοῦ Ἀγνίου, Εὐβουλίδου θυγάτηρ οὖσα,
 τοῦ ἀνεψιοῦ τοῦ Ἀγνίου, ὁ δὲ Θεόπομπος ὅτι οὐκ
 ἐνίκησεν, ἀλλὰ παρεκρούσατο, οὐδ' ὦν ἐκ τοῦ
 34 οἴκου τὸ παράπαν τοῦ Ἀγνίου. ταῦτα αὐτῷ ὑμεῖς,
 ὧ ἄνδρες δικασταί, ὑπολαμβάνετε, καὶ ὅτι τὸν
 παῖδα τουτονὶ Εὐβουλίδην, τὸν Εὐβουλίδου νιόν,
 Ἀγνίου δ', οὗ ἐστιν ὁ κλῆρος, ἀνεψιοῦ παῖδα πρὸς
 πατρός, οὔτε Θεόπομπος ὁ Μακαρτάτου πατήρ
 οὔτ' ἄλλος οὐδεὶς πώποτε ἀνθρώπων ἐνίκησεν.
 νυνὶ δ' ἐστὶν ὁ ἀγὼν καὶ ἡ διαδικασία περὶ τοῦ
 κλήρου τοῦ Ἀγνίου τῷ Εὐβουλίδου νιέῃ τουτῷ
 καὶ Μακαρτάτῳ τουτῷ τῷ Θεοπόμπου νιέῃ· καὶ
 ὁπότερος τούτων δικαιοτέρα λέγειν δόξει καὶ κατὰ
 τοὺς νόμους μᾶλλον, δηλὸν ὅτι τούτῳ ὑμεῖς οἱ
 δικασταὶ προσθήσεσθε.
 35 Ἀναγίγνωσκε τὰς μαρτυρίας τὰς ὑπολοίπους,
 πρῶτον μὲν ὅτι ἡ Φυλομάχη ἢ τοῦ Ἀγνίου τηθὶς
 ἀδελφὴ ἦν ὁμοπατρία καὶ ὁμομητρία τῷ Πολέμῳ
 τῷ Ἀγνίου πατρὶ· ἔπειτα τὰς ἄλλας ἀπάσας ἀνα-
 γνώσεται τὰς περὶ τοῦ γένους.

ΜΑΡΤΥΡΙΑΙ

Μαρτυροῦσι δημόται εἶναι Φιλάγρῳ τῷ Εὐβουλίδου
 πατρὶ καὶ Πολέμῳ τῷ πατρὶ τῷ Ἀγνίου, καὶ εἰδέναι

to Hagnias, whose estate is in question, being the daughter of his cousin on his father's side, and being of the same branch as Hagnias. When, therefore, 33 Macartatus says that his father Theopompus won judgement for this estate, make answer to him on your part, men of the jury, that the lady also won judgement before Theopompus, the defendant's father, and that the lady won her case fairly, since she was of the same branch as Hagnias, being the daughter of Eubulides, the cousin of Hagnias, but that Theopompus did not win the suit, but prevailed by trickery, being himself in no sense whatever of the branch of Hagnias. Make this reply to him yourselves, men of the jury, 34 and also state that against this boy Eubulides, son of Eubulides, son of the first cousin on his father's side of Hagnias, whose estate is in question, neither Theopompus, the father of Macartatus, nor any other man ever at any time won a judgement. At the present time the contest and the trial to adjudge the estate of Hagnias are between this son of Eubulides and the defendant Macartatus, the son of Theopompus; and whichever of these two shall in your judgement speak most in harmony with justice and the laws, to him, it is plain, you jurymen will give your votes.

(*To the clerk.*) Read the remaining depositions; 35 first, those proving that Phylomachê, the aunt of Hagnias, was sister by the same father and the same mother to Polemon, the father of Hagnias; after that he shall read all the other depositions which have to do with the pedigree.

THE DEPOSITIONS

The deponents testify that they are fellow-demesmen of Philagrus, the father of Eubulides, and Polemon, the father

DEMOSTHENES

Φυλομάχην τὴν μητέρα τὴν Εὐβουλίδου νομιζομένην ἀδελφὴν εἶναι Πολέμωνος τοῦ πατρὸς τοῦ Ἀγνίου
 [1061] ὁμοπατρίαν καὶ ὁμομητρίαν, καὶ μηδενὸς πώποτ' ἀκοῦσαι ὥς γένοιτο ἀδελφὸς Πολέμωνι τῷ Ἀγνίου.

ΑΛΛΗ

36 Μαρτυροῦσιν Οἰνάνθην, τὴν μητέρα τοῦ πάππου τοῦ ἑαυτῶν Στρατωνίδου, ἀνεψιὰν εἶναι ἐκ πατραδέλφων Πολέμωνι τῷ πατρὶ τῷ Ἀγνίου, καὶ ἀκοῦειν τοῦ πατρὸς τοῦ ἑαυτῶν, ὅτι Πολέμωνι ἀδελφὸς οὐδεὶς γένοιτο πώποτε τῷ πατρὶ τῷ Ἀγνίου, ἀδελφὴ δὲ Φυλομάχη ὁμοπατρία καὶ ὁμομητρία, ἢ μήτηρ ἢ Εὐβουλίδου τοῦ πατρὸς τοῦ Φυλομάχης τῆς Σωσιθέου γυναικός.

ΑΛΛΗ

Μαρτυρεῖ συγγενὴς εἶναι καὶ φράτηρ καὶ δημότης Ἀγνία καὶ Εὐβουλίδῃ, καὶ ἀκοῦειν τοῦ πατρὸς τοῦ ἑαυτῶν καὶ τῶν ἄλλων συγγενῶν, ὅτι ἀδελφὸς οὐδεὶς ἐγένετο Πολέμωνι τῷ πατρὶ τῷ Ἀγνίου, ἀδελφὴ δ' ὁμοπατρία καὶ ὁμομητρία Φυλομάχῃ ἢ μήτηρ ἢ Εὐβουλίδου τοῦ πατρὸς τοῦ Φυλομάχης τῆς Σωσιθέου γυναικός.

ΑΛΛΗ

37 Μαρτυρεῖ πάππον εἶναι ἑαυτοῦ Ἀρχιμάχον καὶ ποιήσασθαι ἑαυτὸν υἱόν, καὶ εἶναι αὐτὸν συγγενὴ Πολέμωνι τῷ πατρὶ τῷ Ἀγνίου, καὶ ἀκοῦειν Ἀρχιμάχου καὶ τῶν ἄλλων συγγενῶν, ὅτι ἀδελφὸς οὐδεὶς πώποτ' ἐγένετο Πολέμωνι τῷ πατρὶ τῷ Ἀγνίου, ἀδελφὴ δ' ὁμοπατρία καὶ ὁμομητρία Φυλομάχῃ ἢ μήτηρ ἢ Εὐβουλίδου τοῦ πατρὸς τοῦ Φυλομάχης τῆς Σωσιθέου γυναικός.

ΑΛΛΗ

Μαρτυρεῖ τὸν πατέρα τῆς ἑαυτοῦ γυναικὸς Καλλί-

AGAINST MACARTATUS, 35-37

of Hagnias, and that they know that Phylomachê, the mother of Eubulides, was considered to be the sister of Polemon, the father of Hagnias, by the same father and the same mother, and that they never heard from anyone that Polemon, the son of Hagnias, had a brother.

ANOTHER

The deponents testify that Oenanthê, the mother of their 36 grandfather Stratonides, was first cousin to Polemon, the father of Hagnias, their fathers having been brothers, and that they heard from their own father that Polemon, the father of Hagnias, never had any brother, but had a sister, born of the same father and the same mother, namely Phylomachê, the mother of Eubulides, the father of Phylomachê, wife of Sositheus.

ANOTHER

The deponent testifies that he is a relative and fellow-clansman and fellow-demesman of Hagnias and Eubulides, and that he heard from his own father and other relatives that Polemon, the father of Hagnias, never had any brother, but had a sister, born of the same father and the same mother, namely Phylomachê, the mother of Eubulides, the father of Phylomachê, wife of Sositheus.

ANOTHER

The deponent testifies that Archimachus was his grand- 37 father and adopted him as his son, and that he was a relative of Polemon, the father of Hagnias, and that he heard from Archimachus and his other relatives that Polemon, the father of Hagnias, never had any brother, but had a sister, born of the same father and the same mother, namely Phylomachê, the mother of Eubulides, the father of Phylomachê, wife of Sositheus.

ANOTHER

The deponent testifies that his wife's father Callistratus

στρατον ἀνεψιὸν εἶναι ἐκ πατραδέλφων Πολέμωνι τῷ πατρὶ τῷ Ἀγνίου καὶ Χαριδίμῳ τῷ πατρὶ τῷ Θεοπόμπῳ, τὴν δὲ μητέρα τὴν αὐτοῦ ἀνεψιοῦ παῖδα εἶναι [1062] Πολέμωνι, καὶ λέγειν τὴν μητέρα τὴν αὐτῶν πρὸς αὐτοὺς πολλάκις, ὅτι Φυλομάχῃ ἢ μήτηρ ἢ Εὐβουλίδου ἀδελφῇ ἦν Πολέμωνος τοῦ πατρὸς τοῦ Ἀγνίου ὁμοπατρία καὶ ὁμομητρία, καὶ ὅτι ἀδελφὸς οὐδεὶς πώποτε γένοιτο Πολέμωνι τῷ πατρὶ τῷ Ἀγνίου.

- 38 Τὸ πρότερον, ὦ ἄνδρες δικασταί, ὅτε συνώμοσαν ἀλλήλοις οὗτοι καὶ συστάντες ἡγωνίζοντο πολλοὶ ὄντες πρὸς τὴν γυναῖκα, ἡμεῖς μὲν, ὦ ἄνδρες δικασταί, οὔτε μαρτυρίας ἐγράψαμεν περὶ τῶν ὁμολογουμένων, οὔτε μάρτυρας προσεκαλεσάμεθα, ἀλλ' ὥόμεθα ταῦτά γε ἀδεῶς ὑπάρχειν ἡμῖν· οὗτοι δὲ τά τ' ἄλλα πολλὰ καὶ ἀναίσχυντα παρεσκευάσαντο εἰς τὸν ἀγῶνα, καὶ ἔμελεν αὐτοῖς οὐδενὸς πλὴν τοῦ ἐξαπατῆσαι ἐν τῷ παρόντι τότε καιρῷ
- 39 τοὺς δικαστὰς, οἵτινες κατεχρῶντο, ὡς τῷ Πολέμωνι τῷ πατρὶ τῷ Ἀγνίου τὸ παράπαν οὐδεμία γένοιτο ἀδελφῇ ὁμοπατρία καὶ ὁμομητρία· οὕτως ἦσαν ἀναίσχυντοι καὶ βδελυροί, τηλικουτονὶ πρᾶγμα παρακρουόμενοι τοὺς δικαστὰς καὶ οὕτως ἐπιφανέες, καὶ ἐσπούδαζον καὶ ἡγωνίζοντο περὶ τούτου μάλιστα. ἡμεῖς δὲ γε νυνὶ μάρτυρας ὑμῖν τοσούτους παρεσχήμεθα περὶ τῆς Πολέμωνος ἀδελφῆς,
- 40 τηθίδος δ' Ἀγνίου. τούτῳ δ' ὁ βουλόμενος μαρτυρησάτω, ἢ ὡς οὐκ ἦσαν ἀδελφοὶ ὁμοπάτριοι καὶ ὁμομήτριοι Πολέμων καὶ Φυλομάχῃ, ἢ ὅτι οὐκ ἦν ὁ μὲν Πολέμων υἱός, ἢ δὲ Φυλομάχῃ θυγάτηρ Ἀγνίου τοῦ Βουσέλου υἱέος, ἢ ὅτι ὁ Πολέμων οὐκ
- 41 ἦν πατὴρ Ἀγνίου, οὗ ἐστιν ὁ κλῆρος, οὐδ' ἢ ἀδελφῇ ἢ Πολέμωνος Φυλομάχῃ τηθίς, ἢ ὡς ὁ

AGAINST MACARTATUS, 37-41

was first cousin to Polemon, the father of Hagnias, and to Charidemus, the father of Theopompus, their fathers having been brothers, and that his mother was daughter of a first cousin to Polemon, and that their mother often said to them that Phylomachê, the mother of Eubulides, was sister of Polemon, the father of Hagnias, born of the same father and the same mother, and that Polemon, the father of Hagnias, never had any brother.

In the former trial, men of the jury, when these 38 men formed their conspiracy with one another and acted in concert, the whole group of them, in their contest against the lady, we, on our part, men of the jury, neither prepared depositions regarding facts that were admitted, nor summoned witnesses, but thought that in these matters at least we were perfectly safe ; whereas our opponents had equipped themselves with all manner of shameless artifices for the trial, and had their minds set upon this thing alone—to deceive the jurymen for the moment. They 39 had the audacity to assert that Polemon, the father of Hagnias, had no sister at all born of the same father and the same mother : so abominably impudent were they, seeking to mislead the jurymen in a matter of such importance and so well-known, and they spent all their efforts and strove beyond all else to establish this. We have, however, on this present occasion produced this host of witnesses regarding the sister of Polemon and aunt of Hagnias. On the defendant's 40 side let whoever will give evidence either that Polemon and Phylomachê were not brother and sister, born of the same father and the same mother, or that Polemon was not the son, and Phylomachê not the daughter, of Hagnias, the son of Buselus ; or that Polemon was not the father of Hagnias, whose estate is in question, 41 and Phylomachê, the sister of Polemon, not his aunt ;

[1063] Εὐβουλίδης οὐκ ἦν Φυλομάχης υἱὸς οὐδὲ Φιλάγρου τοῦ ἀνεψιοῦ τοῦ Ἀγνίου, ἣ ἐκείνο ὅτι Εὐβουλίδου τοῦ ἀνεψιοῦ τοῦ Ἀγνίου οὐκ ἔστι Φυλομάχη θυγάτηρ ἢ νῦν ἔτι οὔσα, οὐδ' υἱὸς οὔτοσὶ ὁ παῖς, εἰσπεποιημένος κατὰ τοὺς νόμους τοὺς ὑμετέρους εἰς τὸν Εὐβουλίδου οἶκον, ἢ ὡς ὁ Θεόπομπος ὁ τουτουὶ πατὴρ Μακαρτάτου ἐκ τοῦ οἴκου ἦν τοῦ Ἀγνίου. τούτων ὅ τι βούλεται τις μαρτυρησάτω αὐτῷ. ἀλλ' εὖ οἶδ' ὅτι οὐδεὶς οὕτω τολμηρὸς ἔσται οὐδ' ἀπονενοημένος ἄνθρωπος.

- 42 Ὡς δὲ μᾶλλον καταφανὲς ὑμῖν ἔσται, ὦ ἄνδρες δικασταί, ὅτι τὸ πρότερον ἀναισχυντοῦντες περιεγένοντο, δίκαιον δ' οὐδὲν ἔλεγον, ἀναγίγνωσκε τὰς μαρτυρίας ὅσαι εἰσὶν ἔτι ὑπόλοιποι.

ΜΑΡΤΥΡΙΑΙ

Μαρτυρεῖ συγγενὴς εἶναι Πολέμωνι τῷ Ἀγνίου πατρί, καὶ ἀκοίειν τοῦ πατρὸς τοῦ ἑαυτοῦ ἀνεψιοῦς εἶναι ἐκ πατραδέλφων Πολέμωνι Φίλαγρον τε τὸν Εὐβουλίδου πατέρα καὶ Φανόστρατον τὸν Στρατίου πατέρα καὶ Καλλίστρατον τὸν πατέρα τῆς Σωσίου γυναικὸς καὶ Εὐκτήμονα τὸν βασιλεύσαντα καὶ Χαρίδημον τὸν πατέρα τὸν Θεοπόμπου καὶ Στρατοκλέους, καὶ εἶναι τοῖς τούτων νιέσι καὶ Ἀγνίᾳ ἐν τῷ αὐτῷ γένει Εὐβουλίδην κατὰ τὸν πατέρα τὸν ἑαυτοῦ Φίλαγρον, κατὰ δὲ τὴν μητέρα τὴν ἑαυτοῦ Φυλομάχην νομιζόμενον ἀνεψιὸν εἶναι Εὐβουλίδην Ἀγνίᾳ πρὸς πατρός, ἐκ τηθίδος γεγονότα Ἀγνίᾳ τῆς πρὸς πατρός.

ΑΛΛΗ

- 43 Μαρτυροῦσι συγγενεῖς εἶναι Πολέμωνι τῷ πατρὶ τῷ Ἀγνίου καὶ Φιλάγρῳ τῷ πατρὶ τῷ Εὐβουλίδου καὶ Εὐκτήμονι τῷ βασιλεύσαντι, καὶ εἶδέναι Εὐκτήμονα

or that Eubulides was not the son of Phylomachê, or of Philagrus, the cousin of Hagnias ; or this, that the still-living Phylomachê is not the daughter of Eubulides, the cousin of Hagnias, and this boy not his son, adopted according to your laws into the family of Eubulides ; or that Theopompus, the father of the defendant, Macartatus, belonged to the branch of Hagnias. Let anyone give testimony in his favour on whatever one of these points he chooses. But I know well that no mortal man will be so daring or so senseless.

However, that it may be the more clear to you, ⁴² men of the jury, that in the former trial they got the upper hand through their shameless audacity, and that they advanced no just arguments, (*to the clerk*) read all the depositions that remain.

THE DEPOSITIONS

The deponent testifies that he is a relative of Polemon, the father of Hagnias, and that he heard from his father that Philagrus, the father of Eubulides, and Phanostratus, the father of Stratius, and Callistratus, the father of the wife of Sosias, and Euctemon, who was king,^a and Charidemus, the father of Theopompus and Stratocles, were first cousins to Polemon, their fathers all having been brothers, and that Eubulides, with reference to his father Philagrus, stood in the same degree of relationship as the sons of these men and Hagnias, while with reference to his mother Phylomachê, he was recognized as the first cousin of Hagnias on his father's side, since he was the son of the paternal aunt of Hagnias.

ANOTHER

The deponents testify that they are relatives of Polemon, ⁴³ the father of Hagnias, and of Philagrus, the father of Eubulides, and of Euctemon, who was king, and that they

^a That is, king-archon.

[1064] ἀδελφὸν ὄντα ὁμοπάτριον Φιλάγρῳ τῷ πατρὶ τῷ Εὐ-
 βουλίδου καὶ ὅποτε ἡ ἐπιδικασία ἦν τοῦ κλήρου τοῦ
 Ἀγνίου Εὐβουλίδῃ πρὸς Γλαύκωνα, ἔτι ζῆν Εὐκτῆμονα,
 ἐκ πατραδέλφων ἀνεψιὸν ὄντα Πολέμωνι τῷ πατρὶ τῷ
 Ἀγνίου, καὶ μὴ ἀμφισβητῆσαι Εὐκτῆμονα Εὐβουλίδῃ
 τοῦ κλήρου τοῦ Ἀγνίου, μηδ' ἄλλον μηδένα κατὰ
 γένος τότε.

ΑΛΛΗ

44 Μαρτυροῦσι τὸν πατέρα τὸν ἑαυτῶν Στράτωνα συγ-
 γενῇ εἶναι Πολέμωνι τῷ πατρὶ τῷ Ἀγνίου καὶ Χαρι-
 δῆμῳ τῷ πατρὶ τῷ Θεοπόμπον καὶ Φιλάγρῳ τῷ πατρὶ
 τῷ Εὐβουλίδου, καὶ ἀκούειν τοῦ ἑαυτῶν πατρὸς, ὅτι
 Φίλαγρος λάβοι γυναῖκα πρώτην μὲν Φυλομάχην
 ἀδελφὴν Πολέμωνος τοῦ πατρὸς τοῦ Ἀγνίου ὁμο-
 πατρίαν καὶ ὁμομητρίαν, καὶ γενέσθαι Φιλάγρῳ ἐκ μὲν
 τῆς Φυλομάχης Εὐβουλίδην, ἀποθανοῖσης δὲ Φυλο-
 μάχης ἑτέραν λαβεῖν γυναῖκα Φίλαγρον Τελεσίππην,
 καὶ γενέσθαι ὁμοπάτριον μὲν ἀδελφὸν Εὐβουλίδῃ
 Μενεσθέα, ὁμομητρίον δὲ μὴ· καὶ Εὐβουλίδου ἀμφισ-
 βητήσαντος τοῦ κλήρου τοῦ Ἀγνίου κατὰ γένος,
 Μενεσθέα μὴ ἀμφισβητῆσαι τοῦ κλήρου τοῦ Ἀγνίου,
 μηδ' Εὐκτῆμονα τὸν ἀδελφὸν τὸν Φιλάγρου, μηδ' ἄλλον
 μηδένα κατὰ γένος πρὸς Εὐβουλίδην τότε.

ΑΛΛΗ

45 Μαρτυρεῖ τὸν πατέρα τὸν ἑαυτοῦ Ἀρχίμαχον συγγενῇ
 εἶναι Πολέμωνι τῷ πατρὶ τῷ Ἀγνίου καὶ Χαριδῆμῳ
 τῷ πατρὶ τῷ Θεοπόμπον καὶ Φιλάγρῳ τῷ πατρὶ τῷ
 Εὐβουλίδου, καὶ ἀκούειν τοῦ πατρὸς τοῦ ἑαυτῶν, ὅτι
 Φίλαγρος λάβοι γυναῖκα πρώτην μὲν Φυλομάχην
 ἀδελφὴν Πολέμωνος τοῦ πατρὸς τοῦ Ἀγνίου ὁμοπατρίαν
 καὶ ὁμομητρίαν, καὶ γενέσθαι ἐκ μὲν Φυλομάχης Εὐ-
 βουλίδην, ἀποθανοῖσης δὲ Φυλομάχης ἑτέραν λαβεῖν

[1065]

AGAINST MACARTATUS, 43-45

know that Euctemon was brother by the same father to Philagrus, the father of Eubulides, and that when suit for the adjudication of the estate of Hagnias was instituted by Eubulides against Glaucon, Euctemon was still living, being first cousin to Polemon, the father of Hagnias, their fathers having been brothers, and that Euctemon did not dispute with Eubulides his title to the estate of Hagnias, nor did anyone else on the score of kinship on that occasion.

ANOTHER

The deponents testify that their father Strato was a relative 44 of Polemon, the father of Hagnias, and of Charidemus, the father of Theopompus, and of Philagrus, the father of Eubulides, and that they heard from their father that Philagrus took for his first wife Phylomachê, the sister of Polemon, the father of Hagnias, born of the same father and the same mother, and that Philagrus had by Phylomachê a son Eubulides, and that after the death of Phylomachê Philagrus took a second wife Telesippê, and there was born a brother to Eubulides, namely Menestheus, of the same father but not of the same mother : and that when Eubulides made claim to the estate of Hagnias on the score of kinship, Menestheus did not dispute his title to the estate of Hagnias, nor did Euctemon, the brother of Philagrus, nor did anyone else on the score of kinship dispute the title of Eubulides on that occasion.

ANOTHER

The deponent testifies that his father Archimachus was a 45 relative of Polemon, the father of Hagnias, and of Charidemus, the father of Theopompus, and of Philagrus, the father of Eubulides, and that he heard from their father that Philagrus took for his first wife Phylomachê, the sister of Polemon, the father of Hagnias, born of the same father and the same mother, and that by Phylomachê he had a son Eubulides, and that after the death of Phylomachê Philagrus took a second

γυναῖκα Φίλαγρον Τελεσίππην, καὶ γενέσθαι Φιλάγρῳ ἐκ Τελεσίππης Μενεσθέα, ὁμοπάτριον μὲν ἀδελφὸν Εὐβουλίδῃ, ὁμομήτριον δὲ μὴ ἀμφισβητήσαντος δὲ Εὐβουλίδου τοῦ κλήρου τοῦ Ἀγνίου κατὰ γένος, Μενεσθέα μὴ ἀμφισβητήσαι τοῦ κλήρου, μηδ' Εὐκτῆμονα τὸν ἀδελφὸν τὸν Φιλάγρου, μηδ' ἄλλον μηδένα κατὰ γένος πρὸς Εὐβουλίδην τότε.

ΑΛΛΗ

46 Μαρτυρεῖ τὸν πατέρα τῆς ἑαυτοῦ μητρὸς Καλλίστρατον ἀδελφὸν εἶναι Εὐκτῆμονι τῷ βασιλεύσαντι καὶ Φιλάγρῳ τῷ πατρὶ τῷ Εὐβουλίδου, ἀνεψιοὺς δ' εἶναι τούτους Πολέμωνι τῷ πατρὶ τῷ Ἀγνίου καὶ Χαριδήμῳ τῷ πατρὶ τῷ Θεοπόμπου, καὶ ἀκούειν τῆς μητρὸς τῆς ἑαυτοῦ, ὅτι ἀδελφὸς οὐ γένοιτο Πολέμωνι τῷ πατρὶ τῷ Ἀγνίου, ἀδελφὴ δὲ γένοιτο ὁμοπατρία καὶ ὁμομητρία Φυλομάχῃ, καὶ ταύτην λάβοι τὴν Φυλομάχην Φίλαγρος, καὶ γένοιτο ἐξ αὐτῶν Εὐβουλίδης ὁ πατήρ ὁ Φυλομάχης τῆς Σωσιθέου γυναικός.

47 Ἀναγνῶναι μὲν τὰς μαρτυρίας ταύτας ἐξ ἀνάγκης ἦν, ὧ ἄνδρες δικασταί, ἵνα μὴ τὸ αὐτὸ πάθοιμεν ὅπερ τὸ πρότερον, ἀπαράσκευοι ληφθέντες ὑπὸ τούτων. πολὺ δὲ σαφέστερον ἔτι αὐτὸς ἑαυτοῦ Μακάρτατος οὕτοσὶ καταμαρτυρήσει, ὅτι οὔτε Θεοπόμπῳ τῷ πατρὶ τῷ αὐτοῦ οὔτε αὐτῷ τούτῳ προσήκει οὐδενὸς κληρονομεῖν τῶν Ἀγνίου, γένει ἀπωτέρω ὄντος τοῦ Θεοπόμπου καὶ οὐδ' ἐκ τοῦ

48 αὐτοῦ οἴκου τὸ παράπαν. εἰ γάρ τις ἀνακρίνοι, ὧ ἄνδρες δικασταί, οὕτοσὶ τίς ἐστιν ὁ ἀμφισβητῶν τῷ παιδί τουτῷ τοῦ κλήρου τοῦ Ἀγνίου; εὖ οἶδ' ὅτι ἀποκρίναιτ' ἂν, Μακάρτατος. τίνος ὦν πατρός; [1066] Θεοπόμπου. μητρὸς δὲ τίνος; Ἀπολήξιδος θυγατρὸς Προσπαλτίου, ἀδελφῆς δὲ Μακαρτάτου

wife Telesippê, and that Philagrus had by Telesippê a son Menestheus, a brother to Eubulides, of the same father but not of the same mother ; and that when Eubulides made claim to the estate of Hagnias on the score of kinship, Menestheus did not dispute his claim to the estate, nor did Euctemon, the brother of Philagrus, nor did anyone else on the score of kinship dispute the title of Eubulides on that occasion.

ANOTHER

The deponent testifies that his mother's father Callistratus 46 was brother to Euctemon, who was king, and to Philagrus, the father of Eubulides, and that these men were first cousins to Polemon, the father of Hagnias, and to Charidemus, the father of Theopompus, and that he heard from his mother that Polemon, the father of Hagnias, had no brother, but had a sister Phylomachê, born of the same father and the same mother, and that Philagrus married this Phylomachê, and they had a son Eubulides, the father of Phylomachê, the wife of Sositheus.

It was necessary to read these depositions, men of 47 the jury, in order that we might not suffer the same experience as before, by being caught by these men unprepared. But far more convincing even than these shall be the testimony that Macartatus will give against himself, proving that neither his father Theopompus nor himself has any claim whatever to inherit anything from Hagnias, Theopompus being less near of kin, and belonging to quite a different branch of the family. For suppose one should ask, men of the 48 jury, Who is the person who disputes this boy's title to the estate of Hagnias ? I know well that he would say, Macartatus. Born of what father ? Theopompus. And of what mother ? Apolexis, daughter of a Prospaltian,^a and sister of Macartatus, also a

^a Prospalta was a deme of the tribe Acamantis.

Προσπαλτίου. ὁ δὲ Θεόπομπος τίνος ἦν πατρός;
 Χαριδήμου. ὁ δὲ Χαρίδημος τίνος; Στρατίου.
 ὁ δὲ Στρατίος τίνος; Βουσέλου. οὐτοσί, ὦ ἄνδρες
 δικασταί, ἐστὶν ὁ Στρατίου οἶκος, ἐνὸς τῶν Βου-
 σέλου υἱέων, καὶ ἔκγονοι οὗτοί εἰσι Στρατίου, οὓς
 ὑμεῖς ἀκηκόατε· καὶ ἐνταῦθα οὐδαμοῦ ἐστὶν οὐδὲν
 ὄνομα τῶν ἐκ τοῦ οἴκου τοῦ Ἀγνίου, ἀλλ' οὐδὲ
 49 παραπλήσιον. πάλιν δὴ ἀνακρινῶ τὸν παῖδα του-
 τονί, τίς ὢν ἀμφισβητεῖ Μακαρτάτῳ τοῦ κλήρου
 τοῦ Ἀγνίου. οὐκ ἂν ἔχοι, ὦ ἄνδρες δικασταί,
 ἄλλ' οὐδ' ὅτιοῦν ἀποκρίνασθαι ὁ παῖς, ἢ ὅτι Εὐβου-
 λίδης. τίνος ὢν πατρός; Εὐβουλίδου τοῦ Ἀγνίου
 ἀνεψιοῦ. μητρὸς δὲ τίνος; Φυλομάχης, ἢ ἦν
 Ἀγνία ἀνεψιοῦ παῖς πρὸς πατρός. ὁ Εὐβουλίδης
 δὲ τίνος ἦν πατρός; Φιλάγγρου τοῦ ἀνεψιοῦ τοῦ
 Ἀγνίου. μητρὸς δὲ τίνος; Φυλομάχης τῆς τηθί-
 δος τῆς Ἀγνίου. ὁ δ' Ἀγνίας τίνος ἦν υἱός;
 50 Πολέμωνος. ὁ δὲ Πολέμων τίνος; Ἀγνίου. ὁ
 δ' Ἀγνίας τίνος; Βουσέλου. οὐτοσί ἕτερος οἶκος
 ἐστὶν ὁ Ἀγνίου, ἐνὸς τῶν Βουσέλου υἱέων, καὶ
 ἐνταῦθ' οὐδ' ὅτιοῦν ἔνεστι τὸ αὐτὸ ὄνομα τῶν ἐν
 τῷ Στρατίου οἴκῳ ὄντων ἐκγόνων, ἀλλ' οὐδὲ
 παραπλήσιον· ἀλλ' αὐτοὶ δι' αὐτῶν πορεύονται ἐν
 τῷ οἴκῳ τῷ Ἀγνίου, τὰ ὀνόματα παρ' ἀλλήλων
 παραλαμβάνοντες. πανταχῇ δὴ καὶ πάντα τρόπον
 ἐξελέγχονται ἐξ ἐτέρου οἴκου καὶ γένει ἀπωτέρω
 ὄντες, καὶ οὐ προσήκον αὐτοῖς κληρονομεῖν οὐδενὸς
 τῶν Ἀγνίου. οἷς γὰρ δίδωσιν ὁ νομοθέτης τὴν
 ἀγχιστείαν καὶ τὴν κληρονομίαν, τούτους ἀναγνώ-
 σεται ὑμῖν τοὺς νόμους.

Prospaltian. And who was the father of Theopompus ? Charidemus. And of whom was Charidemus the son ? Of Stratius. And of whom Stratius ? Of Buselus. This, men of the jury, is the branch of Stratius, one of the sons of Buselus ; and these whose names you have heard are descendants of Stratius ; and among them there is not one single name of those belonging to the branch of Hagnias, or 49 even one that is similar. Now again I shall question this boy, asking who he is who contests the claim of Macartatus to the estate of Hagnias. The boy can make no other possible answer, men of the jury, than that he is Eubulides. The son of what father ? Of Eubulides, the cousin of Hagnias. And of what mother ? Of Phylomachê, who was the daughter of a first cousin to Hagnias on the father's side. But of whom was Eubulides the son ? Of Philagrus, the cousin of Hagnias. And of what mother ? Of Phylomachê, the aunt of Hagnias. And of whom was 50 Hagnias the son ? Of Polemon. And of whom Polemon ? Of Hagnias. And of whom Hagnias ? Of Buselus. This is another branch, that of Hagnias, one of the sons of Buselus, and here there occurs not a single name identical with those of the descendants in the branch of Stratius, or even one that is similar : but they proceed in the branch of Hagnias with their own series of names, receiving them from one another. In every respect, then, and in every way it is proved that these men belong to another branch of the family and are more remote of kin, and that they are not entitled to inherit anything of the estate of Hagnias. For to show you to whom the law-giver grants the right of succession and inheritance, the clerk will read you these laws.

51 "Οστις ἂν μὴ διαθέμενος ἀποθάνῃ, ἔαν μὲν παῖδας καταλίπῃ θηλείας, σὺν ταύτησιν, ἔαν δὲ μὴ, τοῖσδε κυρίου εἶναι τῶν χρημάτων. ἔαν μὲν ἀδελφοὶ ᾧσιν ὁμοπάτορες· καὶ ἔαν παῖδες ἐξ ἀδελφῶν γνήσιοι, τὴν τοῦ πατρὸς μοῖραν λαγχάνειν· ἔαν δὲ μὴ ἀδελφοὶ ᾧσιν ἢ ἀδελφῶν παῖδες, . . . ἐξ αὐτῶν κατὰ ταῦτα λαγχάνειν· κρατεῖν δὲ τοὺς ἄρρενας καὶ τοὺς ἐκ τῶν ἀρρένων, ἔαν ἐκ τῶν αὐτῶν ᾧσι, καὶ ἔαν γένει ἀπωτέρω. ἔαν δὲ μὴ ᾧσι πρὸς πατρὸς μέχρι ἀνεψιῶν παίδων, τοὺς πρὸς μητρὸς κατὰ ταῦτα κυρίου εἶναι. ἔαν δὲ μηδὲτέρωθεν ἢ ἐντὸς τούτων, τὸν πρὸς πατρὸς ἐγγυτάτω κύριον εἶναι. νόθῳ δὲ μηδὲ νόθῃ μὴ εἶναι ἀγχιστεῖαν μήθ' ἱερῶν μήθ' ὀσίων, ἀπ' Εὐκλείδου ἀρχόντος.

52 Διαρρήδην λέγει ὁ νόμος, ᾧ ἄνδρες δικασταί, οἷς δεῖ τὴν κληρονομίαν εἶναι· οὐ μὰ Δί' οὐ Θεοπόμπῳ οὐδὲ Μακαρτάτῳ τῷ Θεοπόμπου υἱεῖ, τοῖς μηδὲ τὸ παράπαν ἐν τῷ οἴκῳ οὔσι τῷ Ἀγνίου. ἀλλὰ τίνι καὶ δίδωσιν; τοῖς ἐγγόνοις τοῖς Ἀγνίου, τοῖς οὔσιν ἐν τῷ οἴκῳ τῷ ἐκείνου. ταῦτα καὶ ὁ νόμος λέγει, καὶ τὸ δίκαιον οὕτως ἔχει.

53 Οὐ τοίνυν, ᾧ ἄνδρες δικασταί, ταῦτα μὲν ἔδωκεν ὁ νομοθέτης τοῖς προσήκουσιν, ἕτερα δ' οὐ προσέταξε πολλὰ πάνυ ἐν τῷ νόμῳ, ἃ δεῖ ποιεῖν τοὺς προσήκοντας ἐπάναγκες· ἀλλὰ πάνυ πολλά ἐστὶν ἃ προστάττει ποιεῖν τοῖς προσήκουσι, καὶ πρόσφασιν οὐδεμίαν δίδωσιν, ἀλλ' ἐξ ἀνάγκης δεῖ ποιεῖν.

^a The text is not wholly certain, and the precise meaning is therefore open to debate. The law is quoted also in Isaens VII, § 20, where the note of Wyse should be consulted. See

THE LAW

Whenever a man dies without making a will, if he leaves 51 female children his estate shall go with them, but if not, the persons herein mentioned shall be entitled to his property : if there be brothers by the same father, and if there be lawfully born sons of brothers, they shall take the share of the father. But if there are no brothers or sons of brothers, their descendants shall inherit it in like manner ; but males and the sons of males shall take precedence, if they are of the same ancestors, even though they be more remote of kin.^a If there are no relatives on the father's side within the degree of children of cousins, those on the mother's side shall inherit in like manner. But if there shall be no relatives on either side within the degree mentioned, the nearest of kin on the father's side shall inherit. But no illegitimate child of either sex shall have the right of succession either to religious rites or civic privileges, from the time of the archonship of Eucleides.^b

The law, men of the jury, expressly declares to 52 whom the inheritance shall go. Not, by Heaven, to Theopompus nor to Macartatus, the son of Theopompus, who are in no sense whatever of the family of Hagnias. But to whom does it give the inheritance ? To the descendants of Hagnias, to those who are in his branch of the family. This is what the law says, and this is what justice demands.

Now, then, men of the jury, the law-giver has not 53 given these rights to the relatives without imposing upon them in the law a large number of duties, which the relatives must of necessity perform. No : there are full many obligations laid upon the relatives to perform for which the law admits of no excuse ; they must absolutely be performed.

also Meier and Schömann, *Der Attische Process*, p. 586, and Savage, *The Athenian Family*, pp. 128 ff.

^b This was in 403 B.C.

Μᾶλλον δὲ λέγε αὐτὸν τὸν νόμον τὸν πρῶτον.

ΝΟΜΟΣ

54 Τῶν ἐπικλήρων ὅσαι θητικὸν τελοῦσιν, εἰ μὴ βοῦ-
ληται ἔχειν ὁ ἐγγύτατα γένους, ἐκδιδότης ἐπιδόους ὁ μὲν
[1068] πεντακοσιομέδιμνος πεντακοσίας δραχμάς, ὁ δ' ἵππεὺς
τριακοσίας, ὁ δὲ ξενίτης ἑκατὸν πενήκοντα, πρὸς τοῖς
αὐτῆς. εἰ δὲ πλείους ᾧσιν ἐν τῷ αὐτῷ γένει, τῇ ἐπι-
κλήρῳ πρὸς μέρος ἐπιδιδόναι ἕκαστον. εἰ δ' αἱ γυναῖκες
πλείους ᾧσι, μὴ ἐπαναγκες εἶναι πλέον ἢ μίαν ἐκδοῦναι
τῷ γ' ἐνὶ ἀλλὰ τὸν ἐγγύτατα αἰὲ ἐκδιδόναι ἢ αὐτὸν
ἔχειν. εἰ δὲ μὴ ἔχη ὁ ἐγγυτάτω γένους ἢ μὴ ἐκδοῦναι,
ὁ ἄρχων ἐπαναγκαζέτω ἢ αὐτὸν ἔχειν ἢ ἐκδοῦναι. εἰ δὲ
μὴ ἐπαναγκάσῃ ὁ ἄρχων, ὀφειλέτω χιλίας δραχμάς
ἱεράς τῇ Ἥρᾳ. ἀπογραφέτω δὲ τὸν μὴ ποιοῦντα ταῦτα
ὁ βουλόμενος πρὸς τὸν ἄρχοντα.

55 Ἄ μὲν λέγει ὁ νόμος, ὦ ἄνδρες δικασταί, ἀκούετε.
ὅτε δὲ τῆς ἐπικλήρου ἔδει ἐπιδικάζεσθαι Φυλο-
μάχης τῆς τουτουὶ μητρὸς τοῦ παιδός, Ἀγνίου δ'
ἀνεψιοῦ παιδὸς οὔσης πρὸς πατρός, ἐγὼ μὲν ἦκον
φοβούμενος τὸν νόμον καὶ ἐπεδικαζόμεν γένει ὦν
ἐγγυτάτω, Θεόπομπος δ' ὁ Μακαρτάτου πατὴρ
οὐδὲ προσῆλθε τὸ παράπαν οὐδ' ἡμφεσβήτησε, διὰ
τὸ μὴδ' ὅτιοῦν αὐτῷ προσήκειν, καὶ ταῦτ' ἐν τῇ
56 ἡλικίᾳ ὦν τῇ αὐτῇ. καίτοι πῶς οὐκ οἴεσθε, ὦ
ἄνδρες δικασταί, ἄτοπον εἶναι, τῆς μὲν ἐπικλήρου,

^a Solon had divided the people into four classes : (1) Those who received from their land an income of five hundred measures of barley or wine. These were called the "Pentacosiomedinini," or "Five hundred measure men." (2) Those who received three hundred measures. These were assumed to be able to furnish a horse for the army, and were therefore called "Knights." (3) Those who received two hundred

(*To the clerk.*) But, preferably, read the law itself—the first one.

THE LAW

In regard to all heiresses who are classified as Thetes,^a if 54 the nearest of kin does not wish to marry one, let him give her in marriage with a portion of five hundred drachmae, if he be of the class of Pentacosimedimni, if of the class of Knights, with a portion of three hundred, and if of the class of Zeugitae, with one hundred and fifty, in addition to what is her own. If there are several kinsmen in the same degree of relationship, each one of them shall contribute to the portion of the heiress according to his due share. And if there be several heiresses, it shall not be necessary for a single kinsman to give in marriage more than one, but the next of kin shall in each case give her in marriage or marry her himself. And if the nearest of kin does not marry her or give her in marriage, the archon shall compel him either to marry her himself or give her in marriage. And if the archon shall not compel him, let him be fined a thousand drachmae, which are to be consecrate to Hera. And let any person who chooses denounce to the archon any person who disobeys this law.

You hear what the law says, men of the jury. But 55 when it became necessary to sue for the hand of the heiress Phylomachê, the mother of this boy and the daughter of the first cousin of Hagnias on his father's side, I came forward out of respect for the law and preferred my suit as being next of kin; but Theopompus, the father of Maeartatus, neither came forward nor in any way disputed my claim, because he had no semblance of right, although he was of the same age as she. And yet, men of the jury, how can 56 you fail to think it strange that Theopompus never measures. These could presumably own a yoke of oxen, and were called "Zeugitae," or "Yoke-men." (4) Those receiving less, or having no property in land. These were called "Thetes," *i.e.* "Labourers" or "Serfs."

ἢ ἢν Ἀγνία ἀνεψιοῦ παῖς πρὸς πατρός, ταύτης μὲν μηδεπώποτ' ἀμφισβητῆσαι Θεόπομπον, τὸν δὲ κλῆρον τὸν Ἀγνίου ἀξιοῦν ἔχειν παρὰ τοὺς νόμους; τούτων γένοιντ' ἂν ἄνθρωποι ἀναισχυντότεροι ἢ μιαιώτεροι;

Ἀναγίγνωσκε καὶ τοὺς ἐτέρους νόμους.

NOMOI

- 57 Προειπεῖν τῷ κτείναντι ἐν ἀγορᾷ ἐντὸς ἀνεψιότητος καὶ ἀνεψιοῦ, συνδιώκειν δὲ καὶ ἀνεψιοὺς καὶ ἀνεψιῶν παῖδας καὶ γαμβροὺς καὶ πενθεροὺς καὶ φράτερας.
- [1069] αἰδέσασθαι δέ, ἐὰν μὲν πατὴρ ἢ ἢ ἀδελφὸς ἢ νιεῖς, ἅπαντας, ἢ τὸν κωλύοντα κρατεῖν. ἐὰν δὲ τούτων μηδεὶς ἢ, κτείνειν δὲ ἅκων, γινῶσι δὲ οἱ πεντήκοντα καὶ εἷς οἱ ἐφέται ἅκοντα κτείνειν, ἐσέσθων οἱ φράτερες, ἐὰν θέλωσι, δέκα· τούτους δὲ οἱ πεντήκοντα καὶ εἷς ἀριστίνδην αἰρεῖσθων. καὶ οἱ πρότερον κτείναντες ἐν τῷδε τῷ θεσμῷ ἐνεχέσθων. — Τοὺς δ' ἀπογιγνομένους ἐν τοῖς δήμοις, οὓς ἂν μηδεὶς ἀναιρῇται, ἐπαγγελλέτω ὁ δήμαρχος τοῖς προσήκουσιν ἀναιρεῖν καὶ θάπτειν καὶ καθαίρειν τὸν δῆμον, τῇ ἡμέρᾳ ἢ ἂν ἀπογένηται ἕκαστος
- 58 αὐτῶν. ἐπαγγέλλειν δὲ περὶ μὲν τῶν δούλων τῷ δεσπότῃ, περὶ δὲ τῶν ἐλευθέρων τοῖς τὰ χρήματ' ἔχουσιν· ἐὰν δὲ μὴ ἢ χρήματα τῷ ἀποθανόντι, τοῖς προσήκουσι τοῦ ἀποθανόντος ἐπαγγέλλειν. ἐὰν δὲ τοῦ δημάρχου ἐπαγγείλαντος μὴ ἀναιρῶνται οἱ προσήκοντες, ὁ μὲν δήμαρχος ἀπομισθώσάτω ἀνελεῖν καὶ καταθάψαι καὶ καθῆραι τὸν δῆμον αὐθημερόν, ὅπως ἂν δύνηται ὀλιγίστου· ἐὰν δὲ μὴ ἀπομισθώσῃ, ὀφειλέτω χιλίᾳ δραχμᾷ τῷ δημοσίῳ. ὅ τι δ' ἂν ἀναλώσῃ, διπλάσιον πραξάσθω παρὰ τῶν ὀφειλόντων· ἐὰν δὲ μὴ πράξῃ, αὐτὸς ὀφειλέτω τοῖς δημόταις. τοὺς δὲ μὴ ἀποδιδόντας

^a The Ephetae formed a court of fifty-one nobles (Eupa-

made any claim for the hand of the heiress, who was the daughter of the first cousin of Hagnias on his father's side, and yet demands to have the estate of Hagnias contrary to the laws? Could there be persons more shameless or more abominable than these?

(*To the clerk.*) Read the other laws also.

THE LAWS

Proclamation shall be made in the market-place to the shedder of blood by a kinsman within the degree of cousin and 57
cousinship, and cousins and sons of cousins and sons-in-law and fathers-in-law and clansmen shall join in the pursuit. To secure condonation, if there be father or brother or sons, all must concur, or whoever opposes shall prevail. And if there be none of these and the slaying was involuntary, and the Fifty-one, the Ephetae,^a shall agree that the slaying was involuntary, let the clansmen, ten in number, grant the right of entrance to the shedder of blood, if they see fit: and let these be chosen by the Fifty-one according to rank. And those who had shed blood before the enactment of this statute shall be bound by its provisions.—And when persons die in the demes and no one takes them up for burial, let the Demarch give notice to the relatives to take them up and bury them, and to purify the deme on the day on which each of them dies. In the case of slaves he shall give notice to 58
their masters, and in the case of freemen to those possessing their property; and if the deceased had no property, the Demarch shall give notice to the relatives of the deceased. And if, after the Demarch shall have given notice, the relatives do not take up the body, the Demarch shall contract for the taking up and burial of the body, and for the purification of the deme on the same day at the lowest possible cost. And if he shall not so contract, he shall be bound to pay a thousand drachmae into the public treasury. And whatsoever he shall expend, he shall exact double the amount from those liable; and if he does not exact it he shall himself be under obligation to repay it to the demesmen. And those who do not pay the

tridae) having jurisdiction over cases of homicide. See Aristotle, *Constitution of Athens* lvii, with Sandys's note.

τὰς μισθώσεις τῶν τεμενῶν τῶν τῆς θεοῦ καὶ τῶν ἄλλων θεῶν καὶ τῶν ἐπωνύμων ἀτίμους εἶναι καὶ αὐτοὺς καὶ γένος καὶ κληρονόμους τοὺς τούτων, ἕως ἂν ἀποδῶσιν.

[1070] 59 Ταῦτα πάνθ', ὅσα οἱ νόμοι προστάττουσι τοὺς προσήκοντας ποιεῖν, ἡμῖν προστάττουσι καὶ ἀναγκάζουσι ποιεῖν, ὧς ἄνδρες δικασταί. Μακαρτάτῳ δὲ τουτῶι οὐδὲ διαλέγονται, οὐδὲ Θεοπόμπῳ τῷ πατρὶ τῷ τούτου· οὐδὲ γάρ εἰσιν ἐκ τοῦ οἴκου τοῦ Ἀγνίου τὸ παράπαν· πῶς ἂν οὖν τούτοις τι προστάττοιεν;

60 Ἄλλ' οὗτος, ὧς ἄνδρες δικασται, πρὸς μὲν τοὺς νόμους καὶ τὰς μαρτυρίας, ἃς ἡμεῖς παρεχόμεθα, δίκαιον οὐδ' ὀτιοῦν ἔχει λέγειν, ἀγανακτεῖ δὲ καὶ δεινά φησι πάσχειν, ὅτι τοῦ πατρὸς τετελευτηκότος ἀγωνίζεται. ἐκείνο δ' οὐκ ἐνθυμεῖται, ὧς ἄνδρες δικασταί, ὅτι ὁ πατήρ αὐτοῦ ἄνθρωπος ἦν θνητός, καὶ τετελεύτηκε μετ' ἄλλων πολλῶν καὶ νεωτέρων καὶ πρεσβυτέρων. ἀλλ' εἰ Θεόπομπος τετελεύτηκεν ὁ τούτου πατήρ, οἱ νόμοι οὐ τετελευτήκασιν, οὐδὲ τὸ δίκαιον τετελεύτηκεν, οὐδ' οἱ δικασταὶ οἱ 61 τὴν ψῆφον ἔχοντες. ἔστι δ' ὁ νῦν ἀγὼν καὶ ἡ διαδικασία, οὐκ εἴ τις ἕτερος ἑτέρου πρότερος ἢ ὕστερος τετελεύτηκεν, ἀλλ' εἰ μὴ προσήκει ἐξελαθῆναι ἐκ τοῦ οἴκου τοῦ Ἀγνίου τοὺς οἰκείους τοὺς Ἀγνίου, ἀνεψιούς ὄντας καὶ ἀνεψιῶν παῖδας Ἀγνία πρὸς πατρός, ὑπὸ τῶν ἐκ τοῦ Στρατίου οἴκου καὶ μηδὲν προσηκόντων ὥστε κληρονομεῖν τῶν Ἀγνίου, ἀλλὰ γένει ἀπωτέρω ὄντων. περὶ τούτου νῦν ἐστὶν ὁ ἀγὼν.

62 Ἔτι δὲ σαφέστερον γνώσεσθε, ὧς ἄνδρες δικασταί, καὶ ἐκ τούδε τοῦ νόμου, ὅτι ὁ Σόλων ὁ νομοθέτης

rents due for the lands of the goddess or of the gods and the eponymous heroes shall be disenfranchised, themselves and their family and their heirs, until they shall make payment.

All these duties which the laws lay upon relatives 59 to perform, they lay upon *us*, and compel *us* to perform them, men of the jury. But to Macartatus here they say not a word, nor to Theopompus, his father ; for they belong in no sense to the family of Hagnias. Why, then, should the laws lay any duties upon them?

But the defendant, men of the jury, while he has no 60 just argument whatever to make against the laws and the depositions which we produce, makes a show of indignation, and says he is being cruelly treated because, his father being dead, it falls to him to be defendant in this suit. But he does not bear in mind, men of the jury, that his father was a mortal man, and has met his end along with many others both younger and older than himself. Yet if Theopompus, the father of the defendant, is dead, the laws are not dead, nor is justice, nor are the jurymen with whom the verdict rests. The present contest and the present trial are 61 not to decide whether one man has died before or after another, but whether or not it is right that the kinsmen of Hagnias, cousins and children of cousins to Hagnias on his father's side, should be driven out from the family of Hagnias by persons belonging to the family of Stratius, who have no shadow of right to inherit the estate of Hagnias, but are more remote of kin. This is the question at issue in the present trial.

You will see even more clearly, men of the jury, 62 from the following law, that the lawgiver Solon is

σπουδάζει περὶ τοὺς οἰκείους, καὶ οὐ μόνον δίδωσι τὰ καταλειφθέντα ἀλλὰ καὶ τὰ προστάγματα ποιεῖται τὰ δυσχερῆ ἅπαντα τοῖς προσήκουσιν.

Λέγε τὸν νόμον.

ΝΟΜΟΣ

[1071] Τὸν ἀποθανόντα προτίθεται ἔνδον, ὅπως ἂν βούληται. ἐκφέρειν δὲ τὸν ἀποθανόντα τῇ ὑστεραίᾳ ἢ ἂν προθῶνται, πρὶν ἥλιον ἐξέχειν. βαδίζειν δὲ τοὺς ἀνδρας πρόσθεν, ὅταν ἐκφέρωνται, τὰς δὲ γυναῖκας ὀπισθεν. γυναῖκα δὲ μὴ ἐξεῖναι εἰσιέναι εἰς τὰ τοῦ ἀποθανόντος μηδ' ἀκολουθεῖν ἀποθανόντι, ὅταν εἰς τὰ σήματα ἄγῃται, ἐντὸς ἐξήκοντ' ἐτῶν γεγονυῖαν, πλὴν ὅσαι ἐντὸς ἀνεψιῶδων εἰσι· μηδ' εἰς τὰ τοῦ ἀποθανόντος εἰσιέναι, ἐπειδὴ ἐξερεχθῇ ὁ νέκυσ, γυναῖκα μηδεμίαν πλὴν ὅσαι ἐντὸς ἀνεψιῶδων εἰσιν.

- 63 Οὐκ ἔᾶ εἰσιέναι οὐδ' ἂν ἦ ὁ τετελευτηκὼς οὐδεμίαν γυναῖκα ἄλλην ἢ τὰς προσηκούσας μέχρι ἀνεψιότητος, καὶ πρὸς τὸ μνήμα ἀκολουθεῖν τὰς αὐτὰς ταύτας. Φυλομάχη τοίνυν ἡ Πολέμωνος ἀδελφῇ τοῦ πατρὸς τοῦ Ἀγνίου οὐκ ἀνεψιὰ ἦν Ἀγνία, ἀλλὰ τηθίς· ἀδελφὴ γὰρ ἦν Πολέμωνος τοῦ πατρὸς τοῦ Ἀγνίου. Εὐβουλίδης δὲ ὁ υἱὸς ταύτης τῆς γυναικὸς ἀνεψιὸς ἦν πρὸς πατρὸς Ἀγνία, οὗ ἐστὶν ὁ κλῆρος. τοῦ δ' Εὐβουλίδου ἦν θυγάτηρ ἡ τουτουὶ
- 64 τοῦ παιδὸς μήτηρ. ταύτας κελεύει τὰς προσηκούσας καὶ παρέinari τῇ προθέσει τοῦ τετελευτηκότος καὶ ἐπὶ τὸ μνήμα ἀκολουθεῖν, οὐ τὴν Μακαρτάτου μητέρα οὐδὲ τὴν Θεοπόμπου γυναῖκα· οὐδὲν γὰρ προσηκεν Ἀγνία αὕτη, ἀλλ' ἦν ἐξ ἐτέρας φυλῆς Ἀκαμαντίδος καὶ ἐξ ἐτέρου δήμου Προσπαλτόθεν, ὥστε τὸ παράπαν οὐδ' ἥσθητο, ὅτε

very much in earnest in regard to those who are relatives, and not only gives them the property left by the deceased, but also lays upon them all the burdensome obligations.

(*To the clerk.*) Read the law.

THE LAW

The deceased shall be laid out in the house in any way one chooses, and they shall carry out the deceased on the day after that on which they lay him out, before the sun rises. And the men shall walk in front, when they carry him out, and the women behind. And no woman less than sixty years of age shall be permitted to enter the chamber of the deceased, or to follow the deceased when he is carried to the tomb, except those who are within the degree of children of cousins; nor shall any woman be permitted to enter the chamber of the deceased when the body is carried out, except those who are within the degree of children of cousins.

The law does not allow any woman except female 63 relatives within the degree of cousinship to enter the chamber where the deceased lies, and it permits these same women to follow to the tomb. Now Phylomachê, the sister of Polemon, the father of Hagnias, was not cousin to Hagnias, but aunt; for she was sister to Polemon, the father of Hagnias. But Eubulides, the son of this woman, was cousin on his father's side to Hagnias, whose inheritance is in question. And the mother of this boy here was the daughter of Eubulides. These female relatives the 64 law commanded to be present at the laying out of the deceased, and to follow to the tomb, not the mother of Macartatus nor the wife of Theopompus; for she was in no way related to Hagnias, but was of another tribe, the Acamantis, and of another deme, that of Prospalta, so that she was not even apprised in any

- 65 ἦν τετελευτηκὼς Ἀγνίας. ὑπεραναίσχυντον δὴ οὗτοι κατασκευάζουσι πρᾶγμα, ὥς ἄρα δεῖ ἡμᾶς καὶ τὰς γυναῖκας τὰς ἡμετέρας τοῦ μὲν σώματος [1072] τοῦ Ἀγνίου, ὅτ' ἐτετελευτήκει, κληρονόμους εἶναι καὶ ποιεῖν ἅπαντα τὰ νομιζόμενα, ὥς προσήκοντας καὶ γένει ὄντας ἐγγυτάτω, τὸν δὲ κλῆρον οἶεσθαι δεῖν ἔχειν τὸν Ἀγνίου τοῦ τετελευτηκότος Μακάρτατον, ἐκ τοῦ Στρατίου οἴκου ὄντα καὶ ἐκ τῆς Ἀπολήξιδος τοῦ Προσπαλτίου θυγατρὸς, Μακαρτάτου δ' ἀδελφῆς. ἀλλ' οὔτε δίκαιον οὔθ' ὅσιον τοῦτ' ἔστιν, ὧ ἄνδρες δικασταί.
- 66 Ἀνάγνωθι δέ μοι τὰ ἐκ τῆς μαντείας τῆς ἐκ Δελφῶν κομισθείσης παρὰ τοῦ θεοῦ, ἵν' αἰσθησθε ὅτι ταῦτά λέγει περὶ τῶν προσηκόντων τοῖς νόμοις τοῖς τοῦ Σόλωνος.

MANTEIA

Ἀγαθῇ τύχῃ. ἐπερωτᾷ ὁ δῆμος ὁ Ἀθηναίων περὶ τοῦ σημείου τοῦ ἐν τῷ οὐρανῷ γενομένου, ὃ τι ἂν δρῶσιν Ἀθηναῖοις ἢ ὅτῳ θεῷ θύουσιν ἢ εὔχομένοις εἴη ἐπὶ τὸ ἄμεινον ἀπὸ τοῦ σημείου. συμφέρει Ἀθηναίοις περὶ τοῦ σημείου τοῦ ἐν τῷ οὐρανῷ γενομένου θύοντας καλλιερεῖν Διὶ ὑπάτῳ, Ἀθηνᾷ ὑπάτῃ, Ἡρακλεῖ, Ἀπόλλωνι σωτῆρι, καὶ ἀποπέμπειν Ἀμφιόνεσσι περὶ τύχας ἀγαθὰς Ἀπόλλωνι ἀγνιεῖ, Λατοῖ, Ἀρτέμιδι, καὶ τὰς ἀγνίᾱς κνισῆν, καὶ κρατῆρας ἰστάμεν καὶ χοροὺς, καὶ στεφαναφορεῖν κατὰ πάτρια θεοῖς Ὀλυμπίοις καὶ Ὀλυμπίαις πάντεσσι καὶ πάσαις, δεξιὰς καὶ ἀριστερὰς ἀνίσχοντας, μνασιδωρεῖν κατὰ πάτρια· ἦρῃ ἀρχαγέτα,

way at the time Hagnias lay dead. It is surely a 65
most outrageous result that these men are scheming
to bring about, that forsooth we and the women of
our family should inherit the body of Hagnias, when
he was dead, and should perform all the proper rites,
as being relatives and nearest of kin, but that
Macartatus should claim the right to possess the
estate of the dead Hagnias, though he belongs to the
house of Stratius and is descended from Apolexis,
daughter of the Prospaltian and sister of Macartatus.
But this is neither just nor righteous, men of the jury.

(*To the clerk.*) Now please read the words of the 66
oracle brought from Delphi, from the shrine of the
god, that you may see that it speaks in the same
terms concerning relatives as do the laws of Solon.

THE ORACLE

May good fortune attend you. The people of the
Athenians make inquiry about the sign which has appeared
in the heavens, asking what the Athenians should do, or to
what god they should offer sacrifice or make prayer, in order
that the issue of the sign may be for their advantage. It will
be well for the Athenians with reference to the sign which has
appeared in the heavens that they sacrifice with happy
auspices to Zeus most high, to Athena most high, to Heracles,
to Apollo the deliverer, and that they send due offerings to the
Amphiones^a; that they sacrifice for good fortune to Apollo,
god of the ways, to Leto and to Artemis, and that they make
the streets steam with the savour of sacrifice; that they set
forth bowls of wine and institute choruses and wreath them-
selves with garlands after the custom of their fathers, in
honour of all the Olympian gods and goddesses, lifting up
the right hand and the left, and that they be mindful to
bring gifts of thanksgiving after the custom of their fathers.
And ye shall offer sacrificial gifts after the custom of your

^a Possibly, Amphion and Zethus; but their tomb was near
Thebes. See Pausanias ix. 17. 4.

οὐ ἐπώνυμοί ἐστε, θύειν καὶ δωροτελεῖν κατὰ πάτρια· τοῖς ἀποφθιμένοις ἐν ἱκνουμένῃ ἡμέρᾳ τελεῖν τοὺς ποθί-
κοντας κατὰ ἀγημένα.

[1073] ⁶⁷ Ἀκούετε, ἄνδρες δικασταί, ὅτι ταῦτά λέγει ὁ
τε Σόλων ἐν τοῖς νόμοις καὶ ὁ θεὸς ἐν τῇ μαντείᾳ,
κελεύων τοῖς κατοικομένοις ποιεῖν τοὺς προσήκον-
τας ἐν ταῖς καθηκούσαις ἡμέραις. ἀλλὰ τούτων
οὐδὲν ἔμελε Θεοπόμπῳ οὐδὲ Μακαρτάτῳ τουτῶι,
ἀλλὰ τούτου μόνον, τὰ μὴ προσήκοντα ἑαυτοῖς
ἔχειν, καὶ ἐγκαλεῖν ὅτι πολὺν χρόνον ἐχόντων
ἑαυτῶν τὸν κλῆρον νυνὶ ἀγωνίζονται. ἐγὼ δ'
ᾧμην, ὦ ἄνδρες δικασταί, προσήκειν τὸν τὰλλότρια
ἀδίκως ἔχοντα οὐκ ἐγκαλεῖν, εἰ πλείω χρόνον εἶχεν,
ἀλλὰ χάριν εἰδέναι, μὴ ἡμῖν, ἀλλὰ τῇ τύχῃ, ὅτι
πολλαὶ καὶ ἀναγκαῖαι διατριβαὶ ἐγένοντο ἐν τῷ
μεταξὺ χρόνῳ, ὥστε νῦν περὶ τούτων ἀγωνίζεσθαι.

68 Οὗτοι μὲν οὖν τοιοῦτοί εἰσιν ἄνθρωποι, ὦ ἄνδρες
δικασταί, καὶ μέλει αὐτοῖς οὐδὲν οὔτε τοῦ οἴκου
ἐξερημουμένου τοῦ Ἀγνίου οὔτε τῶν ἄλλων ὅσα
παρανομοῦσιν· οἵτινές γε, ὦ Ζεῦ καὶ θεοί, τὰ μὲν
ἄλλα τί ἂν τις λέγοι περὶ τούτων; πολλὰ γὰρ
ἂν εἴη λέγειν· ἐν δὲ παρανομώτατον καὶ μιαινώτατον
διαπεπραγμένοι εἰσὶ, καὶ μάλιστ' ἐνδεικνύμενοι
69 ὅτι οὐδενὸς αὐτοῖς μέλει πλὴν τοῦ πλεονεκτεῖν· οὐ
γὰρ ἔφθη Θεόπομπος τὴν ἐπιδικασίαν ποιησάμενος
τοῦ κλήρου τοῦ Ἀγνίου τὸν τρόπον τοῦτον ὃν
ὑμεῖς ἀκηκόατε, καὶ εὐθὺς ἐνεδείξατο ὅτι τὰ οὐδὲν
προσήκει· ἑαυτῷ ἔχειν ἐνόμιζεν. ὁ γὰρ ἦν
πλείστου ἄξιον ἐν τοῖς χωρίοις τοῖς Ἀγνίου καὶ

fathers to the hero-founder after whom ye are named ; and for the dead their relatives shall make offerings on the appointed day according to established custom.

You hear, men of the jury, that Solon in the laws 67 and the god in the oracle use the same language, bidding the relatives to perform rites for the departed on the proper days. But neither Theopompus nor the defendant Macartatus cared at all for these things ; they cared only for this, that they might retain possession of what does not belong to them, and to complain that after having had the estate for so long, they must now defend their title to it. I should have thought, men of the jury, that one who unjustly keeps in his possession the property of another, should not make complaints if he has kept it in his possession longer than is right, but should be grateful, not to us, but to fortune, that so many unavoidable delays have occurred in the interim, so that he is not brought to trial until now.

Our opponents, then, men of the jury, are men of 68 this stamp ; they care nothing either for the extinction of the house of Hagnias, or for all the rest of their lawless deeds ; men, who, O Zeus and the gods—but why should one mention the other things relative to them ? There would be much indeed to tell of. But one thing which they have brought to pass is the most lawless and the most abominable, and most clearly proves that they care for nothing except their profit. For no sooner had Theopompus got the award of the 69 estate of Hagnias in the manner which you have heard, than he at once gave proof that he knew well that he was in possession of what in no sense belonged to him. The thing which was of the greatest value on the farms belonging to Hagnias, and which was

- ἐθαυμάζετο μάλιστα καὶ ὑπὸ τῶν προσχώρων καὶ ὑπὸ τῶν ἄλλων ἀνθρώπων, αἱ ἐλάαι, ταύτας ἐξώρυττον καὶ ἐξεπρέμνιζον, πλεῖν ἢ χίλια στελέχη, ὅθεν ἔλαιον πολὺ ἐγίγνετο. ταύτας οὗτοι ἀπέδοντο ἐκπρεμνίσαντες, καὶ ἀργύριον ὑπέρπολυ ἔλαβον.
- [1074] καὶ ταῦτ' ἐποιοῦν οὗτοι ἐπιδίκου ὄντος τοῦ κλήρου τοῦ Ἀγνίου κατὰ τὸν νόμον, καθ' ὅνπερ οὗτοι τὴν τουτουὶ μητέρα προσεκαλέσαντο.
- 70 Ὅτι δὲ ταῦτ' ἀληθῆ λέγω, καὶ ἐξεπρέμνισαν τὰς ἐλάας ἐκ τῶν χωρίων ὧν Ἀγνίας κατέλιπε, μάρτυρας ὑμῖν τούτων παρεξόμεθα τοὺς τε προσχώρους καὶ τῶν ἄλλων οὓς παρεκαλέσαμεν, ὅτ' ἐπεμαρτυρόμεθα περὶ τούτων.
- Λέγε τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ

- Μαρτυροῦσιν ἀκολουθήσαι Ἀραφῆνάδε παρακληθέντες ὑπὸ Σωσιθέου εἰς τοὺς Ἀγνίου ἀγρούς, ἐπειδὴ Θεόπομπος ἐπεδικάσατο τοῦ κλήρου τοῦ Ἀγνίου, καὶ ἐπιδεικνύναι αὐτοῖς Σωσίθεον τὰς ἐλάας πρεμνιζομένας ἐκ τοῦ Ἀγνίου ἀγροῦ.
- 71 Εἰ μὲν τοίνυν, ὦ ἄνδρες δικασταί, τὸν τετελευτηκότα μόνον ὑβρίζον ταῦτα διαπραξάμενοι, δεινὰ μὲν ἂν ἐποιοῦν, ἥττον δέ· νῦν δὲ καὶ εἰς ὅλην τὴν πόλιν ταυτηνὶ ὑβρίκασι καὶ παρανενομήκασιν. γνῶσεσθε δὲ ἐπειδὰν τοῦ νόμου ἀκούσητε.
- Ἀναγίνωσκε τὸν νόμον.

ΝΟΜΟΣ

Ἐάν τις ἐλάαν Ἀθήνησιν ἐξορύττῃ, ἐὰν μὴ εἰς ἱερὸν Ἀθηναίων δημόσιον ἢ δημοτικόν, ἢ ἐαυτῷ χρῆσθαι μέχρι δυοῖν ἐλάαιν τοῦ ἐνιαυτοῦ ἐκάστον, ἢ ἐπὶ ἀποθανόντα

most admired by the neighbours and by everybody else, was the olive trees. These they dug up and rooted out, more than a thousand trees, from which a large quantity of oil was produced. These trees our opponents rooted out and sold, and received a huge sum of money. And they did this while the estate of Hagnias was still subject to adjudication in accordance with the very law which had permitted them to cite the mother of this boy here.

To prove that I speak the truth in this, that they 70 rooted up the olive trees from the farms which Hagnias left, I will produce for you as witnesses the neighbours and others whom we summoned, when we made a solemn protest against this action.

(*To the clerk.*) Read the deposition.

THE DEPOSITION

The deponents testify that on being summoned by Sositheus they accompanied him to Araphen,^a to the lands of Hagnias, after Theopompus had had the estate of Hagnias adjudged to him, and that Sositheus showed them the olive trees being rooted up from the land of Hagnias.

If now, men of the jury, it were against the dead 71 man only that they had committed an outrage in doing this, their conduct would have been disgraceful, though in a less degree; but in reality it is against the whole city that they have committed this outrage, and they have broken your laws. You will know this, when you have heard the law.

(*To the clerk.*) Read the law.

THE LAW

If anyone shall dig up an olive tree at Athens, except it be for a sanctuary of the Athenian state or of one of its demes, or for his own use to the number of two olive trees each year, or

^a Araphen was a deme of the tribe Aegeis.

δέη χρήσασθαι, ὀφείλειν ἑκατὸν δραχμὰς τῷ δημοσίῳ τῆς ἐλάας ἐκάστης, τὸ δὲ ἐπιδέκατον τοῦτου τῆς θεοῦ εἶναι. ὀφειλέτω δὲ καὶ τῷ ἰδιώτῃ τῷ ἐπεξιόντι ἑκατὸν δραχμὰς καθ' ἑκάστην ἐλάαν. τὰς δὲ δίκας εἶναι περὶ τούτων πρὸς τοὺς ἄρχοντας, ὧν ἕκαστοι δικασταί εἰσι. πρυτανεῖα δὲ τιθέτω ὁ διώκων τοῦ αὐτοῦ μέρους. ὅτου δ' ἂν καταγινωσθῇ, ἐγγραφόντων οἱ ἄρχοντες, πρὸς οὓς ἂν ᾗ ἡ δίκη, τοῖς πράκτορσιν, ὃ τῷ δημοσίῳ γίγνεται.
 [1075] ὃ δὲ τῇ θεῷ γίγνεται,¹ τοῖς ταμίαις τῶν τῆς θεοῦ. εἰάν δὲ μὴ ἐγγράψωσιν, αὐτοὶ ὀφειλόντων.

72 Ὁ μὲν νόμος οὕτως ἰσχυρός. ἐκείνο δ' ἐνθυ-
 μεῖσθε πρὸς ὑμᾶς αὐτοὺς, ὧ ἄνδρες δικασταί, τί
 ποτ' οἴεσθ' ἡμᾶς πᾶσχειν ἐν τῷ παρεληλυθότι
 χρόνῳ ὑπὸ τούτων καὶ ὑπὸ τῆς ὕβρεως τῆς τούτων,
 ὅπου ὑμῶν, πόλεως τηλικαυτησί, κατεφρόνησαν καὶ
 τῶν νόμων τῶν ὑμετέρων, καὶ ἃ διαρρήδην ἀπαγο-
 ρεύουσιν οἱ νόμοι μὴ ποιεῖν, οὕτωςι καταφρονητι-
 κῶς ἠκίσαντο τὰ χωρία ἃ κατέλιπεν Ἀγνίας. ὁ
 δὲ νόμος ἀπαγορεύει μὴδ' ἐκ τοῦ αὐτοῦ χωρίου
 τοῦ πατρώου μὴδὲν τούτων ποιεῖν. πολὺ γε αὐτοῖς
 μέλει ἢ τοῖς νόμοις τοῖς ὑμετέροις πείθεσθαι, ἢ
 ὅπως μὴ ἐξερημωθήσεται ὁ οἶκος ὁ Ἀγνίου.

73 Ἐγὼ δ', ὧ ἄνδρες δικασταί, βούλομαι περὶ
 ἑμαυτοῦ πρὸς ὑμᾶς εἰπεῖν διὰ βραχέων, καὶ δεῖξαι
 ὅτι οὐχ ὁμοίως τούτοις ἐπιμέλειαν ἐποίησάμην τοῦ
 οἴκου τοῦ Ἀγνίου, ὅπως μὴ ἐξερημωθήσεται. καὶ
 αὐτὸς γάρ εἰμι τοῦ γένους τοῦ Βουσέλου. Ἀ-
 βρωνος γὰρ τοῦ Βουσέλου υἱὸς ἔλαβε τὴν θυγα-
 τριδὴν Καλλίστρατος, Εὐβουλίδου μὲν υἱὸς ὢν,
 Βουσέλου δ' υἱοῦς· καὶ ἐκ τῆς Ἀβρωνος θυγα-

¹ The words ὁ δὲ . . . γίγνεται, lacking in the mss., were added by Reiske.

AGAINST MACARTATUS, 71-73

except it be needful to use it for the service of one who is dead, he shall be fined one hundred drachmae, to be paid into the public treasury, for each tree, and the tenth part of this sum shall belong to the goddess. Furthermore he shall be obligated to pay to the private individual who prosecutes him one hundred drachmae for each olive tree. And suits concerning these matters shall be brought before the archons, according as they severally have jurisdiction. And the prosecutor shall deposit the court fees for his share. And when a person shall have been convicted, the archon before whom the case was brought shall make a report to the collectors of the amount due to the treasury, and of the amount due to the goddess, to the treasurers of the goddess. And if they fail to make such reports, they shall themselves be liable for the amount.

The law is thus severe. But pray ponder in your 72 minds, men of the jury, what you must imagine us to have suffered in the past from these men and the insolence of these men, when they have shown contempt toward you, so great a people, and have done what the laws expressly forbid their doing, in thus contemptuously laying waste the farms which Hagnias left. The law forbids anyone to root up any of these things even out of his own land inherited from his fathers. Much indeed do these men care either about obedience to your laws or the saving of the house of Hagnias from extinction!

I desire, men of the jury, to speak to you in a few 73 words about myself, and to prove to you that I have, in a very different way from theirs, shown my concern that the house of Hagnias should not become extinct. For I, too, am myself of the family of Buselus. For Callistratus married the granddaughter of Habron, the son of Buselus, being himself the son of Eubulides and grandson of Buselus; and from the grand-

τριδῆς καὶ ἐκ Καλλιστράτου τοῦ ἀδελφιδοῦ τοῦ
 74 Ἀβρωνος ἐγένετο ἡ μήτηρ ἡ ἡμετέρα. ἐγὼ δ',
 ἐπειδὴ ἐπεδικασάμην τῆς τουτουὶ μητρὸς καὶ
 ἐγένοντό μοι υἱεῖς μὲν τέτταρες, θυγάτηρ δὲ μία,
 τὰ ὀνόματα ἐθέμην τούτοις, ὧ ἄνδρες δικασταί,
 τῷ μὲν πρεσβυτάτῳ τὸ τοῦ πατρὸς τοῦ ἑμαυτοῦ
 ὄνομα, Σωσίαν, ὥσπερ καὶ δίκαιόν ἐστι, καὶ
 ἀπέδωκα τῷ πρεσβυτάτῳ τοῦτο τὸ ὄνομα· τῷ δὲ
 μετ' αὐτὸν γενομένῳ τουτῶι ἐθέμην Εὐβουλίδην,
 ὅπερ ἦν ὄνομα τῷ πατρὶ τῷ τῆς μητρὸς τῆς τοῦ
 [1076] παιδὸς τουτουί· τῷ δὲ μετὰ τοῦτον Μενεσθέα
 ἐθέμην· καὶ γὰρ ὁ Μενεσθεὺς οἰκέιος ἦν τῆς ἐμῆς
 γυναικός· τῷ δὲ νεωτάτῳ ἐθέμην ὄνομα Καλλί-
 στρατον, ὃ ἦν ὄνομα τῷ πατρὶ τῷ τῆς ἐμῆς μητρὸς.
 ἔτι δὲ πρὸς τούτοις καὶ τὴν θυγατέρ' ἔδωκα
 οὐδαμόσε ἔξω, ἀλλὰ τῷ ἀδελφιδῷ τῷ ἑμαυτοῦ,
 ὅπως, ἐὰν ὑγιαίνωσι, καὶ οἱ ἐκ τούτων ἐκ τοῦ
 75 αὐτοῦ γένους ᾧσιν Ἀγνία. ἐγὼ μὲν οὖν τοῦτον
 τὸν τρόπον διώκησα, ὅπως ἂν διασώζωνται ὅτι
 μάλιστα οἱ οἶκοι οἱ ἀπὸ τοῦ Βουσέλου· τούτους δ'
 ἐξετάσωμεν πάλιν.

Καὶ πρῶτιστον μὲν τὸν νόμον τουτονὶ ἀνάγνωνθι.

ΝΟΜΟΣ

Ὁ ἄρχων ἐπιμελείσθω τῶν ὀρφανῶν καὶ τῶν ἐπι-
 κλήρων καὶ τῶν οἰκῶν τῶν ἐξερημουμένων καὶ τῶν γυναι-
 κῶν, ὅσαι μένουσιν ἐν τοῖς οἴκοις τῶν ἀνδρῶν τῶν τεθνη-
 κότων φάσκουσιν κυεῖν. τούτων ἐπιμελείσθω καὶ μὴ
 ἑάτῳ ὑβρίξειν μηδένα περὶ τούτους. ἐὰν δέ τις ὑβρίξῃ
 ἢ ποιῇ τι παράνομον, κύριος ἔστω ἐπιβάλλειν κατὰ τὸ
 τέλος. ἐὰν δὲ μείζονος ζημίας δοκῇ ἄξιος εἶναι, προσ-
 καλεσάμενος πρόπεμπτα καὶ τίμημα ἐπιγραψάμενος, ὃ

daughter of Habron and Callistratus, the nephew of Habron, our mother was born. I myself, when I had 74 been awarded the hand of the mother of this boy, and four sons and one daughter had been born to me, gave them, men of the jury, the following names : to the eldest I gave, as was fitting, the name of my father Sosias, and thus I gave to the eldest this name that was his due ; to the son born next after him I gave the name Eubulides, which was the name of the father of this boy's mother ; to the next after him I gave the name Menestheus, for Menestheus was a relative of my wife ; and to the youngest I gave the name Callistratus, which was the name of my mother's father. In addition to all this, I did not give my daughter in marriage into another family, but to my own brother's son, in order that, if they had health, the children born of them should be of the same family as Hagnias. I, then, administered matters in this way, in order 75 that the families springing from Buselus should as completely as possible be preserved. As for our opponents, let us examine them once more.

(*To the clerk.*) And first of all read this law.

THE LAW

Let the archon take charge of orphans and of heiresses and of families that are becoming extinct, and of all women who remain in the houses of their deceased husbands, declaring that they are pregnant. Let him take charge of these, and not suffer anyone to do any outrage to them. And if anyone shall commit any outrage or any lawless act against them, he shall have power to impose a fine upon such person up to the limit fixed by law. And if the offender shall seem to him to be deserving of a more severe punishment, let him summon such a person, giving him five days' notice, and bring him before the court of Heliæa, writing upon the indictment the

τι ἂν δοκῇ αὐτῷ, εἰσαγέτω εἰς τὴν ἡλιαίαν. εἰ δ' ἄλῳ, τιμᾶτω ἢ ἡλιαία περὶ τοῦ ἀλόντος, ὃ τι χρὴ αὐτὸν παθεῖν ἢ ἀποτεῖσαι.

- 76 Πῶς ἂν οὖν μᾶλλον ἐξερημώσαιεν ἄνθρωποι οἶκον, ἢ εἴ τινες τοὺς τε γένει ὄντας ἐγγυτάτω Ἀγνία, τούτους ἐξελαύνοιεν ἐξ ἐτέρου οἴκου ὄντες τοῦ Στρατίου, καὶ πάλιν εἰ τὸν μὲν κλῆρον ἀξιοῖ ἔχειν τὸν Ἀγνίου ὡς γένει προσήκων, τὸ δ' ὄνομα [1077] ἐστὶν αὐτῷ μὴ ὅτι ἐκ τοῦ Ἀγνίου οἴκου, ἀλλ' οὐδ' ἐκ τοῦ Στρατίου ἐστὶ τοῦ ἑαυτοῦ προγόνου, οὐδὲ τῶν ἄλλων ἀπογόνων τῶν Βουσέλου, τοσούτων 77 γενομένων, οὐδενὸς ἔχει τὸ ὄνομα; ἀλλὰ πόθεν δὴ ἐστὶ τὸ ὄνομα ὁ Μακάρτατος; ἐκ τῶν πρὸς μητρός. εἰσεποιήθη γὰρ οὗτος εἰς τὸν οἶκον τὸν Μακαρτάτου τοῦ Προσπαλτίου, ἀδελφοῦ ὄντος τῆς μητρός τῆς τούτου, καὶ ἔχει καὶ ἐκείνον τὸν οἶκον. καὶ οὕτως ἐστὶν ὑβριστής, ὥστε γενομένου αὐτῷ υἱέος τοῦ μὲν εἰσαγαγεῖν εἰς τὸν οἶκον τὸν Ἀγνίου υἱὸν τῷ Ἀγνία ἐπελάθετο, καὶ ταῦτ' ἔχων τὸν κλῆρον τὸν Ἀγνίου καὶ φάσκων πρὸς ἀνδρῶν αὐτῷ 78 προσήκειν· τοῦτον δὲ τὸν υἱὸν τὸν γενόμενον τῷ Μακαρτάτῳ εἰσπεποίηκε τῷ πρὸς μητρός εἰς τοὺς Προσπαλτίους, τὸν δὲ Ἀγνίου οἶκον εἵακεν ἔρημον εἶναι τὸ τούτου μέρος· φησὶ δὲ τὸν πατέρα τὸν ἑαυτοῦ Θεόπομπον προσήκειν Ἀγνία. ὁ δὲ νόμος κελεύει ὁ τοῦ Σόλωνος κρατεῖν τοὺς ἄρρενας καὶ τοὺς ἐκ τῶν ἀρρένων· οὗτος δ' οὕτως ῥαδίως κατεφρόνησε καὶ τῶν νόμων καὶ τοῦ Ἀγνίου, καὶ εἰσεποίησε τὸν υἱὸν εἰς τὸν οἶκον τὸν πρὸς μητρός. πῶς ἂν γένοιτο τούτων ἄνθρωποι παρανομώτεροι ἢ βιαίότεροι;

AGAINST MACARTATUS, 75-78

penalty which he thinks is deserved. And if there be a conviction, let the court of Heliaea appoint for the one convicted what penalty he ought to suffer or pay.

How, now, could people more effectively bring a 76
house to extinction than if, being themselves of
another house, that of Stratius, they should dis-
possess those nearest of kin to Hagnias? Or again,
if one should claim to possess the estate of Hagnias as
being related by blood, when he bears a name that
is not only not derived from the family of Hagnias,
but not even from that of Stratius, the claimant's
own ancestor—no, when he has not the name of
any other of all the descendants of Buselus, many as
they are? Whence, then, does he get the name 77
Macartatus? From his mother's family. For he
was adopted into the family of Macartatus of Pros-
palta, who was his mother's brother, and he possesses
that estate also. And so regardless of right is he
that, when a son was born to him, he forgot to in-
troduce him into the family of Hagnias, as a son to
Hagnias, and that too while he was in possession of
the estate of Hagnias, and claimed that he was 78
related to him by male descent. This son who was
born to him Macartatus has introduced by his
mother's descent into the Prospaltians, and has
suffered the family of Hagnias to become extinct, so
far as this boy is concerned; but he alleges that his
own father Theopompus was related to Hagnias. Yet
the law of Solon ordains that males and the sons of
males shall have precedence; but the defendant has
thus lightly shown contempt both for Hagnias and for
the laws, and has had his son introduced into the
family of his mother. How could there be people
more scornful of law or more arbitrary than these?

- 79 Οὐ τοίνυν ταῦτα μόνον, ὦ ἄνδρες δικασταί, ἀλλὰ καὶ μνήματος ὄντος κοινοῦ ἅπασι τοῖς ἀπὸ τοῦ Βουσέλου γενομένοις (καὶ καλεῖται τὸ μνῆμα Βουσελιδῶν, πολὺς τόπος περιβεβλημένος, ὥσπερ οἱ ἀρχαῖοι ἐνόμιζον) ἐν τούτῳ τῷ μνήματι οἱ μὲν ἄλλοι ἅπαντες οἱ ἀπὸ τοῦ Βουσέλου κεῖνται, καὶ ὁ Ἀγνίας καὶ ὁ Εὐβουλίδης καὶ ὁ Πολέμων καὶ οἱ ἄλλοι ἅπαντες τοσοῦτοι ὄντες συγγενεῖς, οἱ ἀπὸ τοῦ Βουσέλου, ἅπαντες οὗτοι κοινωνοῦσι τοῦ
- [1078] ⁸⁰ μνήματος τούτου· ὁ δὲ τουτονὶ πατὴρ Μακαρτάτου καὶ ὁ πάππος οὐ κεκοινωνήκασιν τούτου, ἀλλ' αὐτοῖς ἰδίᾳ ἐποίησαντο μνῆμα ἄπωθεν τοῦ Βουσελιδῶν μνήματος. δοκοῦσιν ὑμῖν, ὦ ἄνδρες δικασταί, προσήκειν τι τῷ οἴκῳ τῷ Ἀγνίου, πλὴν τοῦ ἔχειν ἀρπάσαντες τὰ μὴ προσήκοντα; εἰ δ' ἐξερημωθήσεται ἢ ἀνώνυμος ἔσται ὁ οἶκος ὁ Ἀγνίου καὶ ὁ Εὐβουλίδου τοῦ ἀνεψιοῦ τοῦ Ἀγνίου, οὐδὲ κατὰ τοῦλάχιστον πώποτ' αὐτοῖς ἐμέλησεν.
- 81 Ἐγὼ δ', ὦ ἄνδρες δικασταί, βοηθῶ μὲν ὡς οἴός τ' εἰμὶ μάλιστα τοῖς τετελευτηκόσιν ἐκείνοις· οὐ πάννυ δ' ἐστὶ ράδιον ταῖς τούτων παρασκευαῖς ἀνταγωνίζεσθαι. παραδίδωμι οὖν ὑμῖν τὸν παῖδα τουτονί, ὦ ἄνδρες δικασταί, ἐπιμεληθῆναι, ὅπως ἂν ὑμῖν δοκῇ δικαιοτάτον εἶναι. οὗτος εἰσπεποιήται εἰς τὸν οἶκον τὸν Εὐβουλίδου, καὶ εἰσῆκται εἰς τοὺς φράτερας, οὐκ εἰς τοὺς ἐμούς, ἀλλ' εἰς τοὺς Εὐβου-
- 82 λίδου καὶ Ἀγνίου καὶ Μακαρτάτου τουτονί. καὶ ὅτε εἰσῆγετο, οἱ μὲν ἄλλοι φράτερες κρύβδην ἔφερον τὴν ψῆφον, οὗτοσὶ δὲ Μακάρτατος φανερά ψήφῳ ἐψηφίσατο ὀρθῶς εἰσάγεσθαι Εὐβουλίδην υἱὸν τὸν παῖδα τουτονί, οὐκ ἐθελήσας ἄψασθαι τοῦ ἱερείου οὐδ' ἀπαγαγεῖν ἀπὸ τοῦ βωμοῦ ὑπεύθυνον

AGAINST MACARTATUS, 79-82

Now this is not the only thing, men of the jury. 79
There is a place of burial common to all those descended from Buselus (it is called the burial-place of the Buselidae, a large area, enclosed, after the manner of the men of old). In this burial-place lie all the other descendants of Buselus and Hagnias and Eubulides and Polemon, and all the rest of the host of those descended from Buselus, all these hold in common this place of burial. But the father of the 80 defendant Macartatus and the grandfather have no share in it, but they made for themselves a tomb apart, at a distance from that of the Buselidae. Do they appear to you, men of the jury, to belong in any sense to the house of Hagnias, except that they have seized and hold what does not belong to them? Whether the house of Hagnias and of Eubulides, the cousin of Hagnias, is to become extinct and have no name, has never in the least degree been an object of concern to them.

I for my part, men of the jury, am defending to the 81 full extent of my power the interest of those dead relatives, but it is not an easy task to contend against the intrigues of these men. I therefore deliver over to you this boy to be the object of your care in whatever way you may deem most just. He has been adopted into the house of Eubulides, and has been introduced to the clansmen, not mine, but those of Eubulides and Hagnias and the defendant, Macartatus. And when 82 he was being introduced, the rest of the clansmen cast their votes secretly, but the defendant Macartatus by an open vote declared that this boy was being rightly introduced as a son to Eubulides; for he did not wish to lay his hand upon the victim or to remove it from the altar, and thus make himself responsible; nay,

αὐτὸν ποιήσας· ἀλλὰ καὶ τὴν μερίδα τῶν κρεῶν
 ὥχετο λαβὼν παρὰ τοῦ παιδὸς τουτονί, ὥσπερ καὶ
 83 οἱ ἄλλοι φράτερες. νομίζετε δὴ τὸν παῖδα τουτονί,
 ὦ ἄνδρες δικασταί, ἱκετηρίαν ὑμῖν προκεῖσθαι
 ὑπὲρ τῶν τετελευτηκότων Ἀγνίου καὶ Εὐβουλίδου
 καὶ τῶν ἄλλων τῶν ἀπὸ τοῦ Ἀγνίου, καὶ ἱκετεύειν
 αὐτοὺς ὑμᾶς τοὺς δικαστάς, ὅπως μὴ ἐξερημω-
 θήσεται αὐτῶν ὁ οἶκος ὑπὸ τῶν μιαρῶν τούτων
 [1079] θηρίων, οἳ εἰσιν ἐκ τοῦ Στρατίου οἴκου, ἐν δὲ τῷ
 Ἀγνίου οὐδεπώποτ' ἐγένοντο· μηδ' ἐπιτρέψῃτε
 τούτοις ἔχειν τὰ μὴ προσήκοντα, ἀλλ' ἀποδοῦναι
 ἀναγκάσατε εἰς τὸν Ἀγνίου οἶκον τοῖς προσήκουσι
 84 τοῖς Ἀγνίου. ἐγὼ μὲν οὖν ἐκείνοις τε βοηθῶ τοῖς
 τετελευτηκόσι καὶ τοῖς νόμοις τοῖς περὶ τούτων
 κειμένοις, δέομαι δὲ καὶ ὑμῶν, ὦ ἄνδρες δικασταί,
 καὶ ἱκετεύω καὶ ἀντιβολῶ, μὴ περιῖδητε μήτε τὸν
 παῖδα τουτονὶ ὑβρισθέντα ὑπὸ τούτων, μήτε τοὺς
 προγόνους τοὺς τουτονὶ ἔτι μᾶλλον καταφρονου-
 μένους ἢ νῦν καταπεφρόνηνται, ἐὰν διαπράξωνται
 οὔτοι ἂ βούλονται· ἀλλὰ τοῖς τε νόμοις βοηθεῖτε
 καὶ τῶν τετελευτηκότων ἐπιμελεῖσθε, ὅπως μὴ
 ἐξερημωθῇ αὐτῶν ὁ οἶκος. καὶ ταῦτα ποιοῦντες
 τά τε δίκαια ψηφιεῖσθε καὶ τὰ εὖορκα καὶ τὰ ὑμῖν
 αὐτοῖς συμφέροντα.

he even received his portion of the flesh from the hand of this boy, and took it away with him, as did the rest of the clansmen. Consider, men of the jury, that this 83 boy is set before you as though he were the suppliant's wand, on behalf of the deceased Hagnias and Eubulides and the other descendants of Hagnias, and that they supplicate you jurymen not to allow their house to be brought to extinction by these loathsome monsters, who are of the house of Stratius, and never belonged to that of Hagnias. Do not suffer them to keep what is not their own, but compel them to give it back into the house of Hagnias for those who are his relatives. I verily am defending the interests of those relatives 84 who are dead, and the laws established to protect them, and I beg of you also, men of the jury, I beseech you, I implore you, do not shut your eyes to the outrage done to this boy by the defendants, nor suffer his ancestors to be treated with even greater indignity than before, as will be the case, if these men accomplish what they desire. No; rally to the defence of the laws, and take thought for the dead, that their house be not brought to extinction. By doing this you will render a verdict which is just and consonant with your oaths, and in the interest of your own selves.

AGAINST LEOCHARES

INTRODUCTION

ARCHIADES, an Athenian of the deme Otrynê,^a died without issue. He left a brother Meidylides and a great-nephew Leocrates, the grandson of his sister Archidicê, as surviving male relatives; and under Athenian law the brother rather than the sister's grandson was the legal heir. Meidylides, however, was out of the country at the time, and in his absence Leocrates, having got himself recorded as the adopted son of Archiades (posthumous adoptions were in some cases at least recognized), entered into possession of the property. When Meidylides returned to Athens, he was naturally indignant at what had been done, but was persuaded by his friends to acquiesce in the existing situation (so at least the present speaker states), and after his death his grandson Aristodemus took the same course. Leocrates on his part, after remaining for some time in undisturbed possession of the estate, transferred it to his son Leostratus, whom he entered in the clan and the deme of Archiades, so as to give him in his turn the standing of an adopted son. He himself then returned to his own family, thus severing his connexion with the house of Archiades. Later on Leostratus took the same course, having in like manner entered his son Leocrates II as successor to his rights. To this transfer again the speaker states that he and his family made no objection, although in this speech he claims that

^a Otrynê was a deme of the tribe Aegeis.

DEMOSTHENES

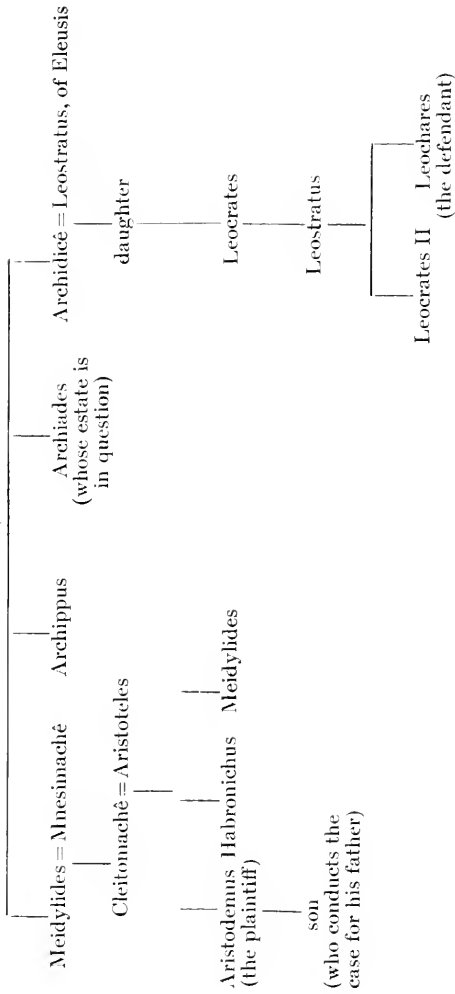
the adoption thus continued through the lives of three persons was not legally valid. This second Leocrates died leaving no heirs, and Aristodemus then came forward to claim the estate as being nearest of kin to Archiades. Leostratus, on his part, sought to have his younger son Leochares, the defendant in the present suit, transferred to the clan and deme of Archiades, that he might claim precedence as an adopted son, and on the basis of this action Leochares filed an affidavit of objections (*διαμαρτυρία*), declaring that the estate was not open to litigation. Such an affidavit, like the special plea (*παραγραφή*), would of course delay action on the main issue, and it is on this affidavit that the present case is argued.

Aristodemus, whose case is conducted for him by his son, who, though he is nowhere mentioned by name, presumably bore the name of his grandfather Aristoteles, makes the apparently valid claim that he is not only the nearest of kin to Archiades, but that, even granting the validity of the successive adoptions of Leocrates I, Leostratus, and Leocrates II, the present claimant can with no semblance of right be accorded the same status, as at the time of the death of Leocrates II he was confessedly a member of another clan and tribe, and connected with Archiades only as the great-great-grandson of his sister. Further, the endeavour to get him adopted was not made until the suit of Aristodemus had been filed, and must, the speaker claims, be regarded as a mere subterfuge.

A tree, showing the descent of both parties to the suit, is appended.

The speech is discussed by Schaefer, iii.² pp. 241 ff., and by Blass, iii. pp. 568 ff.

Euthymachus, of Otryné



XLIV

ΠΡΟΣ ΛΕΩΧΑΡΗ ΠΕΡΙ ΤΟΥ ΑΡΧΙΑΔΟΥ ΚΛΗΡΟΥ

Αἴτιος μὲν ἐστὶ Λεωχάρης οὗτοςί, ὦ ἄνδρες
 δικασταί, τοῦ καὶ αὐτὸς κρίνεσθαι καὶ ἐμὲ νεώτερον
 ὄντα λέγειν ἐν ὑμῖν, ἀξιώων κληρονομεῖν ὧν οὐ
 προσήκεν αὐτῷ, καὶ ὑπὲρ τούτων ψευδῇ διαμαρ-
 τυρίαν πρὸς τῷ ἄρχοντι ποιησάμενος. ἡμῖν μὲν
 [1081]² γὰρ ἀναγκαῖον ἦν, τοῦ νόμου τὰς ἀγχιστείας τοῖς
 ἐγγυτάτῳ γένους ἀποδιδόντος, οὓσιν οἰκείοις
 Ἀρχιάδου τοῦ ἐξ ἀρχῆς καταλιπόντος τὸν κλῆρον,
 μήτε τὸν οἶκον ἐξερημωθέντα τὸν ἐκείνου περιϋδεῖν,
 μήτε τῆς οὐσίας ἐτέρους κληρονομήσαντας, οἷς
 οὐδ' ὅτιοῦν προσήκει· οὗτος δ' οὔτε γένει τοῦ
 τετελευτηκότος υἱὸς ὢν, οὔτ' εἰσποιηθεὶς κατὰ
 τοὺς νόμους, ὥς ἐγὼ δείξω, διαμεμαρτύρηκεν
 οὕτω τὰ ψευδῇ προπετῶς, ἀφαιρούμενος ἡμῶν τὴν
 3 κληρονομίαν. δέομαι δ' ὑμῶν, ὦ ἄνδρες δικασταί,
 βοηθῆσαι τῷ τε πατρὶ τουτῷ καὶ ἐμοί, ἐὰν λέγω-
 μεν τὰ δίκαια, καὶ μὴ περιϋδεῖν πένητας ἀνθρώπους
 καὶ ἀσθενεῖς καταστασιασθέντας ὑπὸ παρατάξεως
 ἀδίκου. ἡμεῖς μὲν γὰρ ταῖς ἀληθείαις πιστεύοντες
 εἰσεληλύθαμεν, καὶ ἀγαπῶντες, ἂν τις ἡμᾶς ἐᾷ
 τῶν νόμων τυγχάνειν· οὗτοι δὲ τῇ παρασκευῇ καὶ

XLIV

ARISTODEMUS AGAINST LEOCHARES REGARDING THE ESTATE OF ARCHIADES

It is the fault of Leochares, the defendant, men of the jury, that he is himself being brought to trial, and that I, despite my youth, am addressing you, for he claims the right to inherit what does not belong to him, and has made a false affidavit of objections before the archon in support of his claim. It was incumbent 2 upon us—since the law grants the right of succession to those nearest of kin, and we are relatives of Archiades, who originally left the estate—not to suffer his house to become extinct, and others, who had no right whatever to it, to inherit his property; while the defendant, who was neither a son by blood of the deceased nor a son adopted according to your laws, as I shall show, has thus recklessly made a false affidavit, and is seeking to rob me of the inheritance. I beg you, men of the jury, to come to the aid of my 3 father and myself, if our pleading shall seem just, and not suffer men who are poor and without influence to be crushed by the lawless men marshalled against us. For we have come before you relying upon the truth, well content if we are permitted to obtain our legal rights; while our adversaries have from the first

τοῖς ἀναλώμασιν ἰσχυρίζομενοι διατετελέκασιν, εἰκότως οἶμαι· ἐκ γὰρ τῶν ἀλλοτρίων ῥαδίως ἀναλίσκουσιν, ὥστε καὶ τοὺς συνεροῦντας ὑπὲρ αὐτῶν καὶ τοὺς μαρτυρήσοντας τὰ ψευδῆ πολλοὺς
 4 πεπορίσθαι. ὁ δὲ πατὴρ οὗτος (εἰρήσεται γάρ) ἅμα τῆς πενίας, ἧς ὑμεῖς ἅπαντες ἴστε, καὶ τοῦ ἰδιώτης εἶναι φανερὰς ἔχων τὰς μαρτυρίας ἀγωνίζεται· διατελεῖ γὰρ ἐν Πειραιεῖ κηρύττων· τοῦτο δ' ἐστὶν οὐ μόνον ἀπορίας ἀνθρωπίνης τεκμήριον, ἀλλὰ καὶ ἀσχολίας τῆς εἰς τὸ πραγματεύεσθαι· ἀνάγκη γὰρ ἡμερεύειν ἐν τῇ ἀγορᾷ τὸν τοιοῦτον. ἂ δεῖ λογιζομένους ἐνθυμεῖσθαι, ὅτι, εἰ μὴ τῷ δικαίῳ ἐπιστεύομεν, οὐκ ἂν ποτ' εἰσῆλθομεν εἰς ὑμᾶς.

[1082] ⁵ Περὶ μὲν οὖν τῶν τοιούτων καὶ προϊόντος τοῦ λόγου σαφέστερον ἀκούσεσθε· ὑπὲρ αὐτῆς δὲ τῆς διαμαρτυρίας καὶ τοῦ ἀγῶνος ἤδη νομίζω δεῖν διδάσκειν. εἰ μὲν οὖν, ὦ ἄνδρες δικασταί, ἐκ τῆς διαμαρτυρίας αὐτῆς Λεωχάρης ἤμελλεν ἀπολογούμενος δείξειν ὡς ἔστιν υἱὸς γνήσιος Ἀρχιάδου, οὐδὲν ἂν ἔδει πολλῶν λόγων, οὐδ' ἄνωθεν ὑμᾶς
 6 ἐξετάζειν τὸ γένος τὸ ἡμέτερον· ἐπεὶ δὲ τὰ μὲν διαμεμαρτυρημένα ἕτερον τρόπον ἔχει, ὁ δὲ πολὺς τοῦ λόγου τούτοις ἔσται ὡς εἰσεποιήθησαν, καὶ κατὰ τὴν ἀγχιστείαν γνήσιοι ὄντες δικαίως ἂν τῆς οὐσίας κληρονομοῖεν, ἀναγκαῖον, ὦ ἄνδρες δικασταί, διὰ ταῦτα μικρῷ ἄνωθεν τὰ περὶ τοῦ γένους ὑμῖν διεξελλθεῖν· ἐὰν γὰρ τοῦτο σαφῶς μάθητε, οὐ μὴ παρακρουσθῇθ' ὑπ' αὐτῶν τῷ

never ceased to rely upon intrigue and the spending of money, and very naturally in my opinion ; for they readily make expenditures from funds which belong to others, and so have provided themselves with a host of people who will speak in their behalf and give false testimony. My father here (for the 4 truth shall be told you) comes into court with manifest signs that he is, as you are all aware, a poor man, and that he knows nothing of pleading in court ; for he has long been a public crier in Peiraeus, and this is not only a sign of the poverty which is common to man, but also of the fact that he has no time to meddle with the law ; for a man so employed has to spend the whole day in the market-place. If you bear this in mind, you will be forced to conclude that, if we did not rely upon the justice of our cause, we should never have come before you at all.

With reference to matters of this nature you will 5 gain clearer information in the course of my address, but I think I must now inform you about the affidavit and the case at issue. If, men of the jury, Leochares, basing his defence upon the affidavit itself, were going to prove that he is the lawfully born son of Archiades, there would be no need of many words, nor any need that I should trace our family line back to its origin : but since the matters sworn to in the 6 affidavit are of a different nature, and most of the arguments of our adversaries will be devoted to proving that they were adopted and should properly inherit the estate by right of descent as lawful children, it is necessary for this reason, men of the jury, to go back a little way and instruct you regarding the pedigree ; for when you understand this matter clearly, there will be no danger of your being misled

- 7 λόγῳ. ἔστι γὰρ ὁ μὲν ἀγὼν οὕτοσὶ κλήρου διαδικασίας, ἀμφισβητεῖται δὲ παρὰ μὲν ἡμῶν κατὰ γένος ἢ ἀγχιστεία, παρὰ δὲ τούτων κατὰ ποιήσιν· ὁμολογοῦμεν δ' ἐναντίον ὑμῶν δεῖν τὰς ποιήσεις κυρίας εἶναι, ὅσαι ἂν κατὰ τοὺς νόμους δικαίως γένωνται. ὥστε ταύτας τὰς ὑποθέσεις μεμνημένοι, ἂν δείξωσιν ὑμῖν διδόντας τοὺς νόμους αὐτοῖς ἃ διαμεμαρτυρήκασι, ψηφίσασθε αὐτοῖς τὸν
- 8 κλῆρον. καὶ ἐὰν ἐκ μὲν τῶν νόμων μὴ ὑπάρχη, δίκαια δὲ καὶ φιλάνθρωπα φαίνωνται λέγοντες, καὶ οὕτω συγχωροῦμεν. ἵνα δ' εἰδῇθ' ὅτι κατὰ γένος ἐγγύτατα ὄντες οὐ μόνον τούτῳ ἐνισχυρίζομεθα, ἀλλὰ καὶ τοῖς ἄλλοις ἅπασι, πρῶτον μὲν
- [1083] ὑπὲρ αὐτοῦ τοῦ γένους ὑμᾶς διδάξομεν, ὅθεν ἐστὶν ὁ κλῆρος· νομίζω γάρ, ἂν τούτῳ τῷ μέρει τοῦ ἀγῶνος σαφῶς παρακολουθήσητε, καὶ τῶν ἄλλων ὑμᾶς οὐδενὸς ἀπολειφθήσεσθαι.
- 9 Τὸ γὰρ ἐξ ἀρχῆς, ὧ ἄνδρες δικασταί, γίνονται Εὐθυμάχῳ τῷ Ὀτρυνεῖ υἱεῖς τρεῖς, Μειδυλίδης καὶ Ἀρχιππος καὶ Ἀρχιάδης, καὶ θυγάτηρ ἥ ὄνομα ἦν Ἀρχιδίκη. τελευτήσαντος δὲ τοῦ πατρὸς αὐτοῖς, τὴν μὲν Ἀρχιδίκην ἐκδιδόασι Λεωστράτῳ Ἐλευσινίῳ, αὐτῶν δὲ τριῶν ὄντων ὁ μὲν Ἀρχιππος τριηραρχῶν ἐτελεύτησε τὸν βίον ἐν Μηθύμνῃ, ὁ δὲ Μειδυλίδης οὐ πολλῷ χρόνῳ γαμεῖ ὕστερον Μνησι-
- 10 μάχην Λυσίππου τοῦ Κριωέως θυγατέρα. καὶ γίνεται αὐτῷ θυγάτηρ ὄνομα Κλειτομάχη, ἥν ἡβουλήθη μὲν ἐκείνος ἀγάμῃ τῷ ἀδελφῷ ὄντι τῷ

^a Otrynê was a deme of the tribe Aegeïs.

^b Eleusis was a deme of the tribe Hippothontis.

by their arguments. Very well then, the case before 7
you is one to settle the title to an inheritance. Our
claim to the estate is based upon descent, theirs upon
adoption. We admit here in your presence that all
adoptions, if rightly made in accordance with the
laws, ought to be valid. Bear in mind, therefore, the
bases upon which our respective claims rest, and if
they prove to you that the laws grant what they have
sworn in their affidavit, adjudge the estate to them.
And even if they have not the support of the laws, 8
but it seems to you that what they say is in accordance
with justice and generosity, even so we withdraw our
claim. However, that you may know that, while we
are by descent the nearest of kin, we do not rest
our case upon this alone, but upon all the other
grounds as well, I will first instruct you regarding
the family itself from which the inheritance comes ;
for I am sure that, if you follow with clear under-
standing this phase of the matter at issue, you will
have no difficulty in grasping any of the other facts.

To go back to the beginning, men of the jury, there 9
were born to Euthymachus, of Otrynê,^a three sons,
Meidylides and Archippus and Archiades, and a
daughter whose name was Archidicê. After the
death of their father the brothers gave Archidicê in
marriage to Leostratus of Eleusis^b ; of the three
brothers Archippus lost his life at Methymna^c while
serving as trierarch, and Meidylides not long after-
ward married Mnesimachê, the daughter of Lysippus
of Crioa.^d To him there was born a daughter, Cleito- 10
machê by name, whom he wished to give in marriage
to his own brother, who was still unmarried ; but since

^c Methymna was a town in Lesbos.

^d Crioa was a deme of the tribe Antiochis.

ἑαυτοῦ ἐκδοῦναι· ἐπειδὴ δ' ὁ Ἀρχιάδης οὐκ ἔφη
 προαιρεῖσθαι γαμῆν, ἀλλὰ καὶ τὴν οὐσίαν ἀνέμητον
 διὰ ταῦτα συγχωρήσας εἶναι ὥκει καθ' αὐτὸν ἐν
 τῇ Σαλαμῖνι, οὕτως ἤδη ὁ Μειδυλίδης ἐκδίδωσι
 τὴν αὐτοῦ θυγατέρα Ἀριστοτέλει Παλληνεῖ, τῷ
 πάππῳ τῷ ἐμῷ. καὶ γίνονται ἐξ αὐτοῦ υἱεῖς
 τρεῖς, Ἀριστόδημός τε οὗτος ὁ πατήρ ὁ ἐμὸς καὶ
 Ἀβρώνυχος ὁ θεῖος καὶ Μειδυλίδης, ὃς νῦν τετελευ-
 11 τηκὼς τυγχάνει. καὶ ἡ μὲν τοῦ γένους ἀγχιστεία
 τοῦ ἡμετέρου, ἐν ᾧ ἐστὶν ὁ κλῆρος, σχεδὸν οὕτως
 ἔχει, ὥς ἄνδρες δικασταί. Ἀρχιάδῃ γὰρ πρὸς
 ἀνδρῶν ἡμεῖς μὲν γένει ἐγγυτάτῳ, καὶ κατὰ τοῦ-
 τον τὸν νόμον ἀξιοῦντες τῆς ἐκείνου οὐσίας κληρο-
 νομεῖν καὶ τὸ γένος μὴ περιῖδεῖν ἐξηρημωθέν,
 ἐλάχομεν πρὸς τὸν ἄρχοντα τοῦ κλήρου· οὗτοι δ'
 ἔχοντες οὐ δικαίως τὰ χρήματα διαμεμαρτυρήκασι
 [1084] νυνί, τὸ μὲν ὅλον ἰσχυριζόμενοι ποιήσει, φάσκοντες
 12 δὲ καὶ συγγενεῖς εἶναι. περὶ μὲν οὖν ταύτης τῆς
 ποιήσεως, ὃν τρόπον ἔχει, σαφῶς ὑμᾶς ὕστερον
 διδάξομεν· περὶ δὲ τοῦ γένους, ὥς οὐκ εἰσὶν ἡμῶν
 ἐγγυτέρῳ, τοῦτο δεῖ μαθεῖν ὑμᾶς. ἐν μὲν οὖν
 ὁμολογεῖται, τὸ κρατεῖν τῶν κληρονομιῶν τοὺς
 ἄρρενας καὶ τοὺς ἐκ τῶν ἀρρένων· ἀπλῶς γὰρ τοῖς
 ἐγγυτάτῳ πρὸς ἀνδρῶν, ὅταν μὴ παῖδες ᾖσιν, ὁ
 νόμος τὰς κληρονομίας ἀποδίδωσιν. οὗτοι δ'
 ἐσμέν ἡμεῖς· ἅπαις μὲν γὰρ ὁ Ἀρχιάδης ὁμο-
 λογεῖται τετελευτηκέναι, τούτῳ δὲ πρὸς ἀνδρῶν
 13 ἡμεῖς ἐσμεν ἐγγυτάτῳ. πρὸς δὲ καὶ ἐκ γυναικῶν
 οἱ αὐτοὶ οὗτοι· ὁ γὰρ Μειδυλίδης ἀδελφὸς ἦν τοῦ
 Ἀρχιάδου, τοῦ δὲ Μειδυλίδου θυγάτηρ ἡ τοῦ ἐμοῦ
 πατρὸς μήτηρ, ὥστε γίνεταί Ἀρχιάδης, ὑπὲρ οὗ

Arehiades declared that he did not wish to marry, and for this reason allowed the property to remain undivided, and lived by himself in Salamis, Meidylides at length gave his daughter in marriage to Aristoteles of Pallenê,^a my grandfather. Of them were born three sons, Aristodemus here, my father, and Habronichus, my uncle, and Meidylides, who is now dead. Our right of inheritance, based on kinship in the family to which the estate belongs, is, men of the jury, substantially this. For we are the nearest of kin to Arehiades in 11 the male line, and, as we deemed it right according to this law that we should inherit his estate, and not allow the family to be brought to extinction, we brought suit for the inheritance before the archon. Our opponents, who hold the property without right, have now filed an affidavit of objections, basing their entire claim upon adoption, but alleging also that they are near of kin. Now, with regard to this adoption, 12 we will show you plainly later on what its character was ; but with reference to blood relationship, I must prove to you that they are not nearer of kin than we. One thing is admitted, that in the matter of inheritance males and those descended from males have the precedence, for the law explicitly gives the inheritance as their due to the nearest of kin in the male line, when there are no children. Well, it is we who answer this description ; for Arehiades is admitted to have died without issue, and we are the nearest of kin to him in the male line. And furthermore, we 13 are also his nearest of kin in the female line ; for Meidylides was the brother of Arehiades, and the daughter of Meidylides was the mother of my father, so that Arehiades, for whose inheritance we are now

^a Pallenê was a deme of the tribe Antiochis.

DEMOSTHENES

τοῦ κλήρου τὴν ἐπιδικασίαν ποιούμεθα νυνί, θεῖος τῇ τοῦ πατρὸς τοῦ ἐμοῦ μητρὶ ἐκ πατραδέλφων, πρὸς ἀνδρῶν ἔχων τὴν συγγένειαν ταύτην καὶ οὐ πρὸς γυναικῶν. Λεώστρατος δ' οὕτοσὶ γένει τε ἀπωτέρω ἐστὶ καὶ πρὸς γυναικῶν οἰκείος Ἀρχιάδῃ· ἡ γὰρ Λεωκράτους μήτηρ τοῦ τούτου πατρὸς ἀδελφιδῇ ἦν τῷ Ἀρχιάδῃ ἐκείνῳ καὶ τῷ Μειδυλίδῃ, ἀφ' ὧν ἡμεῖς ὄντες ἀξιούμεν τῆς κληρονομίας τυχεῖν.

- 14 Πρῶτον μὲν οὖν, ὦ ἄνδρες δικασταί, τὸ γένος ἡμῶν οὕτως ἔχει, ὥσπερ καὶ λέγομεν, ἀναγνώσεται ὑμῖν τὰς μαρτυρίας, ἔπειτα μετὰ ταῦτα τὸν νόμον αὐτὸν τὸν τοῖς τε γένεσι καὶ τοῖς ἐγγυτάτῳ πρὸς ἀνδρῶν τὰς κληρονομίας ἀποδιδόντα· τὰ γὰρ
[1085] κεφάλαια τοῦ ἀγῶνος, καὶ ὑπὲρ ὧν ὁμωμοκότες οἴσετε τὴν ψῆφον, σχεδόν τι ταῦτ' ἔστιν.

Καί μοι κάλει τοὺς τε μάρτυρας δευρὶ καὶ τὸν νόμον ἀναγίγνωσκε.

ΜΑΡΤΥΡΕΣ. ΝΟΜΟΣ

- 15 Τὰ μὲν τοίνυν περὶ τὸ γένος τό τε τούτων καὶ τὸ ἡμέτερον οὕτως ἔχει, ὦ ἄνδρες δικασταί, ὥστε τοὺς ἐπιδεδειχότας ἐξ αὐτῶν τῶν μαρτυριῶν ὡς εἰσὶ γένει ἐγγυτέρῳ προσήκει κληρονομεῖν, καὶ μὴ τὴν τοῦ διαμαρτυρήσαντος ἀπόνοιαν κρείττω τῶν ὑμετέρων νόμων γενέσθαι. καὶ γὰρ εἰ τῇ ποιήσει ἰσχυρίζονται, ἦν ὡς ἐγένετο ἡμεῖς δείξομεν, τελευτηκότος γε τοῦ εἰσποιηθέντος δήπου ἄπαιδος καὶ τοῦ οἴκου μέχρι τῆς ἡμετέρας λήξεως ἐξηρημωμένου, πῶς οὐ προσήκει τοὺς ἐγγυτάτῳ γένει ὄντας, τούτους τὴν κληρονομίαν κομίσασθαι, καὶ

prosecuting our claim, is uncle (their fathers having been brothers) to the mother of my father, having this relationship in the male line, not in the female line. But Leostratus here is in kinship further removed, and is related to Archiades on the female side; for the mother of Leocrates, the father of the defendant, was niece to the Archiades in question and to Meidylides, as descendants of whom we claim the right to win the inheritance.

First, men of the jury, to prove that our pedigree is as I have stated, the clerk shall read you the depositions, and thereafter the law itself which awards inheritances to the families and to those nearest of kin in the male line. For, I take it, these are the essential points in the case and the matters upon which you cast your vote under oath.

(*To the clerk.*) Call the witnesses up here, please, and read the law.

THE WITNESSES. THE LAW

Matters concerning their pedigree and concerning ours, men of the jury, stand thus, and so it is right that those who have proved on the basis of the affidavits themselves that they are nearer of kin, should have the inheritance, and that the madness of the one who made the affidavit of objections should not prove stronger than your laws. For if they lay stress on the adoption, the nature of which I shall make clear to you, yet surely after the death without issue of the adopted son, when the house up to the filing of our suit had become extinct, it is right that those who are nearest of kin should receive the inheritance, and that you should give your aid, not to those

- ὕμᾱς μὴ τοῖς δυναμένοις ἄριστα παρασκευάσασθαι,
 16 ἀλλὰ τοῖς ἀδικουμένοις τῶν πολιτῶν βοηθεῖν; εἰ
 μὲν οὖν ἐφ' ἡμῖν ἦν, ὥστε δεῖξαι τὰ περὶ τοῦ
 γένους καὶ τῆς διαμαρτυρίας αὐτῆς καταβῆναι
 καὶ μηδενὸς ἔτι πλείονος λόγου προσδεῖσθαι,
 σχεδὸν τι τῶν μεγίστων εἰρημένων οὐκ ἂν ἠνω-
 χλοῦμεν τὰ πλείω. ἐπειδὴ δὲ οὗτοι τοῖς μὲν
 νόμοις οὐκ ἐνισχυριοῦνται, τῷ δὲ προειληφέναι τι
 τῶν πραγμάτων ἐκ τοῦ ἄνωθεν χρόνου καὶ τῷ
 ἐμβεβατευκέναι εἰς τὴν οὐσίαν, τούτοις τεκμηρίοις
 χρώμενοι φήσουσι κληρονομεῖν, ἀναγκαῖον ἴσως
 καὶ περὶ τούτων ἐστὶν εἰπεῖν, καὶ δεῖξαι τούτους
 πάντων ἀνθρώπων βιαιοτάτους ὄντας.
- 17 Τὸ γὰρ ἐξ ἀρχῆς, ὦ ἄνδρες δικασταί, ἐκδιδόασι
 τὴν ἀδελφὴν τὴν ἑαυτῶν ὁ Μειδυλίδης καὶ ὁ
 [1086] Ἀρχιάδης Λεωστράτῳ Ἐλευσινίῳ· μετὰ δὲ ταῦτα
 ἐκ θυγατρὸς τῆς ἐκδοθείσης ἀδελφῆς ταύτης αὐ-
 τῶν γίγνεται Λεωκράτης ὁ πατὴρ Λεωστράτου
 τουτουί, σκέψασθε ὡς πολλοστός εἰς τὴν τοῦ
 Ἀρχιάδου συγγένειαν προσήκων, ὑπὲρ οὗ τὴν δια-
 μαρτυρίαν πεποίηται. τούτων δ' οὕτως ἐχόντων,
 ὁ μὲν Ἀρχιάδης οὐκ ἐγάμει, ὁ δὲ Μειδυλίδης ὁ
 18 ἀδελφὸς αὐτοῦ, πάππος δὲ τουτουὶ ἔγγημεν. καὶ
 οὐδέπω τὴν οὐσίαν ἐνέμοντο, ἀλλ' ἐκάτερος ἔχων
 τὰ ἱκανὰ ὁ μὲν Μειδυλίδης ἐν τῷ ἄστει διέμεινεν,
 ὁ δ' Ἀρχιάδης ἐν Σαλαμῖνι ᾤκει. οὐ πολλῷ δὲ
 χρόνῳ ὕστερον ἀποδημίας τινὸς εἰς τὴν ὑπερορίαν
 συμβάσης τῷ Μειδυλίδῃ τῷ πάππῳ τῷ τοῦ πατρός,
 ἡρρώστησεν ὁ Ἀρχιάδης, καὶ τελευτᾷ τὸν βίον
 ἀπόντος τοῦ Μειδυλίδου ἄγαμος ὢν. τί τούτου
 σημεῖον; λουτροφόρος ἐφέστηκεν ἐπὶ τῷ τοῦ

citizens who are able to get up the strongest backing, but to those who are suffering wrong. If it had been 16 in our power, after setting forth matters regarding the pedigree and the affidavit itself, to leave the platform, and to have no need of further words, since practically the most important arguments would have been advanced, we should not trouble you further. But since our opponents will not rely upon the laws, but through having forestalled us and got some control of the situation long ago, and through having entered into possession of the estate, will use these facts as proofs, and declare that they are the heirs, it is perhaps necessary to discuss these matters as well, and to prove that of all humankind our opponents are the most arbitrary.

To go back to the beginning, men of the jury, 17 Meidylides and Archiades gave their sister in marriage to Leostratus of Eleusis; and after a time from this sister of theirs, thus given in marriage, there was born Leocrates, the father of the defendant Leostratus; observe how distantly related he is to Archiades, regarding whom they have filed the affidavit of objections. When matters were as I have stated, Archiades did not marry, but his brother Meidylides, the grandfather of my father here, did marry. They made as yet no 18 division of the property, but, both having enough to live on, Meidylides continued to live in the city, and Archiades made his home in Salamis. Not long afterward, when Meidylides, my father's grandfather, happened to go on a journey out of the country, Archiades fell sick, and died during the absence of Meidylides, being still unmarried. What is the proof of this? A maiden bearing an urn for

- 19 Ἀρχιάδου τάφῳ. ἐν δὲ τούτῳ τῷ καιρῷ ἔχων
τὴν τῆς συγγενείας τῆς πρὸς γυναικῶν πρόφασιν
Λεωκράτης ὁ τουτουὶ πατὴρ Λεωστράτου, εἰσποιεῖ
αὐτὸν υἱὸν τῷ Ἀρχιάδῃ, καὶ ἐνεβάτευσεν εἰς τὴν
οὐσίαν ὡς ὑπ' ἐκείνου ζῶντος ἔτι εἰσποιηθείς.
ἀφικόμενος δ' ὁ Μειδυλίδης ἡγανάκτει τε τῷ
γεγεννημένῳ καὶ οἶος ἦν ἐπεξιέναι τῷ Λεωκράτει·
πειθόντων δὲ τῶν οἰκείων καὶ δεομένων ἔαν ἐν τῷ
οἴκῳ εἶναι τὸν Λεωκράτην υἱὸν εἰσποιητὸν τῷ
Ἀρχιάδῃ, συνεχώρησεν ὁ Μειδυλίδης, οὐχ ἡττη-
θείς ἐν δικαστηρίῳ, ἀλλὰ τὸ μὲν ὅλον ὑπὸ τούτων
ἀπατηθείς, ἔπειτα μέντοι καὶ τοῖς οἰκείοις πιθό-
20 μενος. καὶ ὁ μὲν Μειδυλίδης ταῦτα πράξας
τελευτᾷ τὸν βίον, ὁ δὲ Λεωκράτης εἶχε τὴν τοῦ
Ἀρχιάδου οὐσίαν καὶ ἐκληρονόμει πολλὰ ἔτη ὡς
[1087] ὢν ἐκείνου υἱὸς ποιητός· ἡμεῖς δὲ παρὰ τὸ τὸν
Μειδυλίδην ταῦτα συγχωρῆσαι ἡσυχίαν εἶχομεν.
χρόνῳ δ' ὕστερον οὐ πολλῷ—τοῖς γὰρ μετὰ ταῦτα
λόγοις ἤδη σφόδρα τὸν νοῦν προσέχετε, ὦ ἄνδρες
21 δικασταί· ὁ γὰρ Λεωκράτης ὁ εἰσποιητὸς γενό-
μενος τῷ Ἀρχιάδῃ, ἐγκαταλιπὼν τουτονὶ Λεώ-
στρατον ἐν τῷ οἴκῳ υἱὸν γνήσιον, ἐπανῆλθεν αὐτὸς
εἰς τοὺς Ἐλευσινίους, ὅθεν ἦν τὸ ἐξ ἀρχῆς. καὶ
οὐδ' ἐνταῦθ' οὐδέπω ἡμεῖς οὐδέν τῶν περὶ τὸν
κλῆρον ἐκινουῦμεν, ἀλλ' ἐμένομεν ἐπὶ τῶν αὐτῶν.
22 πάλιν τοίνυν Λεώστρατος αὐτὸς οὐτοσί, εἰσποιητὸς
ὢν υἱὸς καὶ ἐγκαταλειφθείς ἐν τῷ τοῦ Ἀρχιάδου
οἴκῳ, ἐπανέρχεται, ὥσπερ ὁ πατὴρ αὐτοῦ, ἐπὶ τοὺς
Ἐλευσινίους, ἐγκαταλιπὼν υἱὸν γνήσιον καὶ διὰ

^a We are told by Pollux (*Onomasticon* viii. 66) that the figure of a maiden bearing a water-pitcher was placed over

water ^a stands upon the tomb of Archiades. At this 19
 juncture Leocrates, the father of Leostratus here, on
 the pretext of his relationship on the female side, got
 himself adopted as son to Archiades, and so entered
 into possession of the estate, as though he had been
 adopted by Archiades during his lifetime. When
 Meidylides returned, he was incensed at what had
 been done, and was in a mood to enter suit against
 Leocrates ; but under the persuasion of his relatives
 and their pleas that he should suffer Leocrates to
 remain in the family as the son by adoption of
 Archiades, he yielded the point,—not through losing
 his case in court, but absolutely through being de-
 ceived by these men here and partly also through
 giving way to the persuasion of his relatives. After 20
 this experience Meidylides died, and Leocrates con-
 tinued in possession of the estate of Archiades,
 and conducted himself as heir for many years, as
 being his adopted son ; and we, on our part, inasmuch
 as Meidylides had made this concession, refrained
 from action. No long time afterwards, however,—
 and now, men of the jury, pay close heed to what I
 am about to say—Leocrates, who had become son 21
 by adoption to Archiades, himself returned to the
 Eleusinians, to whom he originally belonged, leaving
 Leostratus here in the family as a lawfully born son.
 Even then we did not as yet disturb any of the
 arrangements regarding the estate, but continued as
 before. Well now, Leostratus here, although he was 22
 an adopted son and had been left in the family of
 Archiades, himself returned, as his father had done,
 to the Eleusinians, leaving in his place a lawfully

the tombs of men who died unmarried. Other authorities
 state that the figure was that of a youth, not of a maiden.

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- τριῶν σωμάτων κυρίαν τὴν ἐξ ἀρχῆς ποίησιν παρὰ
 23 τοὺς νόμους καταστήσας. πῶς γὰρ οὐ παρὰ τοὺς νόμους, ὅπότ' εἰσποιητὸς αὐτὸς ὦν εἰσποιητοὺς υἱοὺς ἐγκαταλείπων ἐπανήει; καὶ τοῦτο διατετέλεκε ποιῶν μέχρι ταύτης τῆς ἡμέρας, καὶ διὰ τούτου τοῦ τρόπου τὴν κληρονομίαν ἡμῶν ἀποστερήσειν οἴονται, ἐνεργαζόμενοι μὲν καὶ ἐμπαιδотροφούμενοι τῇ τοῦ Ἀρχιάδου οὐσίᾳ, ἐπανιόντες δ' ἐπὶ τὴν πατρῴαν οὐσίαν ἐκείθεν αἰεὶ, κἀκείνην μὲν ἀκέραιον φυλάττοντες, ταύτην δ' ἀναλίσκοντες.
- 24 Ἄλλ' ὅμως τούτων τοιούτων ὄντων, ὅπερ εἶπον, ἡμεῖς ὑπεμένομεν ἅπαντα. μέχρι τίνος; ἕως ὃ Λεωκράτης ὁ ὑπὸ Λεωστράτου ἐν τῷ οἴκῳ τῷ Ἀρχιάδου ἐγκαταλειφθεὶς υἱὸς τετελεύτηκεν ἅπαις.
- [1088] τούτου δὲ ἅπαιδος τετελευτηκότος, ἀξιουμέν ἡμεῖς οἱ γένει ἐγγυτάτῳ ὄντες Ἀρχιάδῃ κληρονομεῖν τῆς οὐσίας, καὶ μὴ τοῦτον τῷ τετελευτηκότῳ τῷ αὐτῷ εἰσποιητῷ ὄντι υἱὸν εἰσποιεῖν ἐπ' ἀποστερήσει τῶν
- 25 ἡμετέρων. εἰ μὲν γὰρ αὐτὸς ζῶν ἐποίησατο, καίπερ ὄντος παρὰ τὸν νόμον τοῦ ἔργου, οὐκ ἂν ἀντελέγομεν· ἐπειδὴ δ' οὔτε γόνῳ ἦν αὐτῷ υἱὸς οὔδεις οὔτ' ἐποίησατο ζῶν, ὁ δὲ νόμος τοῖς ἐγγυτάτῳ γένους τὰς κληρονομίας ἀποδίδωσι, πῶς οὐ δίκαιοί ἐσμεν ἡμεῖς τούτων μὴ ἀποστερηθῆναι
- 26 κατ' ἀμφότερα; καὶ γὰρ τῷ Ἀρχιάδῃ, οὗ ἦν ἡ οὐσία τὸ ἐξ ἀρχῆς, ἐγγυτάτῳ γένει ἐσμέν καὶ τῷ εἰσποιητῷ Λεωκράτῃ· τοῦ μὲν γὰρ ὁ πατὴρ ἐπανεληλυθὼς εἰς τοὺς Ἐλευσινίους οὐκέτι τὴν κατὰ τὸν νόμον οἰκειότητα ἔλιπεν αὐτῷ, ἡμεῖς δέ,

^a This does not indicate a mere change of residence. He renounced his membership in the deme Otrynê, and resumed

born son, and, in defiance of the laws, setting up the original adoption as valid through the lives of three persons. For how could it be other than contrary to 23 the laws, when one, being himself an adopted son, returned to his original family leaving adopted sons in his place? That is what Leostratus has done up to this day, and by this means they think to rob us of our inheritance, making profit from the estate of Archiades, and supporting their children by it, and always returning from it to the estate of their fathers, keeping that intact, while spending the other.

Nevertheless, although matters were in this con- 24 dition, as I have told you, we submitted to everything. Until when? Until Leocrates, who had been left by Leostratus in the house as a son, died without issue. But since he died without issue, we, who are nearest of kin to Archiades, claim to inherit the property; and we claim that the defendant cannot, in order to rob us of what is ours, give an adopted son to the dead man who was himself adopted. For if Leocrates had himself adopted a son during 25 his lifetime, even though the action was contrary to law, we should have made no protest; but since he had no son born to him, nor had adopted one during his lifetime, and as the law gives inheritances to the nearest of kin, how can it be other than right that we should not be robbed of this inheritance, to which we have a double title? For we are nearest of kin to 26 Archiades, to whom the property originally belonged, and also to the adopted Leocrates; for his father, seeing that he has returned to the Eleusinians,^a no longer retained his legal relationship, whereas we, to membership in the Eleusinian deme. By so doing, he relinquished the former legal relationship.

παρ' οἷς ἦν ἐν τῷ γενεῖ, τὴν ἀναγκαιοτάτην συ-
γενεῖαν εἶχομεν, ὄντες ἀνεψιαδοὶ ἐκείνῳ. ὥστ' εἰ
μὲν βούλει, τοῦ Ἀρχιάδου συγγενεῖς ὄντες ἀξιοῦμεν
κληρονομεῖν, εἰ δὲ βούλει, τοῦ Λεωκράτους· τετε-
λευτηκότος γὰρ ἄπαιδος αὐτοῦ, οὐδεὶς ἡμῶν γενεῖ
27 ἐγγυτέρῳ ἐστί. καὶ διὰ μὲν σέ, ὦ Λεώστρατε,
ὁ οἶκος ἐξηρήμωται· τῆς γὰρ οὐσίας τὴν οἰκειότητα,
οὐ τῶν ἀνδρῶν τῶν ποιησαμένων διετήρεις. ἔως
μὲν γε τελευτήσαντος τούτου οὐδεὶς ἡμφεσβήτει
τοῦ κλήρου, οὐδένα εἰσεποιεῖς τῷ Ἀρχιάδῃ υἱόν·
ἐπειδὴ δ' ἡμεῖς συγγενεῖς ὄντες ἤκομεν εἰς τὸ
μέσον, τηνικαῦτα εἰσποιεῖς, ἵνα τὴν οὐσίαν κατὰ-
σχῃς. καὶ φῆς μὲν οὐδὲν εἶναι τῷ Ἀρχιάδῃ,
πρὸς ὃν εἰσεποιήθῃς, διαμαρτυρεῖς δὲ πρὸς ἡμᾶς,
[1089] τὸ ὁμολογούμενον γένος ἐξελαύνων· εἰ γὰρ μηδὲν
ἐστὶν ἐν τῷ οἴκῳ, τί σὺ ἐλαττοῖ τοῦ μηδενὸς ἡμῶν
28 κληρονομησάντων; ἀλλὰ γὰρ ἡ ἀναίδεια καὶ ἡ
πλεονεξία τοιαύτη ἐστὶν αὐτοῦ, ὥ ἀνδρες δικασταί,
ὥσθ' ἡγεῖσθαι δεῖν ἐν Ἐλευσινίοις τε τὴν πατρώαν
οὐσίαν ἐπανελθὼν ἔχειν, ἐφ' ᾧ τ' εἰσεποιήθῃ, μὴ
ὄντος ἐν τῷ οἴκῳ υἱοῦ, καὶ τούτων κύριος γενέσθαι.
καὶ ταῦτα πάντα ῥαδίως διοικεῖται· πρὸς γὰρ
ἀνθρώπους ἡμᾶς πένητας καὶ ἀδυνάτους ἔχων
ἀναλίσκειν ἐκ τῶν ἀλλοτρίων πολὺ περίεστιν.
διόπερ οἶμαι ὑμᾶς δεῖν βοηθεῖν τοῖς μὴ πλεονε-
κτῆσαί τι βουλομένοις, ἀλλ' ἀγαπῶσιν ἐάν τις
29 ἡμᾶς τῶν νόμων ἐὰ τυγχάνειν. τί γὰρ δεῖ ποιεῖν
ἡμᾶς, ὦ ἀνδρες δικασταί; διὰ τριῶν τῆς ποιήσεως
ἐμμενούσης, καὶ τοῦ τελευταίου ἐγκαταλειφθέντος,

whose family he had come to belong, had the closest relationship, being children of that father's first cousin. So, if you like, we claim the inheritance as kinsmen of Archiades, or, if you like it better, as kinsmen of Leocrates ; for since he died without issue, no one is nearer of kin than we. So far as you 27 are concerned, Leostratus, the family has become extinct ; for you sought to maintain a relationship with the property, not with those who adopted you. After the death of Leocrates, so long as no one laid claim to the estate, you sought to get no one adopted as a son to Archiades : but now that we have come forward as kinsmen, then you get one adopted, that you may get possession of the property. And you declare that Archiades, into whose house you were adopted, had no property, yet you file an affidavit of objections against us, seeking to exclude his acknowledged kindred. If there is nothing in the estate, wherein do you suffer loss, if we inherit this nothing ? But 28 the fact is, men of the jury, that his impudence and greed are such that he thinks it is legitimate for him to return to the Eleusinians and retain the estate of his fathers, and at the same time to be master of that into which he was introduced by adoption, there being no son in the family. And all this he easily managed, for over us, who are poor men and men without influence, he has a great advantage, since he is able to spend what belongs to others. I consider, therefore, that it is your duty, men of the jury, to give aid to us who are not seeking to gain an advantage over others, but who are content if we are allowed to win our legal rights. For what are we to do, men of 29 the jury ? When the adoption has been continued through three persons, and the one last left in the

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τούτου ἄπαιδος τετελευτηκότος, μὴ κομίσασθαι τὰ ἡμέτερ' αὐτῶν χρόνῳ ποτέ; τοῦτο τοίνυν ἔχοντες τὸ δίκαιον ἐλάχομεν τοῦ κλήρου πρὸς τὸν ἄρχοντα. οὐτοσὶ δὲ Λεωχάρης προπετῶς διαμαρτυρήσας τὰ ψευδῆ, οἴεται δεῖν παρὰ πάντας τοὺς νόμους ἀποστερηῆσαι ἡμᾶς τῆς κληρονομίας.

- 30 Πρῶτον μὲν οὖν, ὅτι τά τε περὶ τὰς ποιήσεις καὶ τὸ γένος τὸ τούτων ἀληθῆ εἰρήκαμεν, καὶ ἡ λουτροφόρος ἐφέστηκεν ἐπὶ τῷ τοῦ Ἀρχιάδου μνήματι, ταύτας ὑμῖν τὰς μαρτυρίας βουλόμεθ' ἀναγνῶναι· ἔπειτ' ἤδη καὶ τὰ λοιπὰ σαφῶς διδάξομεν ὑμᾶς, ὥστ' ἐξελέγξαι τούτους τὰ ψευδῆ διαμεμαρτυρηκότας.

Καί μοι λαβὲ τὰς μαρτυρίας ἃς λέγω.

ΜΑΡΤΥΡΙΑΙ

- 31 Ὁ μὲν τοίνυν τοῦ πράγματος λόγος καὶ τὸ ἀπλοῦν δίκαιον περὶ τῆς κληρονομίας οὕτως ἔχει,
[1090] ὧ ἄνδρες δικασταί, τῶν τε πεπραγμένων ἐξ ἀρχῆς αὐτὰ τὰ κεφάλαια σχεδόν τι ἀκηκόατε. ἃ δὲ μετὰ τὴν τοῦ κλήρου λήξιν πεποιήκασι καὶ ὃν τρόπον ἡμῖν κεχρημένοι εἰσίν, ἀναγκαῖον νομίζω εἰπεῖν· οἶμαι γὰρ περὶ κλήρου ἀγῶνα μηδένας ἄλλους
- 32 παρανενομηῆσθαι οἷα ἡμᾶς. ἐπειδὴ γὰρ ἐτελεύτησεν ὁ Λεωκράτης καὶ ἡ ταφὴ ἐγένετο αὐτῷ, πορευομένων ἡμῶν εἰς τὰ κτήματα διὰ τὸ ἄπαιδά τε τὸν ἄνδρα καὶ ἄγαμον τετελευτηκέναι, ἐξήγαγε Λεώστρατος οὐτοσὶ φάσκων αὐτοῦ εἶναι. καὶ τὸ μὲν ποιεῖν τι τῶν νομιζομένων κωλῦσαι ἡμᾶς τῷ τετελευτηκότι, πατὴρ ὢν αὐτὸς ἐκείνου, ἔχει λόγον,

family has died without issue, are we not at the last to recover what is our own? Well then, having this just claim, we brought suit for the inheritance before the archon. But this fellow Leochares here, having lightly sworn a false affidavit, thinks that he has the right to rob us of the inheritance in defiance of all the laws.

First, then, to prove that what we have stated 30 about the adoptions and the pedigree of these men is true, and that the water-bearer does stand upon the tomb of Archiades, we wish to read to you these depositions. After that we will instruct you plainly regarding the remaining matters as well, and so convict our opponents of having sworn a false affidavit.

(*To the clerk.*) Take, please, the depositions of which I speak.

THE DEPOSITIONS

Such is the real meaning of this affair, men of the 31 jury, and such the legal rights of inheritance, plainly stated; and you have also heard what amounts to a summary of all that has been done from the start. But I consider it necessary to tell you also of what they have done since the suit for the inheritance was instituted, and the manner in which they have treated us; for in my opinion no other people have ever in an inheritance suit been dealt with in a manner so contrary to law as we have been. For 32 when Leocrates died, and his funeral had taken place, and we went to take possession of his property, since he had died without issue and unmarried, Leostratus here ejected us, declaring that it belonged to him. Now his preventing us from performing any of the proper rites for the deceased is perhaps to be excused, seeing that he was his father, although the

- καίπερ ὄντος παρανόμου τοῦ ἔργου· τῷ γὰρ φύσει πατρὶ τῆς ταφῆς τὴν ἐπιμέλειαν παραδίδοσθαι εἰκὸς ἔστιν, ἔπειτα μέντοι καὶ τοῖς οἰκείοις ἡμῖν, ὧν ἦν συγγεινὴς κατὰ τὴν ποιήσιν ὁ τετελευτηκώς.
- 33 ἐπεὶ δὲ τὰ νομιζόμενα ἐγένετο, κατὰ ποῖον νόμον φανεῖται ἐρήμου ὄντος τοῦ οἴκου τοὺς ἐγγυτάτω γένους ἡμᾶς ἐξαγαγὼν ἐκ τῆς οὐσίας; ὅτι νῆ Δία πατὴρ ἦν τοῦ τετελευτηκότος. ἀπεληλυθώς γ' εἰς τὸν πατρῶον οἶκον καὶ οὐκέτι τῆς οὐσίας, ἐφ' ἣ ἐγκατέλιπε τὸν υἱόν, κύριος ὢν· εἰ δὲ μή,
- 34 τί τῶν νόμων ὄφελος; γενομένης οὖν τῆς ἐξαγωγῆς, ἵνα τὰ πλείστα παραλίπω, ἐλάχομεν πρὸς τὸν ἄρχοντα τοῦ κλήρου, οὔτε γόνῳ, ὥσπερ εἶπον, υἱέος οὐδενὸς ὄντος τῷ τετελευτηκότι, οὔτ' εἰσποιητοῦ γεγενημένου κατὰ τοὺς νόμους. μετὰ δὲ ταῦτα Λεώστρατος οὕτοσιν παρακαταβάλλει ὡς
- [1091] υἱὸς Ἀρχιάδου ἐκείνου, οὐκ ἐπιλογισάμενος οὔθ' ὅτι ἐпанεληλύθει εἰς τοὺς Ἐλευσινίους, οὔθ' ὅτι οἱ εἰσποιητοὶ οὐκ αὐτοὶ ὑφ' αὐτῶν, ἀλλ' ὑπὸ τῶν
- 35 εἰσποιουμένων καθίστανται· ἀλλὰ γάρ, οἶμαι, ἀπλοῦν τι διελογίσατο, δεῖν αὐτὸν καὶ δικαίως καὶ ἀδίκως ἀμφισβητεῖν τῶν ἀλλοτρίων. καὶ πρῶτον μὲν ἐλθὼν οἷος ἦν εἰς τὸν Ὀτρυνέων πίνακα τὸν ἐκκλησιαστικὸν ἐγγράφειν αὐτὸν Ἐλευσίνιος ὢν, καὶ τοῦτο διωκεῖτο, ἔπειτα, πρὶν ἐγγραφῆναι καὶ ἐν τῷ ληξιαρχικῷ γραμματεῖῳ τῷ τῶν Ὀτρυνέων, μετέχειν τῶν κοινῶν, τηλικαύτην παρανομίαν προ-
- 36 αἰρούμενος παρανομεῖν ἔνεκα πλεονεξίας. αἰσθό-

^a This was a list of all those who had the right to vote in the popular assembly (ἐκκλησία).

^b This was the official list of the members of the deme, in which every young man who passed the scrutiny was regis-

act was contrary to law ; for it is proper that the
 care of the funeral should be committed to the
 natural father, but, next after him, also to us the
 members of the family to whom the deceased was
 related by virtue of the adoption. But after the 33
 funeral rites were finished, what law will be found to
 justify him, when the family was extinct, in driving us,
 the nearest of kin, from the estate of the deceased ?
 Because, they will say, he was father to the dead
 man. Yes, but he had returned to the family of his
 fathers, and was no longer master of the estate over
 which he had left his son in charge. Otherwise what
 is the use of the laws ? Well, after our ejection 34
 had taken place (to omit most of the details) we
 brought suit for the inheritance before the archon,
 inasmuch as the deceased had no son, as I stated,
 and had not adopted any according to the laws.
 After this, Leostratus here made a deposit for costs,
 as being the son of the aforesaid Archiades, not
 taking into account that he had returned to the
 Eleusinians, or that adopted children are made such,
 not by themselves but by those who adopt them.
 But the truth is, I presume his one simple idea was 35
 that he must by fair means or foul lay claim to the
 property of others. And first he had the audacity
 to go and enrol himself on the assembly list ^a of the
 Otrynians, although he was an Eleusinian, and man-
 aged to put this through ; then, before his name
 was entered on the adult register ^b of the Otrynians,
 he sought to claim a share in the public benefits in
 flagrant defiance of law, because of his greed for

tered when he reached the age of eighteen. Each deme had
 its own assembly, presided over by the demarch, or borough-
 president.

μενοι δ' ἡμεῖς μαρτύρων ἐναντίον ἐκωλύσαμεν
 τὸ γιγνόμενον, καὶ ὥόμεθα δεῖν κριθῆναι πρῶτον
 τὴν κληρονομίαν παρ' ὑμῖν, πρὶν ἐπὶ τὸ ὄνομά τινα
 τὸ τοῦ Ἀρχιάδου εἰσποιηθῆναι. κωλυθεῖς δὲ καὶ
 ἐξελεγχθεῖς πρὸς τῷ πίνακι καὶ ἐν τῇ τῶν ἀρχόντων
 ἀγορᾷ ὅτι ἡδίκηει πολλῶν ἐναντίον, ᾤετο δεῖν μηδὲν
 ἥττον βιάζεσθαι καὶ κρείττων ταῖς παρασκευαῖς
 37 τῶν ὑμετέρων νόμων γενέσθαι. τί τούτου τεκ-
 μήριον; συναγαγὼν τινας τῶν Ὀτρυνέων ὀλίγους
 καὶ τὸν δήμαρχον πείθει, ἐπειδὰν ἀνοιχθῇ τὸ γραμ-
 ματεῖον, ἐγγράψαι αὐτόν. καὶ μετὰ ταῦτα ἦκε
 Παναθηναίων ὄντων τῶν μεγάλων τῇ διαδόσει πρὸς
 τὸ θεωρικόν, καὶ ἐπειδὴ οἱ ἄλλοι δημόται ἐλάμ-
 βανον, ἡξίου καὶ αὐτῷ δίδοσθαι καὶ ἐγγραφῆναι
 εἰς τὸ γραμματεῖον ἐπὶ τὸ τοῦ Ἀρχιάδου ὄνομα.
 διαμαρτυρομένων δὲ ἡμῶν, καὶ τῶν ἄλλων δεινὸν
 φασκόντων εἶναι τὸ γιγνόμενον, ἀπῆλθεν οὗτ'
 ἐγγραφεῖς οὔτε τὸ θεωρικὸν λαβῶν.

38 Τὸν δὲ παρὰ τὸ ψήφισμα τὸ ὑμέτερον ἀξιοῦντα
 [1092] τὸ θεωρικὸν λαμβάνειν, πρὶν ἐγγραφῆναι εἰς τοὺς
 Ὀτρυνέας, ὄντα ἐξ ἑτέρου δήμου, τοῦτον οὐκ
 οἶεσθε τοῦ κλήρου παρὰ τοὺς νόμους ἀμφισβητεῖν;
 ἢ τὸν πρὸ τῆς τοῦ δικαστηρίου γνώσεως οὕτως
 ἀδίκους πλεονεξίας διοικούμενον, τοῦτον πῶς εἰκὸς
 τῷ πράγματι πιστεύειν; ὁ γὰρ τὸ θεωρικὸν
 ἀδίκως ἀξιώσας λαμβάνειν καὶ περὶ τοῦ κλήρου

^a The great Panathenaea, the most important of all Athenian festivals, was held every four years in the month Hecatombaeon (July).

gain. We, seeing what was going on, called witnesses 36
and put a stop to it, holding the view that it was
necessary that the right of inheritance should first
be decided in your court before anyone should be
named as the adopted son of Archiades. He was
thwarted then, and convicted in the presence of many
witnesses of fraudulent action, both in the matter of
the list, and in the assembly for the election of the
deme's officers, yet nevertheless he persisted in trying
to force his way in, and by his intrigues to prove him-
self stronger than your laws. What is the proof of
this? He got together some of the Otrynians with 37
the demarch, and persuaded them at the opening of
the adult register to inscribe his name. And after
that on the occasion of the great Panathenaea ^a at the
time of the distribution, he came to get his admis-
sion fee, and when the other demesmen were receiv-
ing it, he demanded that it be given him also, and that
he should be entered on the register under the name
of Archiades. But when we entered a solemn protest,
and all the others declared that what he was doing
was an outrage, he went away without either having
his name inscribed or receiving the admission fee.

Now do you not think that a man, who in defiance 38
of your decree claimed the right to receive the ad-
mission fee before his name had been inscribed on
the list of the Otrynians, belonging as he did to
another deme, would lay claim to an inheritance in
defiance of the laws? Or when a man, before the
court has rendered its decision, schemes to get advan-
tages so unjust, can you think it reasonable to
assume that he relies upon the justice of his case?
For he, who fraudulently claimed the right to receive
the admission fee, has now obviously practised the

- 39 τῇ αὐτῇ διανοίᾳ δῆλον ὅτι κέχρηται νυνί. ἀλλὰ μὴν καὶ τὸν ἄρχοντά γ' ἐξηπάτησε παρακαταβάλλων πρὸς ἡμᾶς καὶ ἀντεγράψατο Ὀτρυνεὺς εἶναι ἐν Ἐλευσινίοις δημοτευόμενος. ἐπειδὴ τοίνυν τούτων πάντων ἀπετύγχανε, ταῖς παρελθούσαις ἀρχαιρεσίαις ταύταις παρασκευασάμενός τινας τῶν δημοτῶν ἡξίου οὗτος ἐγγράφεσθαι ποιητὸς υἱὸς τῷ
- 40 Ἀρχιάδῃ. ἀντιλεγόντων δ' ἡμῶν καὶ ἀξιούντων, ἐπειδὴ τοῦ κλήρου ἡ διαδικασία γένηται, τῆνικαῦτα τοὺς δημότας τὴν ψῆφον φέρειν, πρότερον δὲ μή, τοῦτο μὲν ἐπείσθησαν οὐ δι' αὐτοὺς, ἀλλὰ διὰ τοὺς νόμους· δεινὸν γὰρ ἐδόκει εἶναι τὸν παρακαταβεβληκότα τοῦ κλήρου εἰσποιεῖν αὐτὸν ἔτι τῶν πραγμάτων ἀκρίτων ὄντων· ὁ δὲ μετὰ ταῦτα διοικεῖται Λεώστρατος οὕτοσί, τοῦτο πάντων δεινότατόν ἐστιν.
- 41 Ἐπειδὴ γὰρ αὐτὸς ἀπετύγχανε τοῦ ἐγγραφῆναι, εἰσποιεῖ Λεωχάρην τὸν αὐτοῦ υἱὸν Ἀρχιάδῃ παρὰ πάντας τοὺς νόμους, πρὶν τοῦ δήμου τὴν δοκιμασίαν γενέσθαι, οὐκ εἰσηγμένου δ' εἰς τοὺς φράτεράς πω τοὺς Ἀρχιάδου, ἀλλ' ἐπειδὴ ἐν-
- 42 εγράφῃ, τῆνικαῦτα πείσας ἕνα τινὰ τῶν φρατέρων
[1093] ἐνέγραψεν εἰς τὸ φρατερικὸν γραμματεῖον. καὶ μετὰ ταῦτα τῇ διαμαρτυρίᾳ τῇ πρὸς τῷ ἄρχοντι τοῦτον ἐπιγράφεται, ὥς υἱὸν ὄντα γνήσιον τοῦ τετελευτηκότος ἔτη πολλά, τὸν πρῶην καὶ χθὲς ἐγγραφέντα. καὶ συμβαίνει ἀμφοτέρους αὐτοὺς

^a For this scrutiny see note *b* on p. 9 of vol. i.

^b This should normally have been done shortly after birth, for the enrolment in the clan marked the acceptance of the child as a member of the family, as the enrolment in the deme marked a youth's assumption of the status of citizenship.

same design regarding the inheritance. Nay more, 39
 he even deceived the archon, when he made his
 deposit for costs to thwart us, and in his counter-
 statement declared that he was an Otrynian, when
 he was in fact a demesman among the Eleusinians.
 When, however, he failed in all these schemes, at
 the last election of officers the fellow got together
 some of the demesmen, and demanded that he be
 registered as the adopted son of Archiades. Again 40
 we protested that the demesmen should give their
 votes only when the inheritance suit should have
 been decided, and not before; and to this they
 agreed, not on their own responsibility, but out of
 respect for the laws; for it seemed to them an out-
 rageous thing that a man who had made a deposit
 for costs in an inheritance suit, should get himself
 adopted as a son while the matter was still un-
 decided; but the thing which this fellow Leo-
 stratus contrived after this is the most outrageous
 of all.

For when he failed to get his own name inscribed, 41
 he entered his own son Leochares as an adopted son
 of Archiades, in defiance of all the laws, before the
 scrutiny^a of the deme had taken place. But Leo-
 chares had not yet been introduced to the clansmen of
 Archiades: yet when his name had been entered on
 the list of the deme, only then did Leostratus, by
 bringing influence to bear upon a certain member of
 the clan, get the name inscribed upon the clan
 register.^b And after that, in his affidavit before the 42
 archon he inscribed Leochares as being the lawfully
 born son of the man who had been dead many years
 past—Leochares, who had been registered with the
 clan only a day or two before! So it results that they

DEMOSTHENES

- τῆς κληρονομίας ἀμφισβητεῖν· ὃ τε γὰρ Λεώ-
στρατος οὕτοσὶ παρακατέβαλε τοῦ κλήρου ὡς
υἱὸς γνήσιος Ἀρχιάδῃ, ὃ τε Λεωχάρης οὕτοσὶ
διαμεμαρτύρηκεν ὡς υἱὸς ὧν γνήσιος τοῦ αὐτοῦ
43 πατρός, οὐδέτερος δ' αὐτῶν ζῶντι, ἀλλὰ τετελευ-
τηκότι εἰσποιεῖ αὐτόν. ἡμεῖς δ' οἴόμεθα δεῖν, ὦ
ἄνδρες δικασταί, ἐπειδὴν περὶ τούτου τοῦ ἀγῶνος
ὑμεῖς τὴν ψῆφον ἐνέγκητε, τηνικαῦτα ἐκ τῶν κατὰ
γένος ἐγγυτάτῳ ἡμῶν εἰσποιεῖν υἱὸν τῷ τετελευ-
τηκότι, ὅπως ἂν ὁ οἶκος μὴ ἐξερημωθῇ.
- 44 Πρῶτον μὲν οὖν, ὦ ἄνδρες δικασταί, ὡς ἐπαν-
ῆλθεν εἰς τοὺς Ἐλευσινίους ἐκ τῶν Ὀτρυνέων
Λεώστρατος οὕτοσὶ καταλιπὼν υἱὸν τῷ Ἀρχιάδῃ
γνήσιον, καὶ ὅτι ὁ πατὴρ αὐτοῦ ἔτι πρότερον τὸ
αὐτὸ τοῦτ' ἐπεποιήκει, καὶ ὡς ὁ καταλειφθεὶς
ἅπαις τετελεύτηκε, καὶ ὡς ὁ νῦν διαμεμαρτυρηκὼς
πρότερον εἰς τοὺς δημότας ἢ εἰς τοὺς φράτερας
ἐνεγράφη, τούτων ὑμῖν τὰς τῶν φρατέρων καὶ τὰς
τῶν δημοτῶν μαρτυρίας ἀναγνώσεται, καὶ τῶν
ἄλλων δὲ τῶν εἰρημένων, ὧν οὔτοι πεποιήκασιν,
ἀπάντων ὑμῖν τὰς μαρτυρίας καθ' ἐν ἑκάστον
παρέξομαι.

Καί μοι κάλει τοὺς μάρτυρας δευρί.

ΜΑΡΤΥΡΕΣ

- 45 Τῶν μὲν τοίνυν πραγμάτων ἀπάντων ἀκηκόατε,
ὦ ἄνδρες δικασταί, καὶ τῶν ἐξ ἀρχῆς γεγενημένων
περὶ τὸν κλῆρον τοῦτον καὶ τῶν ὕστερον συμ-
βάντων, ἐπειδὴ τάχιστα τὴν λῆξιν ἡμεῖς ἐποίησά-
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both lay claim to the inheritance ; for Leostratus here made the deposit for costs in the inheritance suit as being the lawfully born son of Archiades, and Leochares here has filed the affidavit, as being the lawfully born son of the same father ! And in 43 neither case is it to a living man, but to one that is dead, that each of them makes himself an adopted son ! But in our opinion, men of the jury, you ought, when you shall have cast your vote concerning the present case, then, and not till then, to find from among us, who are nearest of kin, an adopted son for the deceased, in order that the family may not become extinct.

First, men of the jury, to prove that Leostratus 44 here has returned to the Eleusinians from the demesmen of Otrynê, leaving a lawfully born son in the family of Archiades ; and that his father at an earlier date had done this same thing ; and that the son so left has died without issue ; and that the one who has now sworn the affidavit was enrolled among the demesmen before he had been enrolled among the members of the clan—to prove these facts the clerk shall read you the depositions of the members of the clan and of the deme ; and in proof of all the other things I have mentioned which these men have done I shall produce testimony concerning each several fact.

(*To the clerk.*) Please call the witnesses to come forward.

THE WITNESSES

All the facts of the case, then, you have heard, 45 men of the jury, all that took place at the first in connexion with this inheritance, and all that occurred subsequently, as soon as we commenced our suit.

[1094] μεθα. λοιπὸν δ' ἐστὶ περὶ τε τῆς διαμαρτυρίας αὐτῆς εἰπεῖν καὶ περὶ τῶν νόμων, καθ' οὓς ἀξιοῦμεν κληρονομεῖν· ἔτι δέ, ἂν ἐγχωρῇ τὸ ὕδωρ καὶ μὴ μέλλωμεν ὑμῖν ἐνοχλεῖν, ἐξελέγξαι τὰ ὑπὸ τούτων ῥηθησόμενα, ὅτι οὔτε δίκαια οὔθ' ὑγιὴ ἐστίν. καὶ πρῶτον μὲν τὴν διαμαρτυρίαν ἀναγνώτω, καὶ σφόδρα τὸν νοῦν αὐτῇ προσέχετε· περὶ γὰρ ταύτης ἡ ψῆφος οἰσθήσεται νυνί.

ΔΙΑΜΑΡΤΥΡΙΑ

- 46 Οὐκοῦν δήπου διαμεμαρτύρηκεν οὗτος, ὥς ἀκηκόατε, “ μὴ ἐπίδικον εἶναι τὸν κλῆρον τὸν Ἀρχιάδου, ὄντων αὐτῷ παίδων γνησίων καὶ κυρίως κατὰ τὸν θεσμόν.” ἐξετάσωμεν τοίνυν, εἰ εἰσὶν ἢ τὰ ψευδῆ διαμεμαρτύρηκεν οὗτος. ὁ γὰρ Ἀρχιάδης ἐκεῖνος, οὗ ἐστίν ὁ κλῆρος, ἐποίησατο υἱὸν τὸν τοῦ διαμεμαρτυρηκότος νυνὶ πάππον· ἐκεῖνος δ' ἐγκαταλιπὼν υἱὸν γνήσιον τὸν τούτου πατέρα Λεώστρατον
- 47 ἐπανήλθεν εἰς τοὺς Ἐλευσινίους. μετὰ δὲ ταῦτα αὐτὸς οὕτοσὶ Λεώστρατος πάλιν ἐγκαταλιπὼν υἱὸν ὥχετο ἀπὼν εἰς τὸν πατρῶον οἶκον· ὁ δ' ἐγκαταλειφθεὶς ὑπὸ τούτου τελευταῖος ἀπάντων τῶν εἰσποιηθέντων τετελεύτηκεν ἄπαις, ὥστε γίνεται ἔρημος ὁ οἶκος, καὶ ἐπαιελήλυθεν ἡ κληρονομία πάλιν εἰς τοὺς ἐξ ἀρχῆς ἐγγύτατα γένους ὄντας.
- 48 πῶς ἂν οὖν εἴησαν κατὰ τὴν διαμαρτυρίαν υἱεῖς ἔτι τινὲς τῷ Ἀρχιάδῃ, ᾧ οἱ μὲν εἰσποιηθέντες ὁμολογοῦνται ἐπανεληλυθέναι, ὁ δ' ἐγκαταλειφθεὶς τελευταῖος ἄπαις τετελεύτηκεν; οὐκοῦν ἀνάγκη τὸν οἶκον ἐρημωθῆναι. ὁπότε δ' ἔρημος ὁ οἶκος,
- [1095] οὐκ ἂν εἴησαν υἱεῖς ἔτι ἐκείνῳ γνήσιοι. οὗτος

It remains to speak of the affidavit itself and the laws in accordance with which we claim to inherit ; and furthermore, if the water holds out and we shall not be troubling you too much, to refute the arguments which our opponents are going to advance, proving to you that they are neither just nor sound. And first let the clerk read the affidavit ; and I beg you to give it close attention ; for it is regarding this that your votes are presently to be cast.

THE AFFIDAVIT

Well, then, the defendant has sworn, as you have 46 heard, " that the inheritance of Archiades is not open to litigation, since he has children lawfully born and rightfully established according to the statute." Let us, then, inquire if there are any, or if the defendant has sworn to what is false. The aforesaid Archiades, whose estate is in question, adopted as his son the grandfather of the one who has now sworn this affidavit : he, leaving a lawfully born son, Leostratus, the father of the defendant, returned to the Eleusinians. After this, Leostratus here himself 47 returned to the house of his fathers, leaving a son in the adoptive house ; and the son whom he left, and who was the last of all the adopted children, has died without issue, so that the house thereby becomes extinct and the inheritance has reverted again to those originally nearest of kin. How, then, could 48 Archiades still have any sons, as the affidavit claims, when it is admitted that his adopted children returned to their original family and the last one left has died without issue ? It follows, then, of necessity that the family is extinct. But when the family is extinct, there cannot be lawfully born sons still living. The

τοῖνυν διαμεμαρτύρηκε τοὺς οὐκ ὄντας εἶναι, καὶ
 γέγραφεν ἐν τῇ διαμαρτυρίᾳ “ ὄντων παίδων,”
 49 ἓνα φάσκων αὐτὸν εἶναι. ἀλλὰ μὴν “ γνησίων”
 γ’ ὅταν λέγῃ “ καὶ κυρίως κατὰ τὸν θεσμόν,”
 παρακρούεται παρὰ τοὺς νόμους. τὸ μὲν γὰρ
 γνήσιόν ἐστιν, ὅταν ἡ γόνυ γεγονός· καὶ ὁ νόμος
 ταῦτα μαρτυρεῖ λέγων, “ ἦν ἂν ἐγγυήσῃ πατὴρ
 ἢ ἀδελφὸς ἢ πάππος, ἐκ ταύτης εἶναι παῖδας
 γνησίους.” τὸ δὲ “ κυρίως” κατὰ τῶν ποιήσεων
 ὁ νομοθέτης ἔλαβεν, ὑπολαμβάνων δεῖν, ὅταν τις
 ὦν ἄπαις καὶ κύριος τῶν ἑαυτοῦ ποιήσῃται υἱόν,
 ταῦτα κύρια εἶναι. οὗτος τοῖνυν γόνυ μὲν οὐδένα
 φησὶν Ἀρχιάδῃ γενέσθαι υἱόν, διαμεμαρτύρηκε
 δὲ “ γνησίων ὄντων,” ἐναντίαν τῷ πράγματι τὴν
 50 διαμαρτυρίαν ποιησάμενος. ποιητὸς δ’ ὁμολογῶν
 εἶναι, φαίνεται οὐκ εἰσποιηθεὶς ὑπὸ τοῦ τετελευ-
 τηκότος αὐτοῦ, ὥστε πῶς ἔτι σοι “ κύρια” ταῦτ’ ἂν
 εἴῃ “ κατὰ τὸν θεσμόν”; ὅτι νῆ Δι’ ἐγγέγραπται
 Ἀρχιάδῃ υἱός. ὑπὸ γε τούτων πρῶην βιασαμένων,
 ἤδη τῆς τοῦ κλήρου διαδικασίας ἐνεστηκυίας· οὐ
 δὴ δίκαιον ἐν τεκμηρίου μέρει ποιεῖσθαι τὰ δίκημα.
 51 καὶ γὰρ ἐκεῖνο πῶς οὐ δεινόν ἐστιν, ὧ ἄνδρες
 δικασταί, ἐπὶ μὲν τοῦ λόγου αὐτίκα μάλα φήσιν
 ποιητὸν εἶναι, ἐν δὲ τῇ διαμαρτυρίᾳ τοῦτο μὴ
 τολμῆσαι γράψαι, ἀλλὰ τὰ μὲν ἐν ταύτῃ διαμεμαρ-
 τυρημένα εἶναι ὥς ὑπὲρ υἱοῦ γόνυ γεγονότος, τὰ
 δ’ αὐτίκα μάλα ῥηθησόμενα ὥς εἰσποιητοῦ; εἰ δὲ

fellow, then, has sworn that non-existent persons exist, and has written in the affidavit "since he has children," alleging that he himself is one of them. But surely, 49 when he says "lawfully born and rightfully established according to the statute," he is quibbling and defying the laws. For the "lawfully born" exists, when it is born of the body; and the law bears testimony to this, when it says, "Lawfully born are children of a woman whom her father or brother or grandfather has given in marriage." But "rightfully established" the lawgiver understood of adoptions, considering that when a man, being childless and master of his property, adopts a son, this action ought to be rightful. Well, our opponent says that Archiades had no son of the body, but in the affidavit he has sworn to the words "since there are lawfully born children," thus making a sworn statement that is contrary to the truth. He admits that he 50 is an adopted son, yet it is manifest that he was not adopted by the dead man himself; so how can you claim that this status is "rightfully established according to the statute"? Because, he will say, he was registered as the son of Archiades. Yes, by the arbitrary act of these men, and that only the other day, when the suit for the estate had already been instituted. Surely it is not right for a man to regard as evidence his own illegal act. For is it not an 51 outrageous thing, men of the jury, that he should state—as he will presently in his speech—that he is an adopted son, while in his affidavit he did not dare to write this? Or that, while in the affidavit the protest is made as though for a son of the body, the speech that will presently be made will be on behalf of an adopted son? If they are going to make their

τὴν ἀπολογίαν ἐναντίαν τῇ διαμαρτυρίᾳ ποιήσονται, πῶς οὐκ ἢ τὸν λόγον ἀνάγκη ἢ τὴν διαμαρτυρίαν ψευδῇ εἶναι; εἰκότως δ' οὐ προσέγραψαν τὴν
 [1096] ποίησιν τῇ διαμαρτυρίᾳ. ἔδει γὰρ ἐγγράφαι αὐτοὺς
 “ εἰσποιησαμένου τοῦ δεινός ”· ὁ δ' οὐκ εἰσεποίη-
 σατο, ἀλλ' ἑαυτοὺς εἰσποιοῦντες ἀποστεροῦσιν
 ἡμᾶς τῆς κληρονομίας.

52 Τὸ μετὰ ταῦτα τοίνυν πῶς οὐκ ἄτοπον καὶ δεινόν
 ἐστίν, ἅμα παρακαταβεβληκέναι τοῦ κλήρου πρὸς
 τῷ ἄρχοντι ὡς ὄντα αὐτὸν Ἀρχιάδου Λεώστρατον
 τουτονί, τὸν Ἐλευσίνιον τοῦ Ὀτρυνέως, δια-
 μεμαρτυρηκέναι δ' ἕτερον, ὡς αὐτοὶ ὁρᾶτε, φά-
 σκοντα καὶ τοῦτον Ἀρχιάδου υἱὸν εἶναι; καὶ
 ποτέρῳ δεῖ προσέχειν ὑμᾶς ὡς ἀληθῇ λέγοντι;
 53 αὐτὸ γὰρ τοῦτο τεκμήριον οὐκ ἐλάχιστόν ἐστι τοῦ
 ψευδῇ τὴν διαμαρτυρίαν γεγενῆσθαι, τὸ περὶ τοῦ
 αὐτοῦ πράγματος μὴ τὸν αὐτὸν ἀμφισβητεῖν.
 εἰκότως· ὅτε γάρ, οἶμαι, Λεώστρατος οὕτως παρα-
 κατέβαλλε τοῦ κλήρου πρὸς ἡμᾶς, οὐπω ὁ δια-
 μεμαρτυρηκὼς νῦν ἐνεγέγραπτο δημότης εἶναι.
 ὥστε πάντων ἂν δεινότατα πάθοιμεν, εἰ τῇ ὕστερον
 τῶν πραγμάτων γεγενημένη διαμαρτυρία πιστεύ-
 σαιτε ὑμεῖς.

54 Ἀλλὰ μὴν καὶ πρεσβύτερά γε αὐτοῦ διαμεμαρ-
 τύρηκεν. ὁ γὰρ μήπω ἐν τῷ οἴκῳ τῷ Ἀρχιάδου
 ὦν, ὅθ' ἢ λῆξις αὕτη τοῦ κλήρου ἐγένετο, πῶς ἂν
 εἰδείη τι τούτων; ἔπειτ' εἰ μὲν αὐτὸν διεμεμαρ-
 τυρήκει, εἶχεν ἂν λόγον αὐτῷ τὸ πρᾶγμα· ἀδίκως
 μὲν ἂν ἔγραφεν, οὐδὲν δ' ἦττον ὑπὲρ τοῦ κατὰ τὴν

defence conflict with the affidavit, surely either what they say, or what they swore, is false. It was with good reason that they did not add to the affidavit mention of the adoption, for in that case they would have had to add the words "adopted by so-and-so." But Archiades never did adopt them; they adopted themselves, in order to rob us of the inheritance.

Now is not their next proceeding absurd as well as 52 outrageous?—that Leostratus here should have made his deposit for costs in the inheritance suit before the archon, as being the son of Archiades (while he was an Eleusinian, and Archiades of the deme Otrynê), but that someone else should have sworn the affidavit, as you see for yourselves, alleging that he, too, was a son of Archiades? To which of the two should 53 you pay attention, as telling the truth? This very thing is the strongest proof of the falsehood of the affidavit—that it is not the same person who makes the claim about the same matter. And this is not strange; for, I fancy, when Leostratus here made his deposit in the inheritance suit against us, the one who has now sworn the affidavit had not yet registered himself as a member of the deme. We should therefore be most cruelly treated if you should believe an affidavit made after the suit was begun.

Nay more, Leochares has in the affidavit sworn 54 to facts actually older than himself. For how could a person who was not yet a member of the house of Archiades when this suit for the inheritance was instituted, know anything about these matters? Moreover, if he had sworn it of himself alone, there would have been some sense in his action; he would have written what was false, but nevertheless his statement would have concerned one of an age to

ἡλικίαν γ' ὄντος. νῦν δὲ γνησίους υἱοὺς γέγραφε
 τῷ Ἀρχιάδῃ ἐκείνῳ εἶναι, τόν τε αὐτοῦ πατέρα
 δηλονότι καὶ τὸν κατὰ τὴν ἐξ ἀρχῆς ποιήσιν, οὐκ
 ἐπιλογισάμενος ὅτι ἐπανεληλυθότες ἦσαν. οὐκοῦν
 ἀνάγκη πρεσβυτέρας πράξεις αὐτὸν καὶ μὴ τὰς
 [1097] ἐφ' ἑαυτοῦ γεγεννημένας διαμεμαρτυρηκέναι. εἴθ'
 ὑμεῖς τῷ τοῦτο τετολμηκότι πιστεύσετε ὡς ἀληθῆ
 55 λέγοντι; νῆ Δί', ἀλλ' ἀκηκοὺς τοῦ αὐτοῦ πατρὸς
 διαμεμαρτύρηκεν. ὁ δέ γε νόμος ἀκοὴν πλὴν¹
 τῶν τετελευτηκότων κωλύει μαρτυρεῖν². οὗτος
 δὲ τετόλμηκε διαμαρτυρεῖν ζῶντος τοῦ πατρὸς
 τὰ ὑπ' ἐκείνου πραχθέντα. ἐπεὶ καὶ ἐκείνο· διὰ τί
 ποτε Λεώστρατος οὔτος οὐχ αὐτόν, ἀλλὰ τοῦτον
 ἐπεγράψατο τῇ διαμαρτυρίᾳ; τὰ γὰρ πρεσβύτερα
 τῶν πραγμάτων τὸν πρεσβύτερον ἔδει διαμαρ-
 τυρεῖν. ὅτι νῆ Δί', ἂν εἴποι, τοῦτον εἰσπεποίηκα
 56 υἱὸν τῷ Ἀρχιάδῃ. οὐκοῦν σὲ τὸν εἰσποιοῦντα
 καὶ κατασκευάζοντα τὰ πράγματα καὶ λόγον ἔδει
 διδόναι, γενόμενον ὑπεύθυνον ὦν πεποίηκας· πολλή
 γ' ἀνάγκη. ἀλλὰ τοῦτο μὲν ἔφυγες, τῇ διαμαρ-
 τυρίᾳ δὲ τοῦτον τὸν οὐδὲν εἰδὸτ' ἐπεγράψω. ὥστε
 φανερόν ὑμῖν ἐστίν, ὦ ἄνδρες δικασταί, τὰ δια-
 μαρτυρούμενα μὴ εἶναι ἀληθῆ, καὶ παρ' αὐτοῖς
 γε τούτοις ὁμολογεῖται. καὶ μὴν καὶ ἐκείνο δίκαιόν
 ἐστὶ, μὴ λέγοντος αὐτίκα μάλ' ἀκούειν Λεωστράτου
 τουτουί, ὑπὲρ ὧν γε διαμαρτυρῆσαι οὐκ ἐτόλμησεν.
 57 Ὡς δὲ καὶ τῶν ἀγώνων ἀδικώτατοι καὶ πλείστης

¹ πλὴν inserted by Blass.

² μαρτυρεῖν . . . τετόλμηκε inserted by Blass.

know. But as it is, he has written that the aforesaid Archiades had lawfully born sons, meaning, of course, his own father and the one made such by the original adoption, not taking cognizance of the fact that they had returned to their original family. It follows, then, of necessity that he has sworn to events older than himself, and not to things which have happened in his own day. Are you, then, to credit one who has dared a thing like that, as though he were speaking the truth? Ah, but he will say that he has heard 55 from his father the facts to which he has sworn. But the law does not admit hearsay evidence, save in the case of deceased persons; whereas this fellow has dared to swear to acts done by his father, while that father is still alive. Then again, why did Leostratus here inscribe on the affidavit the name, not of himself, but of the defendant? For the older facts should have been sworn to by the older man. It was, he might say, because I have had this youth adopted as son to Archiades. Well then, you who had him adopted and 56 concocted the whole affair ought to have rendered an account of it, and made yourself responsible for what you have done. You ought absolutely to have done so. But you evaded this, and wrote over the affidavit the name of your son here, who knew nothing of the matter. You see, then, men of the jury, that the statements in the affidavit are false, and they are admitted by these men themselves to be so. Why, it would even be right for you to refuse to listen to this man Leostratus, when he presently undertakes to make statements to which he did not venture to swear in the affidavit.

Furthermore, that affidavits of objection are of all 57 forms of trial the most unjust, and that those having

- ὀργῆς ἄξιοι τοῖς ἀγωνιζομένοις αἱ διαμαρτυρίαι εἰσὶ, μάλιστα ἂν τις ἐκείθεν καταμάθοι. πρῶτον μὲν γὰρ οὐκ ἀναγκαίως ἔχουσιν, ὥσπερ οἱ ἄλλοι, ἀλλ' ἐκ προαιρέσεως καὶ βουλήσεως τῆς τοῦ διαμαρτυροῦντος γίνονται. εἰ μὲν γὰρ ὑπὲρ τῶν διαμφισβητουμένων μὴ ἔστιν ἄλλον τρόπον δίκην λαβεῖν ἢ διαμαρτυρήσαντα, ἴσως ἀναγκαῖον τὸ
- 58 διαμαρτυρεῖν· εἰ δὲ καὶ ἄνευ διαμαρτυρίας πρὸς ἅπασιν τοῖς συνεδρίοις ἔστι λόγου μὴ ἀποστερηθῆναι, πῶς οὐ προπετείας καὶ τῆς μεγίστης ἀπονοίας σημεῖον τὸ διαμαρτυρεῖν ἔστιν; οὐδὲ γὰρ ὁ νομοθέτης ἀναγκαῖον αὐτὸ ἐποίησε τοῖς ἀντιδίκοις,
- [1098] ἀλλ' ἂν βούλωνται διαμαρτυρεῖν, ἔδωκεν, ὥσπερ διάπειραν ποιούμενος τῶν τρόπων ἑνὸς ἐκάστου ἡμῶν, πῶς ποτ' ἔχοιμεν πρὸς τὸ προπετῶς τι
- 59 πράττειν. ἔτι τοίνυν ἐπὶ τὸ τῶν διαμαρτυρούντων μέρος οὔτε δικαστήρια ἦν ἂν οὔτε ἀγῶνες ἐγίνοντο· κωλύει γὰρ πάντα ταῦτα τὸ τῶν διαμαρτυριῶν γένος καὶ ἀποκλείει εἰσαγωγῆς ἕκαστα τῆς εἰς τὸ δικαστήριον, κατὰ γε τὴν τοῦ διαμαρτυροῦντος βούλησιν. διόπερ οἶμαι δεῖν κοινούς ἐχθρούς τοὺς τοιούτους ἀνθρώπους ὑπολαμβάνειν πᾶσιν εἶναι, καὶ μηδέποτε τυγχάνειν αὐτοὺς συγγνώμης ἀγωνιζομένους παρ' ὑμῖν· προελόμενος γὰρ ἕκαστος αὐτῶν τὸν ἐκ τοῦ διαμαρτυρήσαι κίνδυνον, οὐκ ἀναγκασθεὶς εἰσέρχεται.
- 60 Ὅτι μὲν οὖν ἡ διαμαρτυρία ψευδῆς ἔστι, καὶ ἐκ τῶν γεγραμμένων καὶ ἐκ τῶν εἰρημένων λόγων

^a The affidavit of objection (διαμαρτυρία), like the special plea in bar of action (παραγραφή), afforded a means by which the defendant could prevent a case from being tried upon its

recourse to them are most deserving of your resentment, one can see very clearly from the following facts. In the first place, they are not necessary as the other forms of procedure are, but they are instituted by the will and desire of the one swearing to them.^a If in the matter of disputed claims there is no other way of getting a judgement than by such an affidavit, it is perhaps necessary to make one. But, if it is 58 possible without an affidavit of objections to obtain a hearing before all tribunals, is not the use of one a mark of recklessness and utter desperation? For the lawgiver did not make it obligatory on the contending parties, but granted them the privilege of putting in such an affidavit, if they chose, as though he were testing the character of each one of us, to see how we stand with reference to a reckless procedure.^b Further, if it rested with those who file these 59 affidavits, there would be neither courts of justice nor trials; for the nature of affidavits of objections is to block all these things and to prevent all cases from being brought into the court-room—at least so far as the will of the one swearing the affidavit goes. Therefore I think we should regard such people as the common enemies of all men, and that they should never receive any indulgence when they are on trial before you; for each one of them comes into court, not under compulsion, but having chosen to incur the risk of the oath.

Well then, that the affidavit is false, you have 60 learned pretty definitely from the statements concerning them, and so could be regarded as a means of thwarting the course of justice.

^b There is, of course, the implication that those having recourse to this procedure thereby showed themselves either unscrupulous or in despair of their case.

σχεδὸν ἀκριβῶς μεμαθήκατε. ὅτι δὲ καὶ οἱ νόμοι, ὧ ἄνδρες δικασταί, ἡμῖν τὴν κληρονομίαν ἀποδιδόασι, τοῦθ' ὑμᾶς διὰ βραχέων βούλομαι διδάξαι, οὐχ ὥς οὐ μεμαθηκότας καὶ ἐν τοῖς ἐν ἀρχῇ εἰρημένοις, ἀλλ' ἵνα μᾶλλον πρὸς τὴν τούτων ψευδολογίαν τὰ δίκαια μνημονεύητε.

61 Τὸ μὲν γὰρ σύνολον, ὄντες Ἀρχιάδῃ, οὗ ἐστὶν ὁ κλῆρος οὗτοςί, πρὸς ἀνδρῶν κατὰ γένος ἐγγυτάτῳ, καὶ τῆς ποιήσεως, ἧς ἐκεῖνος ἐποιήσατο, τῶν μὲν ἐпанεληλυθότων εἰς τὸν πατρῶον οἶκον, τοῦ δ' ἐγκαταλειφθέντος ἄπαιδος τετελευτηκότος, τούτων δ' οὕτως ἐχόντων ἀξιούμεν κληρονομεῖν,

62 οὐδεμίαν οὐσίαν Λεωσπράτου ἀφελόμενοι (οὗτοι μὲν γὰρ τὰς ἑαυτῶν ἔχουσι), τῆς ὑπ' Ἀρχιάδου δὲ καταλειφθείσης καὶ οὔσης ἐκ τῶν νόμων ἡμετέρας. ὁ γὰρ νόμος, ὧ ἄνδρες δικασταί, κελεύει κρατεῖν [1099] τοὺς ἄρρενας καὶ τοὺς ἐκ τῶν ἀρρένων· οὗτοι δ' ἡμεῖς ἐσμεν. οὐκ ἦσαν τοίνυν παῖδες ἐκείνῳ· οἱ

63 δ' οἰκειότατοι¹ ὄντες ἡμεῖς ἐσμεν. ἔπειτ' οὐ δίκαιον δήπου τὸν ποιητὸν υἱὸν ποιητοῦς ἐτέρους εἰσάγειν, ἀλλ' ἐγκαταλείπειν μὲν γιγνομένους, ὅταν δὲ τοῦτ' ἐπιλίπη, τοῖς γένεσιν ἀποδιδόναι τὰς κληρονομίας· ταῦτα γὰρ οἱ νόμοι κελεύουσιν.

Ἐπεὶ πῶς οὐκ ἐκκλείεται εἰς ἕκαστος ὑμῶν τῆς κατὰ γένος ἀγχιστείας, ὅταν τοῖς ποιητοῖς ἡ ἄδεια αὕτη δοθῇ; ὁρᾶτε γὰρ ὅτι ταῖς κολακείαις οἱ πλείστοι ψυχαγωγούμενοι καὶ ταῖς πρὸς τοὺς οἰκείους διαφοραῖς πολλάκις φιλονικούντες ποιητοῦς υἱεῖς ποιοῦνται· εἰ δ' ἔσται τῷ εἰσποιηθέντι παρὰ τὸν νόμον εἰσποιεῖν ὃν ἂν βούληται, οὐδέποτε τοῖς
64 γένεσιν αἱ κληρονομίαι δοθήσονται. ἅ καὶ προ-

¹ οἰκειότατοι inserted by Rennie.

tained in it and from the arguments which you have heard. But that the laws also give us this inheritance as our right, men of the jury, I wish to prove in a few words—not as though this had not been made clear to you in what I said at the outset, but that you may the better bear in mind the justice of our case, and so meet the false statements of our opponents.

To sum up the matter briefly, we, since we are the 61 nearest of kin in the male line to Archiades, to whom this estate belonged, and since of the persons whom he adopted some have gone back to the family of their fathers, and the one last left had died without issue,—in these circumstances, we, I say, claim to inherit. We are not depriving Leostratus of any property 62 (for these men hold what is their own), but we claim the estate left by Archiades, which is ours according to the laws. For the law, men of the jury, ordains that males and the sons of males should have precedence; and such we are. Archiades had no children, and we are the ones nearest of kin to him. Further, it is surely not just that an adopted son 63 should bring other sons into a family by adoption; he may leave in it children born to him, but in default of these he must restore the inheritance to those related by blood. That is what the laws ordain.

For is it not plain that each one of you is excluded from the right of inheritance by direct descent, if this licence be granted to children by adoption? For you see that most people who adopt children do so through being cajoled by flattery and often in a spirit of contentiousness caused by family quarrels. But if an adopted son is to be permitted in defiance of the law to adopt whomsoever he pleases, inheritances will never be given to blood-

νοηθεὶς ὁ νομοθέτης ἀπέειπε τῷ ποιητῷ αὐτῷ ὄντι ποιητὸν υἱὸν μὴ ποιεῖσθαι, τίνα τρόπον διορίσας περὶ τούτων; ὅταν εἴπῃ “ υἱὸν γνήσιον ἐγκαταλιπόντα ἐπανιέναι,” δημοῖ δήπου φανερώς ὅτι οὐ δεῖ ποιεῖσθαι· ἀδύνατον γάρ ἐστιν υἱὸν γνήσιον ἐγκαταλιπεῖν, εἰ μὴ γόνῳ γεγονώς ἢ τινι. σὺ τοίνυν, ὦ Λεώστρατε, ἀξιοῖς τῷ τετελευτηκότι εἰσποιητῷ εἰς τὸ ἡμέτερον γένος ὄντι ποιητὸν ἐπὶ τὸν κλῆρον εἰσαγαγεῖν, ὥσπερ ἐπὶ τὰ σαυτοῦ κτήματα καὶ οὐκ εἰς τὰ κατὰ νόμον τῷ προσήκοντι δοθησόμενα βαδίζων.

65 Ἡμεῖς δ', ὦ ἄνδρες δικασταί, εἰ μὲν ὁ τετελευτηκὼς ἐποίησά τοινα, καίπερ οὐ διδόντος τοῦ νόμου, συνεχωροῦμεν ἂν αὐτῷ, ἢ εἰ διαθήκας κατελελοίπει, καὶ ταύταις ἂν ἐνεμείναμεν, ἐπεὶ καὶ τὸ ἐξ ἀρχῆς τοιοῦτοι ὄντες διετελοῦμεν, οὐκ ἐναντιούμενοι τούτοις ἔχουσι τὴν οὐσίαν καὶ ἐπανιούσιν ἄνω, καθ' ὃν δήποτε τρόπον ἐβούλοντο.

66 [1100] ἐπεὶ δὲ νυνὶ ποτε ὑπὸ τούτων αὐτῶν καὶ ὑπὸ τῶν νόμων τὸ πρᾶγμ' ἐξελήλεκται, οἴομεθα δεῖν κληρονομεῖν τῶν Ἀρχιάδου, καὶ παρ' ἡμῶν εἶναι τὸν υἱὸν τὸν εἰσποιούμενον τῶν μὴ πεποιημένων πρότερον, μὴ παρὰ τούτων. δικαίως γὰρ ὁ νομοθέτης, οἶμαι, ὥσπερ καὶ τὰς ἀτυχίας τῶν οἰκείων καὶ τὰς ἐκδόσεις τῶν γυναικῶν τοῖς ἐγγυτάτω γένους προσέταττε ποιεῖσθαι, οὕτως καὶ τὰς κληρονομίας καὶ τὴν τῶν ἀγαθῶν μετουσίαν τοῖς αὐτοῖς

67 ἀποδέδωκεν. τὸ δὲ πάντων μέγιστον καὶ γνωρι-

relations. It was to guard against this that the law- 64
giver forbade a person who was himself adopted to
create a son by adoption. In what manner did he
declare his view regarding this? When he says
“ a man may return to his own family, leaving behind
him a lawfully born son ” he makes it plain, I take it,
that it is not lawful for him to adopt ; for it is im-
possible for a man to leave behind him a lawfully
born son, unless he have a son born of his body. But
you, Leostratus, claim the right to bring an adopted
son into the inheritance of the dead man, who had
himself been adopted into our family, just as though
you were taking possession of your own property,
and not that which the law declares shall be given
to the nearest of kin.

For ourselves, men of the jury, if the deceased had 65
adopted anyone, even though the law does not allow
it, we should have submitted ; or, if he had left a will,
we should also have been ready to abide by that ;
for from the beginning this has been our position ;
we made no objection to their holding the property
and returning to their original family in whatever
manner they pleased. Now, however, that the affair 66
has at length been exposed both by these men them-
selves and by the laws, we hold that it is right for us
to inherit the estate of Archiades, and that the son
to be adopted should come from us who have not
been adopted before, and not from them. For it
was just, in my opinion, that the lawgiver, as he
laid upon the nearest of kin the duty of relieving the
misfortunes of their relatives, and of giving in mar-
riage their women-folk, so also has given to these
same people as their due the right of inheriting and
of sharing in the good things. But that which is the 67

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μώτατον ὑμῖν· ὁ γὰρ τοῦ Σόλωνος νόμος οὐδὲ
 διαθέσθαι τὸν ποιητὸν ἐᾷ τὰ ἐν τῷ οἴκῳ, οἳ ἂν
 ποιηθῇ. εἰκότως, οἶμαι· τῷ γὰρ κατὰ νόμον εἰσ-
 ποιηθέντι ἐπὶ τὰ ἑτέρου οὐχ οὕτως, ὥς περὶ τῶν
 ἰδίων κτημάτων, βουλευτέον ἐστίν, ἀλλὰ τοῖς
 νόμοις ἀκολουθῶς, περὶ ἐκάστου τῶν γεγραμ-
 68 μένων ὥς ὁ νόμος λέγει. “ ὅσοι μὲν ἐπεποίηντο ”
 φησὶν “ ὅτε Σόλων εἰσῆει εἰς τὴν ἀρχήν, ἐξεῖναι
 αὐτοῖς διαθέσθαι ὅπως ἂν ἐθέλωσιν,” ὥς τοῖς γε
 ποιηθεῖσιν οὐκ ἐξὸν διαθέσθαι, ἀλλὰ ζῶντας ἐγ-
 καταλιπόντας υἱὸν γνήσιον ἐπανιέναι, ἢ τελευτή-
 σαντας ἀποδιδόναι τὴν κληρονομίαν τοῖς ἐξ ἀρχῆς
 οἰκείοις οὖσι τοῦ ποιησαμένου.

^a This law is cited more fully in Oration XLVI § 14.

most significant thing, and the thing best known to you, is this: the law of Solon does not allow an adopted son even to dispose by will of the property in the family into which he comes by adoption. And there is good reason for this, in my view: for a person who comes by legal adoption into possession of the property of another, ought not to deal with it as if it were his own private estate. No, he should act consistently with the laws, and do in each particular what the laws prescribe. "All those who had not 68 been adopted," says the lawgiver, "at the time when Solon entered upon office, may bequeath their property by will, as they see fit," thus indicating that those who were adopted might not so dispose of theirs, but that they might return to their families in their lifetime, leaving a lawfully born son in their place; otherwise, in case of death, they must give back the property to those who from the first were relatives of the adoptive father.

AGAINST STEPHANUS

I

INTRODUCTION

THE speech in support of Phormio (Oration XXXVI) was so overwhelmingly successful, that, as was stated in the Introduction to that oration, Apollodorus was not even given a hearing when he attempted to reply to it, and, since he did not receive even a fifth part of the votes, was debarred from again raising the issue involved in the suit. However he brought an action for false testimony against Stephanus, one of the witnesses for Phormio, and the present speech was delivered by him in support of that charge. The testimony of Stephanus was given merely as proof of a challenge tendered to Apollodorus by Phormio in which the latter demanded that, if Apollodorus refused to admit that a document offered in evidence by Phormio was a copy of the will of Pasio, he should himself open the original of the will. Stephanus deposed that Apollodorus refused to open the original, and that the document put in evidence was a copy of the will. The point was of course not a vital one, but if successful in this suit, Apollodorus would have paved the way for a direct attack upon Phormio for subornation of perjury (*δίκη κακοτεχνιῶν*) and, if again successful, would have been in a position to bring forward once more his original action.

The plaintiff's argument is, in brief, that (1), no such challenge had been tendered him; that (2), no

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will had been made by his father ; that (3), since this was the case, the terms of the deposition were false ; that (4), both the alleged will and the lease of the property had been forged by Phormio ; and that (5), the discharge and release, which had played so large a part in Phormio's argument, were false. He then goes on to answer in advance some statements which it might be assumed that Stephanus would make in his own defence, that (1), his testimony was merely to the effect that the challenge had been tendered and that the plaintiff had refused to accept it ; and (2), that his testimony bore on the main issue only (not on the special plea), and was therefore in no sense responsible for the plaintiff's defeat in the former suit. Finally, he attacks the character of the defendant who, in siding with Phormio against him, had disregarded, he claims, a rather remote family connexion with the speaker himself ; accuses him of having stolen a document of which he had himself intended to make use at the former trial ; and paints him as a flagrant example of the odious money-lender who is actuated only by love of gain.

But Stephanus is a minor figure. Apollodorus devotes the last quarter of his speech to a venomous attack upon the character of Phormio, charging him not only with base ingratitude toward the family of his benefactor, Pasio, but with gross immorality as well. He taunts him with his barbarian birth and with having been a slave, overlooking the fact that the same was true of his own father ; and he even goes so far as to insinuate that his own younger brother, Pasicles, who had supported Phormio, was no true son of Pasio, but the fruit of an adulterous union between his mother and Phormio.

AGAINST STEPHANUS. I

Naturally, after reading Demosthenes' eloquent and convincing defence of Phormio (Oration XXXVI, in this series, vol. i. pp. 323 ff.), one is surprised to find in the Demosthenic collection this speech, written for Apollodorus, and attacking Phormio in such vigorous terms. Did the orator thus abruptly change sides, and, if he did, is not his action in so doing open to strong condemnation on ethical grounds?

Regarding this question many different views have been held. Admiration for Demosthenes as orator and patriot has made not a few scholars unwilling to admit that he can have been guilty of so unworthy a course of action, and these unhesitatingly deny that he was the author of the speech before us. Others, holding that, except for this unwillingness to admit that the orator stooped to this questionable action, there is no real reason to deny the genuineness of this oration, have sought to account for Demosthenes' action by assuming that he was influenced by political expediency. It has been suggested, for instance, that Apollodorus may have been induced to make the proposal (in 350 B.C.) that the money paid into the Theoric Fund should be used, not for religious purposes, but to defray military expenses—a plan which Demosthenes must have favoured—and that he received in return the support of Demosthenes in this suit.

That Demosthenes did write the speeches for both parties in the case and that his reputation suffered in consequence, is expressly stated by Plutarch (*Vit. Demos.* 15. and *Comp. Cic. et Dem.* 3), but no one among the contemporaries of Demosthenes makes this charge. Aeschines, his bitter personal foe and one ready to stoop to any slander, does indeed accuse

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Demosthenes (*De Falsa Legatione*, § 165 : *cf. Contra Ctesiphontem*, § 173) of accepting money from Phormio for writing a speech for him and then divulging the contents to Phormio's adversary, Apollodorus ; but, if Demosthenes was known to have actually written the speeches which Apollodorus delivered against Phormio, it is hard to believe that Aeschines would not have made more of the charge.

The problem is further complicated by the fact that there are in the Demosthenic collection six other speeches which were delivered by Apollodorus. These are Orations XLVI, XLIX, L, LII, LIII, and LIX (some would add XLVII, as possibly written, though not delivered, by Apollodorus). These speeches agree in the main with one another in point of style and general character, and it seems safe to conclude that Apollodorus was the writer of them all. But with reference to the former of the two speeches against Stephanus that conclusion seems to be ruled out by the fact that in style, forensic art, and vigour it is so far superior to the others that in the opinion of most scholars identity of authorship is not to be thought of. For this speech it seems clear that Apollodorus availed himself of the help of someone far more able than he was. That this person was Demosthenes is an opinion widely held, and stylistic touches have here and there been noted in this speech which find parallels in the genuine works of the great orator. These, however, are far from conclusive.

On this question, and on the oration before us, the student should consult an article by J. Sigg, entitled *Der Verfasser neun angeblich von Dem. für Apollodor geschriebenen Reden*, in the 6th Supplementband of

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the *Jahrbücher für classische Philologie*, pp. 396-434. See Schaefer, iii. pp. 170 ff., and Blass, iii. pp. 467 ff. There is a clear statement of the matters involved also in Sandys and Paley, ii. pp. xxxix ff. The date of the two orations against Stephanus is given by Schaefer as about 351 B.C.

XLV

ΚΑΤΑ ΣΤΕΦΑΝΟΥ ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ

Α

Καταψευδομαρτυρηθείς, ὦ ἄνδρες Ἀθηναῖοι, καὶ παθὼν ὑπὸ Φορμίωνος ὑβριστικὰ καὶ δεινὰ, δίκην παρὰ τῶν αἰτίων ἤκω ληψόμενος παρ' ὑμῖν. δέομαι δὲ πάντων ὑμῶν καὶ ἱκετεύω καὶ ἀντιβολῶ, πρῶτον μὲν εὐνοϊκῶς ἀκοῦσαί μου· μέγα γὰρ τοῖς ἡτυχηκόσιν, ὥσπερ ἐγώ, δυνηθῆναι περὶ ὧν πεπόνθασιν εἰπεῖν καὶ εὐμενῶς ἐχόντων ὑμῶν ἀκροατῶν τυχεῖν· εἴτ' ἂν ἀδικεῖσθαι δοκῶ, βοηθῆσαί μοι
 2 τὰ δίκαια. ἐπιδείξω δ' ὑμῖν τουτονὶ Στέφανον καὶ μεμαρτυρηκότα τὰ ψευδῆ, καὶ δι' αἰσχρο-
 [1102] κέρδειαν τοῦτο πεποιηκότα, καὶ κατηγορον αὐτὸν αὐτοῦ γιγνόμενον· τοσαύτη περιφάνεια τοῦ πράγματός ἐστιν. ἐξ ἀρχῆς δ' ὥς ἂν οἴός τ' ὦ διὰ βραχυτάτων εἰπεῖν πειράσομαι τὰ πεπραγμένα μοι πρὸς Φορμίωνα, ἐξ ὧν ἀκούσαντες τήν τ' ἐκείνου

^a See Aeschylus, *Prometheus* 637-639 for an almost identical sentiment.

XLV

APOLLODORUS AGAINST STEPHANUS, CHARGED WITH GIVING FALSE TESTIMONY

I

HAVING been overwhelmed by false testimony, men of Athens, and having been outrageously and cruelly treated by Phormio, I have come to win in your court a verdict against those responsible for the wrong. I beg and beseech and implore you all, in the first place to give me a favourable hearing (for it is a great thing for those who have met with misfortune, as I have done, to be able to tell others of what they have suffered, and to find in you listeners who are kindly disposed)^a; and in the second place, if I shall seem to you to be the victim of wrongdoing, to render me the aid which is my due. I shall prove to ² you that this man Stephanus has both given false testimony, and has done this from a base desire for gain, and that he is convicted out of his own lips; so transparent is the case from every point of view. And I shall endeavour to relate to you in the fewest possible words all that has taken place between Phormio and myself from the first; and after hearing this you will be convinced both of the

πονηρίαν καὶ τούτους, ὅτι τὰ ψευδῇ μεμαρτυρήκασι, γνώσεσθε.

- 3 Ἐγὼ γάρ, ὦ ἄνδρες δικασταί, πολλῶν χρημάτων ὑπὸ τοῦ πατρὸς καταλειφθέντων μοι, καὶ ταῦτα Φορμίωνος ἔχοντος, καὶ πρὸς τούτοις τὴν μητέρα γήμαντος τὴν ἐμὴν ἀποδημούντος ἐμοῦ δημοσίᾳ τριηραρχούντος ὑμῖν (ὃν τρόπον δ', οὐκ ἴσως καλὸν υἱεὶ περὶ μητρὸς ἀκριβῶς εἰπεῖν), ἐπειδὴ καταπλεύσας ἡσθόμην καὶ τὰ πεπραγμέν' εἶδον, πόλλ'
- 4 ἀγανακτήσας καὶ χαλεπῶς ἐνεγκών, δίκην μὲν οὐχ οἰός τ' ἦν ἰδίαν λαχεῖν (οὐ γὰρ ἦσαν ἐν τῷ τότε καιρῷ δίκαι, ἀλλ' ἀνεβάλλεσθ' ὑμεῖς διὰ τὸν πόλεμον), γραφὴν δ' ὕβρεως γράφομαι πρὸς τοὺς θεσμοθέτας αὐτόν. χρόνου δὲ γιγνομένου, καὶ τῆς μὲν γραφῆς ἐκκρουομένης, δικῶν δ' οὐκ οὐσῶν, γίνονται παῖδες ἐκ τούτου τῇ μητρί. καὶ μετὰ ταῦτ' (εἰρήσεται γὰρ ἅπαντα πρὸς ὑμᾶς ἢ ἀλήθει', ὦ ἄνδρες δικασταί) πολλοὶ μὲν καὶ φιλάνθρωποι λόγοι παρὰ τῆς μητρὸς ἐγίγνοντο καὶ δεήσεις ὑπὲρ Φορμίωνος τουτουί, πολλοὶ δὲ καὶ μέτριοι καὶ
- 5 ταπεινοὶ παρ' αὐτοῦ τούτου. ἵνα δ', ὦ ἄνδρες Ἀθηναῖοι, συντέμω ταῦτα, ἐπειδὴ ποιεῖν τ' οὐδὲν ὤετο δεῖν ὦν τόθ' ὠμολόγησε, καὶ τὰ χρήματ' ἀποστερεῖν ἐνεχείρησεν ἅ τῆς τραπέζης εἶχεν ἀφορμήν, δίκην ἡναγκάσθην αὐτῷ λαχεῖν, ἐπειδὴ
- [1103] τάχιστ' ἐξουσία ἐγένετο. γνούς δ' οὗτος ὅτι πάντ' ἐξελεγχθήσεται καὶ κάκιστος ἀνθρώπων περὶ ἡμᾶς

^a The reference is to the hostilities between Athens and Thebes in the period between the battle of Leuctra (371 B.C.) and the battle of Mantinea (362 B.C.).

^b See note *a* on p. 202 of vol. i.

^c The ὕβρεως γραφή was a public indictment for wanton

villainy of Phormio and that these men have borne false testimony.

As for myself, men of the jury, a large property 3 was left me by my father, and this was in the possession of Phormio, who furthermore had married my mother while I was out of the country on public business, serving as your trierarch. (How he managed it, perhaps it is not proper for a son fully to explain about his mother.) When I returned and learned of this and saw what had been done, although I was greatly incensed and took it much to heart, I was unable to 4 bring a private action (for there were no actions at that time, since you put off all such matters because of the war^a), but I indicted him before the Thesmothetae^b on the charge of outrage.^c However, time passed and the indictment was evaded (seeing that actions were not being held), and moreover children were born by my mother to Phormio, and after this (for the whole truth shall be told you, men of the jury), many kindly overtures were made on the part of my mother, and pleas on behalf of this man Phormio, and many overtures on the part of Phormio himself that were both moderate and humble in their terms. However, to make the story brief, men of 5 Athens, he would not do one of the things to which he had agreed, and tried to withhold from me the money which he held as capital in the bank; so then I was compelled to enter suit against him at the earliest opportunity. Phormio on his part, seeing that everything would be brought to light, and that he would be proved to have acted toward me as outrage. It was a criminal charge, and involved the penalty of a fine payable to the State, or, in extreme cases, even the penalty of death. It was far more serious than a charge of common assault (*αἰκείας δίκη*). See Oration LIV § 1.

γεγονώς ἐπιδειχθήσεται, μηχανᾶται καὶ κατα-
 σκευάζει ταῦτα, ἐφ' οἷς οὐτοσὶ Στέφανος τὰ ψευδῆ
 μου κατεμαρτύρησεν. καὶ πρῶτον μὲν παρεγρά-
 ψατο τὴν δίκην, ἣν ἔφευγε, μὴ εἰσαγωγίμον εἶναι.
 ἔπειτα μάρτυρας, ὡς ἀφῆκα αὐτὸν τῶν ἐγκλη-
 μάτων, παρέσχετο ψευδεῖς, καὶ μισθώσεώς τινος
 ἐσκευωρημένης καὶ διαθήκης οὐδεπώποτε γενο-
 6 μένης. προλαβὼν δέ μου πρότερος λέγειν, διὰ τὸ
 παραγραφὴν εἶναι καὶ μὴ εὐθυδικία εἰσιέναι, καὶ
 ταῦτ' ἀναγνοὺς καὶ τᾶλλ' ὡς αὐτῷ συμφέρειν
 ἡγείτο ψευσάμενος, οὕτω διέθηκε τοὺς δικαστάς,
 ὥστε φωνὴν μὴδ' ἡντινοῦν ἐθέλιν ἀκούειν ἡμῶν.
 προσοφλὼν δὲ τὴν ἐπωβελίαν καὶ οὐδὲ λόγου
 τυχεῖν ἀξιωθεῖς, ἀλλ' ὑβρισθεῖς ὡς οὐκ οἶδ' εἴ τις
 πώποτ' ἄλλος ἀνθρώπων, ἀπήειν βαρέως, ὧ ἄνδρες
 7 Ἀθηναῖοι, καὶ χαλεπῶς φέρων. λόγον δ' ἐμαυτῷ
 διδοὺς εὐρίσκω τοῖς δικάσασι μὲν τότε πολλὴν
 συγγνώμην οὖσαν (ἐγὼ γὰρ αὐτὸς οὐκ ἂν οἶδ' ὅ
 τι ἄλλ' εἶχον ψηφίσασθαι, τῶν πεπραγμένων μὲν
 μὴδὲν εἰδώς, τὰ δὲ μαρτυρούμεν' ἀκούων), τούτους
 δ' ἀξίους ὄντας ὀργῆς, οἱ τῷ τὰ ψευδῆ μαρτυρεῖν
 αἵτιοι τούτων ἐγένοντο. περὶ μὲν δὴ τῶν ἄλλων
 τῶν μεμαρτυρηκότων, ὅταν πρὸς ἐκείνους εἰσίω,
 τότε ἔρω· περὶ ὧν δ' οὐτοσὶ Στέφανος μεμαρ-
 τύρηκεν, ἥδη πειράσομαι διδάσκειν ὑμᾶς.
 8 Λαβὲ δ' αὐτὴν τὴν μαρτυρίαν καὶ ἀνάγνωθί μοι,
 ἵν' ἐξ αὐτῆς ἐπιδεικνύω.

^a See note a on p. 50 of vol. i.

the basest of humankind, contrived and concocted this plot in furtherance of which the defendant Stephanus gave this false testimony against me. In the first place, he entered a special plea in the suit in which he was defendant, claiming that the suit was not admissible ; and then he produced false witnesses who stated that I had given him a release from my claims, and who deposed to a forged lease and to a will which never existed. He had the advantage over 6 me in being the first speaker, because this was a special plea and the case was not coming to trial upon the real issue, and by reading these documents and making other false statements which he thought would favour his case, he made such an impression on the jury that they refused to hear a single word from me. I was fined one-sixth of the amount claimed,^a was denied the right of a hearing, and was treated with such contumely as I doubt if any other man ever was, and I went from the court, men of Athens, taking the matter bitterly and grievously to heart. Upon going over it in my own mind, 7 however, I see that there was abundant excuse for those who gave that verdict (for I do not know what other vote I could myself have given, if I had known nothing of the facts and had heard the testimony), but that our anger should fall upon these men who by giving false testimony were responsible for this result. Of the others who have given testimony I shall speak when I proceed against them, but regarding the testimony of the defendant Stephanus I shall try to instruct you at once.

(*To the clerk.*) Take the deposition itself, and read 8 it, please, that from its very language I may prove my point.

DEMOSTHENES

Λέγε· σὺ δ' ἐπίλαβε τὸ ὕδωρ.

[1104]

MARTYRIA

Στέφανος Μενεκλέους Ἀχαρνεύς, ἑνὸς τοῦ Ἐπιγένοῦς Λαμπρεῦς, Σκύθης Ἀρματέως Κινδαθηναίου μαρτυροῦσι παρῆναι πρὸς τῷ διαιτητῇ Τεισίᾳ Ἀχαρνεῖ, ὅτε προῦκαλεῖτο Φορμίων Ἀπολλόδωρον, εἰ μὴ φησιν ἀντίγραφα εἶναι τῶν διαθηκῶν τῶν Πασίωνος τὸ γραμματεῖον ὃ ἐνεβάλετο Φορμίων εἰς τὸν ἑχίνον, ἀνοίγειν τὰς διαθήκας τὰς Πασίωνος, ἃς παρέιχε πρὸς τὸν διαιτητὴν Ἀμφίας ὁ Κηφισοφῶντος κηδεστής· Ἀπολλόδωρον δὲ οὐκ ἐθέλειν ἀνοίγειν· εἶναι δὲ τὰδ' ἀντίγραφα τῶν διαθηκῶν τῶν Πασίωνος.

- 9 Ἡκούσατε μὲν τῆς μαρτυρίας, ὦ ἄνδρες δικασταί, νομίζω δ' ὑμᾶς, εἰ καὶ μηδὲν τῶν ἄλλων αἰσθάνεσθέ πω, τοῦτό γ' αὐτὸ θαυμάζειν, τὸ τὴν μὲν ἀρχὴν τῆς μαρτυρίας εἶναι πρόκλησιν, τὴν δὲ τελευτὴν διαθήκην. οὐ μὲν ἄλλ' ἔγωγ' οἶμαι δεῖν, ἐπειδάν, ὃ τῶν μεμαρτυρημένων ὥσπερ κεφάλαιόν ἐστ', ἐπιδείξω ψεῦδος ὄν, τηνικαῦτ' ἤδη καὶ
- 10 περὶ τῶν τοιούτων ποιεῖσθαι τοὺς λόγους. ἔστι δὴ μεμαρτυρημένον αὐτοῖς, προκαλεῖσθαι Φορμίων ἀνοίγειν τὰς διαθήκας, ἃς παρέχειν πρὸς τὸν διαιτητὴν Τεισίαν Ἀμφίαν τὸν Κηφισοφῶντος κηδεστήν· ἐμὲ δ' οὐκ ἐθέλειν ἀνοίγειν· εἶναι δ' ἃς αὐτοὶ μεμαρτυρήκασιν διαθήκας ἀντιγράφους ἐκείνων. εἰθ'
- 11 ἡ διαθήκη γέγραπται. ἐγὼ τοίνυν περὶ μὲν τοῦ προκαλεῖσθαι μ' ἢ μὴ ταῦτα Φορμίων οὐδέν πω λέγω, οὐδ' ὑπὲρ τοῦ τὰς διαθήκας ἀληθεῖς ἢ ψευδεῖς εἶναι, ἀλλ' αὐτίχ' ὑμᾶς περὶ τούτων διδάξω· ἀλλ' ἃ μεμαρτυρήκασιν, μὴ μ' ἐθέλειν τὸ γραμ-

AGAINST STEPHANUS, l. 8-11

(*To the clerk.*) Read ; and do you check the water.

THE DEPOSITION

Stephanus, son of Meneclēs, of Acharnae, Endius, son of Epigenēs, of Lamptrae, Seythes, son of Harmateus, of Cydathenaeum ^a depose that they were present before the arbitrator Teisias, of Acharnae, when Phormio challenged Apollodorus, if he declared that the document which Phormio put into the box was not a copy of the will of Pasio, to open the will of Pasio, which Amphias, brother-in-law of Cephisophon, submitted to the arbitrator ; and that Apollodorus refused to open it ; and that the document in question was a copy of the will of Pasio.

You have heard the deposition, men of the jury, 9
and I think that even if you have noticed nothing
else, this at least must have seemed strange to you,
that it begins with a challenge and ends with a will.
However, I on my part, count it right, when I shall
have shown what may be called the main substance
of the testimony to be false, then, and not till then,
to say something also about matters of that sort.
Well, then, it is deposed by them that Phormio 10
challenged me to open the will which Amphias,
brother-in-law of Cephisophon, submitted to the arbi-
trator Teisias ; and that I refused to open it ; and
that the will to which they themselves deposed was
a copy of that original : and then follows a copy of
the will. Now as to whether Phormio tendered me 11
this challenge or not, and whether the will is genuine
or spurious I say nothing as yet ; I will discuss these
matters before you presently : but I will take up
the testimony they have given, that I refused to

^a Acharnae was a deme of the tribe Oeneïs, Lamptrae of the tribe Eretheïs, and Cydathenaeum of the tribe Pandionis.

- ματεῖον ἀνοίγειν. ὥδὲ δὴ σκοπεῖτε, τοῦ τις ἂν
 [1105] εἶνεκ' ἔφευγεν ἀνοίγειν τὸ γραμματεῖον. ἵν' ἡ
 διαθήκη ἡ Δία μὴ φανερά γένοιτο τοῖς δικασταῖς.
 12 εἰ μὲν τοίνυν μὴ προσεμαρτύρουν τῇ προκλήσει τὴν
 διαθήκην οὔτοι, λόγον εἶχέν τιν' ἂν τὸ φεύγειν ἔμ'
 ἀνοίγειν τὸ γραμματεῖον· προσμαρτυρούντων δὲ
 τούτων καὶ τῶν δικαστῶν ὁμοίως ἀκουσομένων,
 τί ἦν μοι κέρδος τὸ μὴ ἐθέλειν; οὐδὲ ἐν δήπου.
 αὐτὸ γὰρ τοῦναντίον, ὦ ἄνδρες Ἀθηναῖοι, καὶ εἰ
 μηδὲν προὔκαλοῦνθ' οὔτοι, λόγῳ δ' ἐχρῶντο μόνον,
 καὶ παρείχεν τις αὐτοῖς γραμματεῖον ὡς διαθήκην,
 13 ἐμὸν ἦν τὸ προκαλεῖσθαι καὶ κελεύειν ἀνοίγειν
 ταύτην, ἵν' εἰ μὲν ἄλλ' ἅττα τῶν ὑπὸ τούτων
 μεμαρτυρημένων ἦν τὰ κεῖ γεγραμμένα, μάρτυρας
 εὐθὺς τῶν περιεστηκότων πολλοὺς ποιησάμενος,
 τεκμηρίῳ τούτῳ καὶ περὶ τῶν ἄλλων, ὡς κατα-
 σκευάζουσιν, ἐχρώμην· εἰ δὲ ταῦτ' ἐνῆν, τὸν παρα-
 σχόντ' αὐτὸν ἡξίουں μαρτυρεῖν. ἐβελήσαντος μὲν
 γ' ὑπεύθυνον ἐλάμβανον, εἰ δ' ἔφευγεν, πάλιν αὐτὸ
 τοῦθ' ἱκανὸν τεκμήριον ἦν μοι τοῦ πεπλάσθαι τὸ
 πρᾶγμα. καὶ δὴ καὶ συνέβαινεν ἐκείνως μὲν εἶναι,
 πρὸς ὃν τὰ πράγματ' ἐγίγνετό μοι, ὡς δ'
 οὔτοι μεμαρτυρήκασιν, πρὸς πολλούς. ἔστιν οὖν
 ὅστις ἂν ὑμῶν ταῦθ' εἴλετο; ἐγὼ μὲν οὐδέν' ἡγοῦ-
 14 μαι. οὐ τοίνυν οὐδὲ κατ' ἄλλου πιστεύειν ἐστὲ
 δίκαιοι. καὶ γάρ, ὦ ἄνδρες Ἀθηναῖοι, ὅσοις μὲν
 πρόσσεστιν ὀργὴ τῶν πραττομένων ἢ λῆμμά τι

open the document. I would have you look at the matter in this way—what reason would anyone have had for refusing to open it? In order, one may say, that the will might not be shown to the jury. Well and good. If they had not deposed¹² to the will as well as to the challenge, there would have been some reason in my refusing to open the document; but since they deposed to both, and the jurymen were going to hear the will in any case, what advantage was there for me in refusing? None, assuredly. Quite the contrary, men of Athens; even if these men had tendered no challenge, but had merely talked of the matter, and someone had delivered a document to them as a will, it would have been my business to tender the chal-¹³ lenge and to order them to open it, in order that, if the contents differed from the statements which these men had made in their deposition, I might have called a number of the bystanders as witnesses, and have used this fact as a proof that the rest of their story too was a fabrication; but, if the contents were the same, I might have required the one presenting it to give evidence himself. If he consented, I should have had a responsible witness, and, if he refused, this very fact again would have been a convincing proof for me that the affair had been concocted. And in the former case the result would have been that I had one person with whom to deal, whereas according to the depositions of these men I have many. Is there anyone among you who would have chosen the latter course? I think not one of you would have. Well¹⁴ then, you ought not to believe it of anyone else either. For, men of Athens, in all courses of action which involve anger or some getting of gain or exasperation

κέρδους ἢ παροξυσμὸς ἢ φιλονικία, ταῦτα μὲν ἄλλος ἂν ἄλλως πράξειε πρὸς τὸν αὐτοῦ τρόπον· ὅσοις δὲ τούτων μὲν μηδέν, λογισμὸς δ' ἐφ' ἡσυχίας τοῦ συμφέροντος, τίς οὕτως ἄφρων ὅστις ἂν τὰ συνοίσειεν^a ἀφείς, ἐξ ὧν κάκιον ἤμελλεν ἀγωνιῆσθαι, ταῦτ' ἐπραξεν; ἃ γὰρ οὐτ' εἰκότ' οὐτ' εὐλογ' οὐτ' ἂν ἐπραξ' οὐδὲ εἰς, ταῦθ' οὗτοι μεμαρτυρήκασιν περὶ ἡμῶν.

- 15 Οὐ τοίνυν μόνον ἐξ ὧν ἐμὲ μὴ θέλαιν τὸ γραμματεῖον ἀνοίγειν μεμαρτυρήκασι, γνοίῃ τις ἂν αὐτοὺς ὅτι ψεύδονται, ἀλλὰ καὶ ἐκ τοῦ πρόκλησιν ὁμοῦ διαθήκη μαρτυρεῖν. οἶμαι γὰρ ἅπαντας ὑμᾶς εἰδέναι, ὅτι ὅσα μὴ δυνατόν πρὸς ὑμᾶς ἀγαγεῖν ἔστι τῶν πεπραγμένων, τούτων προκλήσεις
- 16 εὐρέθησαν. οἷον βασανίζειν οὐκ ἔστιν ἐναντίον ὑμῶν· ἀνάγκη τούτου πρόκλησιν εἶναι. οἷον εἴ τι πέπρακται καὶ γέγον' ἔξω που τῆς χώρας, ἀνάγκη καὶ τούτου πρόκλησιν εἶναι, πλεῖν ἢ βαδίζειν οὐ τὸ πρᾶγμ' ἐπράχθη· καὶ τῶν ἄλλων τῶν τοιούτων. ὅπου δ' αὐτὰ τὰ πράγματ' ἐφ' αὐτῶν ἔστιν ὑμῖν ἐμφανῇ ποιῆσαι, τί ἦν ἀπλούστερον ἢ ταῦτ' ἄγειν
- 17 εἰς μέσον; Ἀθήνησι μὲν τοίνυν ὁ πατήρ ἐτελεύτησεν οὐμός, ἐγένετο δ' ἡ δίαίτ' ἐν τῇ ποικίλῃ στοᾷ, μεμαρτυρήκασι δ' οὗτοι παρέχειν τὸ γραμματεῖον Ἀμφίαν πρὸς τὸν διαιτητὴν. οὐκοῦν εἴπερ ἀληθὲς ἦν, ἐχρῆν αὐτὸ τὸ γραμματεῖον εἰς τὸν ἐχίνον ἐμβαλεῖν καὶ τὸν παρέχοντα μαρτυρεῖν, ἢ ἐκ τῆς ἀληθείας καὶ τοῦ τὰ σημεῖ' ἰδεῖν, οἱ μὲν

^a The Painted Stoa was the largest and finest of the porticoes surrounding the agora. It got its name from the famous paintings with which its walls were adorned.

^b See Aristotle, *Constitution of Athens* liii. 2.

or a spirit of jealousy, different persons will act in different ways in accordance with their several dispositions ; but in all cases where none of these things is involved, but merely a calm calculation of one's own interest, who would be so senseless as to dismiss what would help him and do what would make it more difficult for him to win his case ? Yet a course of action which is neither natural nor reasonable, which, in short, no human being would have undertaken—this these witnesses have attributed to me.

Moreover, it is not only from what they have stated 15 in their deposition regarding my refusal to open the document that one can tell that they are lying, but also from the fact that they have deposed at one and the same time both to a challenge and to a will. For I think you are all aware that challenges were devised for all transactions which it is impossible to bring before you ; for instance, a man may not be put to 16 torture in your presence—for this it is necessary that there be a challenge ; again, if anything has been transacted and has taken place somewhere out of the country, it is necessary that for this too there should be a challenge to go by sea or land to the place where the thing was done ; and so for other things of that sort. But in cases where it is possible to produce the things themselves before your eyes, what could be simpler than to produce them publicly ? Well, my 17 father died at Athens, the arbitration took place in the Painted Stoa,^a and these men have deposed that Amphias produced the document before the arbitrator. Then, if it was genuine, the document ought to have been put into the box,^b and the one producing it should have so testified, in order that the jurymen might have reached a decision in accordance with the

δικασταὶ τὸ πρᾶγμ' ἔγνωσαν, ἐγὼ δ' εἴ τις ἡδίκηει
 18 μ', ἐπὶ τοῦτον ἦα. νῦν δ' εἰς μὲν οὐδείς ὅλον τὸ
 πρᾶγμ' ἀνεδέξατο, οὐδὲ μεμαρτύρηκεν ἀπλῶς, ὥς
 ἂν τις τὰληθῇ μαρτυρήσειε, μέρος δ' ἕκαστος, ὥς
 δὴ σοφὸς καὶ διὰ τοῦτ' οὐ δώσω δίκην, ὁ μὲν
 γραμματεῖον ἔχειν ἐφ' ᾧ γεγράφθαι "διαθήκη Πα-
 σίωνος," ὁ δὲ πεμφθεὶς ὑπὸ τούτου παρέχειν τοῦτ',
 19 εἰ δ' ἀληθὲς ἢ ψεῦδος, οὐδὲν εἰδέναι. οἰδὶ δὲ τῇ
 [1107] προκλήσει χρησάμενοι παραπετάσματι, διαθήκας
 ἐμαρτύρησαν, ὥς οἱ μὲν δικασταὶ ταύτην τὴν δια-
 θήκην ἐπίστευσαν τοῦ πατρὸς εἶναι, ἐγὼ δ' ἀπ-
 εκλείσθην τοῦ λόγου τυχεῖν ὑπὲρ ὧν ἀδικοῦμαι,
 οὔτοι δὲ ἂν μάλισθ'¹ φωραθεῖεν τὰ ψευδῇ μεμαρ-
 τυρηκότες. καίτοι τό γ' ἐναντίον ὥοντο τούτου.
 "Ἰνα δ' εἰδῇθ' ὅτι ταῦτ' ἀληθῇ λέγω, λαβὲ τὴν
 τοῦ Κηφισοφῶντος μαρτυρίαν.

ΜΑΡΤΥΡΙΑ

Κηφισοφῶν Κεφαλίωνος Ἀφιδναῖος μαρτυρεῖ κατα-
 λειφθῆναι αὐτῷ ὑπὸ τοῦ πατρὸς γραμματεῖον, ἐφ' ᾧ
 ἐπιγεγράφθαι "διαθήκη Πασίωνος."

20 Οὐκοῦν ἦν ἀπλοῦν, ᾧ ἄνδρες δικασταί, τὸν ταῦτα
 μαρτυροῦντα προσμαρτυρῆσαι "εἶναι δὲ τὸ γραμ-
 ματεῖον, ὃ αὐτὸς παρέχει, τοῦτο," καὶ τὸ γραμ-
 ματεῖον ἐμβαλεῖν. ἀλλὰ τοῦτο μὲν, οἶμαι, τὸ ψεῦδος
 ἡγείτ' ὀργῆς ἄξιον, καὶ δίκην ἂν ὑμᾶς παρ' αὐτοῦ
 λαβεῖν, γραμματεῖον δ' αὐτῷ καταλειφθῆναι μαρ-

¹ ἂν μάλισθ', placed after οὔτοι δὲ instead of after ὥς (3 lines above), G. H. Schaefer.

^a Aphidna was a deme of the tribe Aeantis.

truth and after an inspection of the seals ; and I, on my part, if anyone was wronging me, might have proceeded against him. But, as it is, no one person 18 has taken the whole matter upon himself or given straightforward testimony, as one would do in testifying to the truth, but each has deposed to a part of the story, fancying that he is very clever and that for this reason he will escape punishment,—one of them deposing that he holds a document on which is written “ the will of Pasio ” ; another that, being sent by the former person, he produced this document, but had no knowledge as to whether it was genuine or spurious. These men, who are here 19 in court, using the challenge as a screen, deposed to a will in such a way that the jurymen believed this will to be my father’s, and I was debarred from obtaining a hearing regarding my wrongs, but in such a way also that they on their part would most clearly be convicted of having given false testimony. And yet this was the very opposite of what they intended.

However, that you may know that I am speaking the truth in this, (*to the clerk*) take the deposition of Cephisophon.

THE DEPOSITION

Cephisophon, son of Cephalion, of Aphidna,^a deposes that a document was left him by his father, on which was inscribed “ the will of Pasio.”

It was a simple thing, men of the jury, for the one 20 who gave this testimony to add “ and this is the document which the deponent exhibits,” and to put the document into the box. But, I presume, he thought that this falsehood would deserve your indignation, and that you would punish him for it, whereas to testify that a document had been bequeathed to him

- τυρῆσαι φαῦλον καὶ οὐδέν. ἔστι δὲ τοῦτ' αὐτὸ τὸ
 21 δηλοῦν καὶ κατηγοροῦν ὅτι πᾶν τὸ πρᾶγμα κατ-
 εσκευάκασιν. εἰ μὲν γὰρ ἐπῆν ἐπὶ τῆς διαθήκης
 “ Πασίωνος καὶ Φορμίωνος,” ἢ “ πρὸς Φορμίων’ ”
 ἢ τοιοῦτό τι, εἰκότως ἂν αὐτὴν ἐτήρει τούτῳ.
 εἰ δ', ὥσπερ μεμαρτύρηκεν, ἐπῆν “ διαθήκη Πασίω-
 νος,” πῶς οὐκ ἂν ἀνηρήμην αὐτὴν ἐγώ, συνειδὼς
 μὲν ἑμαυτῷ μέλλοντι δικάζεσθαι, συνειδὼς δ'
 ὑπεναντίαν οὔσαν, εἴπερ ἦν τοιαύτη, τοῖς ἑμαυτῷ
 συμφέρουσι, κληρονόμος δ' ὢν καὶ ταύτης, εἴπερ
 ἦν τοῦμοῦ πατρός, καὶ τῶν ἄλλων τῶν πατρώων
 22 ὁμοίως; οὐκοῦν τῷ παρέχεσθαι μὲν Φορμίωνι,
 γεγράφθαι δὲ Πασίωνος, εἰᾶσθαι δ' ὑφ' ἡμῶν,
 [1108] ἐξελέγχεται κατεσκευασμένη μὲν ἡ διαθήκη, ψευ-
 δῆς δ' ἡ τοῦ Κηφισοφώντος μαρτυρία. ἀλλ' ἐῷ
 Κηφισοφώντα· οὔτε γὰρ νῦν μοι πρὸς ἐκεῖνόν ἐστιν,
 οὔτ' ἐμαρτύρησεν ἐκεῖνος περὶ τῶν ἐν ταῖς δια-
 23 θήκαις ἐνόντων οὐδέν. καίτοι καὶ τοῦτο σκοπεῖτε,
 ὅσον ἐστὶ τεκμήριον, ὧ ἄνδρες Ἀθηναῖοι, τοῦ
 τούτους τὰ ψευδῆ μεμαρτυρηκέναι. εἰ γὰρ ὁ μὲν
 αὐτὸς ἔχειν τὸ γραμματεῖον μαρτυρῶν, οὐκ
 ἐτόλμησ' ἀντίγραφ' εἶναι ἃ παρείχετο Φορμίων
 τῶν παρ' αὐτῷ μαρτυρηῆσαι, οὔτοι δ' οὔτ' ἐξ
 ἀρχῆς ὡς παρῆσαν ἔχοιεν ἂν εἰπεῖν, οὔτ' ἀνοιχθὲν
 εἶδον πρὸς τῷ διαιτητῇ τὸ γραμματεῖον, ἀλλὰ καὶ
 μεμαρτυρήκασιν αὐτοὶ μὴ θέλειν ἔμ' ἀνοίγειν,
 ταῦθ' ὡς ἀντίγραφ' ἐστὶν ἐκείνων μεμαρτυρηκότες,
 τί ἄλλ' ἢ σφῶν αὐτῶν κατήγοροι γεγόνασιν ὅτι
 ψεύδονται;
- 24 Ἔτι τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, πῶς γέγραπται

was a trifling matter and one of no consequence. And yet it is this very thing that makes the whole matter clear, and proves that they have concocted it. For if the inscription on the will had been "the 21 property of Pasio and Phormio" or "in the matter of Phormio," or something of that sort, he would naturally have kept it for him: but if, as he has testified, the inscription was "the will of Pasio," I should certainly have appropriated it, knowing that I was about to go to law, and knowing further that, if its contents were as represented, it was prejudicial to my interests: for I was the heir, and if the will was my father's, it belonged to me, as did also all the rest of my father's estate. Well then, by its having 22 been produced to Phormio, by its having been inscribed "the will of Pasio," and yet ignored by me, it is proved that the will is a forgery and that the testimony of Cephisophon is false. But no more of Cephisophon: it is not with him that I have to do at present, and he has given no testimony as to the contents of the will. And yet, men of Athens, I 23 would have you consider how strong a proof this also is that these men have given false testimony. For when the witness who stated that he had the document in his own possession did not dare to say that the one produced by Phormio was a copy of the one in his own keeping: and when these men cannot state that they were present in the first instance or that they saw the document opened before the arbitrator, but have themselves actually deposed that I refused to open it, to have testified now that the one is a copy of the other, is not this to have accused themselves of falsifying?

More than all this, men of Athens, any man by 24

DEMOSTHENES

τις ἂν ἐξετάσας τὴν μαρτυρίαν, γνοίῃ παντελῶς τοῦτο μεμηχανημένους αὐτούς, ὅπως καὶ δικαίως καὶ ἀδίκως δόξει ταῦθ' ὁ πατήρ οὐμὸς διαθέσθαι.

Λαβὲ δ' αὐτὴν τὴν μαρτυρίαν, καὶ λέγ' ἐπισχὼν οὐδ' ἂν σε κελεύω, ἵν' ἐξ αὐτῆς δεικνύω.

ΜΑΡΤΥΡΙΑ

Μαρτυροῦσι παρεῖναι πρὸς τῷ διαιτητῇ Τεισίᾳ, ὅτε προῦκαλείτο Φορμίων Ἀπολλόδωρον, εἰ μὴ φησιν ἀντίγραφα εἶναι τῶν διαθηκῶν τῶν Πασίωνος . . .

25 Ἐπίσχες. ἐνθυμεῖσθ' ὅτι “ τῶν διαθηκῶν ” γέγραπται “ τῶν Πασίωνος.” καίτοι χρῆν τοὺς βουλομένους τᾶληθῇ μαρτυρεῖν, εἰ τὰ μάλιστ' ἐγίγνεθ' ἡ πρόκλησις, ὥς οὐκ ἐγίγνετο, ἐκείνως μαρτυρεῖν.

Λέγε τὴν μαρτυρίαν ἀπ' ἀρχῆς πάλιν.

[1109]

ΜΑΡΤΥΡΙΑ

Μαρτυροῦσι παρεῖναι πρὸς τῷ διαιτητῇ Τεισίᾳ . . .

Μαρτυροῦμεν· παρῆμεν γὰρ δὴ· λέγε.

ὅτε προῦκαλείτο Φορμίων Ἀπολλόδωρον . . .

Καὶ τοῦτ', εἴπερ προῦκαλεῖτ', ὀρθῶς ἂν ἐμαρτύρουν.

εἰ μὴ φησιν ἀντίγραφα εἶναι τῶν διαθηκῶν τῶν Πασίωνος . . .

26 Ἐχ' αὐτοῦ. οὐδ' ἂν εἰς ἔτι δήπου τοῦτ' ἐμαρ-

examining the wording of the deposition can see that it is nothing but a contrivance of theirs to the end that rightly or wrongly it may appear that my father made this will.

(*To the clerk.*) But take the deposition itself, and read, stopping wherever I bid you, that from its own wording I may prove my point.

THE DEPOSITION

. . . depose that they were present before the arbitrator Teisias, when Phormio challenged Apollodorus, if he declared that the document was not a copy of the will of Pasio . . .

Stop reading. Bear in mind that the words are "of 25 the will of Pasio." Now persons who wished to bear witness to the truth—assuming that it is absolutely established that the challenge was tendered, which it was not—ought to have given their testimony in the following way.

(*To the clerk.*) Read the deposition again from the beginning.

THE DEPOSITION

. . . depose that they were present before the arbitrator Teisias . . .

We do depose ; for we were present. Read on.

. . . when Phormio challenged Apollodorus . . .

This, too, they might properly have stated, assuming that he really tendered the challenge.

. . . if he declared that the document was not a copy of the will of Pasio . . .

Stop right there. There is not a person in the 26 world, I presume, who would have proceeded to give

τύρησεν, εἰ μή τις καὶ παρὴν διατιθεμένῳ τῷ πατρὶ τῷμῳ· ἀλλ' εὐθύς ἄν εἶπε· “ τί δ' ἡμεῖς ἴσμεν, εἴ τινές εἰσιν διαθήκαι Πασίωνος; ” καὶ γράφειν ἄν αὐτὸν ἠξίωσεν, ὥσπερ ἐν ἀρχῇ τῆς προκλήσεως “ εἰ μή φημ' ἐγὼ ἀντίγραφα εἶναι τῶν διαθηκῶν, ” οὕτως “ ὧν φησι Φορμίων Πασίωνα καταλιπεῖν, ” οὐ “ τῶν Πασίωνος. ” τοῦτο μὲν γὰρ ἦν εἶναι διαθήκας μαρτυρεῖν, ὅπερ ἦν τούτοις βούλημα, ἐκείνο δὲ φάσκειν Φορμίωνα· πλείστον δὲ δήπου κεχώρισται τό τ' εἶναι καὶ τὸ τοῦτον φάσκειν.

27 Ἴνα τοίνυν εἰδῇθ' ὑπὲρ ἡλικίων καὶ ὅσων ἦν τὸ κατασκευάσμα τὸ τῆς διαθήκης, μίκρ' ἀκούσατέ μου. ἦν γάρ, ὦ ἄνδρες Ἀθηναῖοι, τοῦτο πρῶτον μὲν ὑπὲρ τοῦ μὴ δοῦναι δίκην ὧν διεφθάρκει, ἦν ἐμοὶ μὲν οὐ καλὸν λέγειν, ὑμεῖς δ' ἴστε, καὶ ἐγὼ μὴ λέγω, ἔπειθ' ὑπὲρ τοῦ κατασχεῖν ὅσ' ἦν τῷ ἡμετέρῳ πατρὶ χρήματα παρὰ τῇ μητρί, πρὸς δὲ τούτοις ὑπὲρ τοῦ καὶ τῶν ἄλλων τῶν ἡμετέρων ἀπάντων κυρίῳ γενέσθαι. ὅτι δ' οὕτω ταῦτ' ἔχει, τῆς διαθήκης αὐτῆς ἀκούσαντες γνώσεσθε· φανήσεται γὰρ οὐ πατρὸς ὡς ὑπὲρ υἱέων γράφοντος ἐοικυῖα διαθήκη, ἀλλὰ δούλου λελυμασμένου τὰ τῶν δεσποτῶν, ὅπως μὴ δώσει δίκην σκοποῦντος.

28 [1110] Λέγε δ' αὐτοῖς τὴν διαθήκην αὐτήν, ἣν οὗτοι μετὰ τῆς προκλήσεως μεμαρτυρήκασιν· ὑμεῖς δ' ἐνθυμεῖσθ' ἃ λέγω.

this testimony, unless he had been present when my father drew up the will. Instead, he would have said at once, "How do we know if there is any will of Pasio's?"—and he would have demanded that Phormio write, as in the beginning of the challenge: "If I declared that the document was not a copy of the will which Phormio stated that Pasio had left,"—not "of the will of Pasio." For this was to testify that there was a will (which was their intention), the other that Phormio said that there was. And, I take it, there is a world of difference between a thing's being so, and Phormio's saying that it is.

So, in order that you may know how many and how 27 important objects were to be secured by the fabrication of the will, listen for a moment. The first, men of Athens, was this, that Phormio should escape paying the penalty for corrupting one whom it is not proper for me to name, but whom you know of yourselves, even if I do not name her^a; next, that he might get possession of my father's property which was in my mother's keeping; and in addition to this, that he might become master of everything else which belonged to us. That this is so, you will be convinced when you hear the will. For it will be found, not like that of a father writing in the interest of his sons, but like that of a slave who has shamefully misused what belonged to his master, and who is seeking how he may escape punishment.

(*To the clerk.*) Read them the will itself, to which 28 these men have deposed along with the challenge; and do you mark well what I say.

glaring contrast with the gross accusation made against her later in the speech.

ΔΙΑΘΗΚΗ

Τάδε διέθετο Πασίων Ἀχαρνεύς· δίδωμι τὴν ἔμαν-
τοῦ γυναῖκα Ἀρχίππην Φορμίωνι, καὶ προῖκα ἐπιδίδωμι
Ἀρχίππῃ τάλαντον μὲν τὸ ἐκ Πεπαρήθου, τάλαντον
δὲ τὸ αὐτόθεν, συνοικίαν ἑκατὸν μνῶν, θεραπαίνας καὶ
χρυσία, καὶ τᾶλλ' ὅσα ἐστὶν αὐτῇ ἔνδον, ἅπαντα ταῦτα
Ἀρχίππῃ δίδωμι.

Ἦκούσατ', ὦ ἄνδρες Ἀθηναῖοι, τὸ πλῆθος τῆς
προικός, τάλαντον ἐκ Πεπαρήθου, τάλαντον αὐ-
τόθεν, συνοικίαν ἑκατὸν μνῶν, θεραπαίνας καὶ
χρυσία, καὶ τᾶλλα, φησὶν, ὅσ' ἔστ' αὐτῇ, δίδωμι,
τούτῳ τῷ γράμματι καὶ τοῦ ζητῆσαί τι τῶν
καταλειφθέντων ἀποκλείων ἡμᾶς.

- 29 Φέρε δὴ δείξω τὴν μίσθωσιν ὑμῖν, καθ' ἣν
ἐμεμίσθωτο τὴν τράπεζαν παρὰ τοῦ πατρὸς οὗτος.
καὶ γὰρ ἐκ ταύτης, καίπερ ἐσκευωρημένης, ὅψεσθ'
ὅτι πλάσμ' ὅλον ἐστὶν ἡ διαθήκη. δείξω δ' ἣν
οὗτος παρέσχeto μίσθωσιν, οὐκ ἄλλην τινά, ἐν ἣ
προσγέγραπται ἔνδεκα τάλαντα ὁ πατήρ ὀφείλων
30 εἰς τὰς παρακαταθήκας τούτῳ. ἔστι δ', οἶμαι,
ταῦτα τοιαῦτα. τῶν μὲν οἴκοι χρημάτων ὥς ἐπὶ
τῇ μητρὶ δοθέντων διὰ τῆς διαθήκης αὐτὸν ἐποίησε
κύριον, ὥσπερ ἀκηκόατ' ἄρτι, τῶν δ' ἐπὶ τῆς
τραπέζης ὄντων, ἃ πάντες ἤδεσαν καὶ λαθεῖν οὐκ
ἦν, διὰ τοῦ προσοφείλοντ' ἀποφῆναι τὸν πατέρ'
ἡμῶν, ἢ, ὅσ' ἐξελέγχοιτο ἔχων, κεκομίσθαι φαίη.
ὕμεῖς δ' ἴσως αὐτὸν ὑπειλήφατε, ὅτι σολοικίζει τῇ

^a Peparethus is a small island north of Euboea, on which was an Athenian colony. Its modern name is Skopelos.

^b "σόλοικος is a word of narrower meaning than βάρβαρος, and is applied mainly to faults of pronunciation or mistakes in Grammar, especially Syntax, due to foreign origin"

THE WILL

This is the will of Pasio of Acharnae. I give my wife Archippê to Phormio, and I give as dowry to Archippê the talent due to me at Peparethus,^a the talent due to me here in Athens, a lodging-house worth one hundred minae, the female slaves and jewelry, and all else that she has in the house. All these things I give to Archippê.

You have heard, men of Athens, the large amount of the dowry,—a talent from Peparethus, a talent from Athens, a lodging-house worth a hundred minae, female slaves and jewelry, and all else that she has in her possession—I give it all, says the will; and by this clause he precludes us even from searching for any of the property that was left.

Now let me show you the lease under which Phormio 29 had taken the bank from my father; for from this also, spurious though it is, you will see that the will is fabrication through and through. I will set forth for you, not a different lease, but the one which Phormio produced, in which there is an added clause setting down my father as owing Phormio eleven talents on the deposits. This had, I think, the following purpose. Of 30 the effects in the house he made himself master by the will, on the ground that they had been given as a dowry with my mother, as you have just heard; but the money in the bank, about which everybody knew, and which could not be hidden, he got into his hands by representing that our father owed it, so that whatever sums he might be proved to have in his possession he might claim to have received in payment. You have perhaps imagined, because he solecizes^b in his (Sandys). It would, however, be quite futile to look for a specific error in the, very probably spurious, lease inserted in the oration.

[1111] φωνῇ, βάρβαρον καὶ εὐκαταφρόνητον εἶναι. ἔστι δὲ βάρβαρος οὗτος τῷ μισεῖν οὖς αὐτῷ προσῆκεν τιμᾶν· τῷ δὲ κακουργῆσαι καὶ διορύξαι πράγματ' οὐδενὸς λείπεται.

31 Λαβὲ δὴ τὴν μίσθωσιν καὶ λέγε, ἣν τὸν αὐτὸν τρόπον διὰ προκλήσεως ἐνεβάλοντο.

ΜΙΣΘΩΣΙΣ ΤΡΑΠΕΖΗΣ

Κατὰ τὰδε ἐμίσθωσε Πασίων τὴν τράπεζαν Φορμίωνι· μίσθωσιν φέρειν Φορμίωνι τῆς τραπέζης τοῖς παισὶ τοῖς Πασίωνος δύο τάλαντα καὶ τετταράκοντα μνᾶς τοῦ ἐνιαυτοῦ ἐκάστου, χωρὶς τῆς καθ' ἡμέραν διοικήσεως· μὴ ἐξεῖναι δὲ τραπεζίτεῦσαι χωρὶς Φορμίωνι, ἐὰν μὴ πείσῃ τοὺς παῖδας τοὺς Πασίωνος. ὀφείλει δὲ Πασίων ἐπὶ τὴν τράπεζαν ἑνδεκα τάλαντα εἰς τὰς παρακαταθήκας.

32 Ἄς μὲν τοίνυν παρέσχετο συνθήκας ὡς κατὰ ταύτας μισθωσάμενος τὴν τράπεζαν, αὐταὶ εἰσιν, ὧ ἄνδρες δικασταί. ἀκούετε δ' ἐν ταύταις ἀναγινωσκομέναις, μίσθωσιν μὲν φέρειν τοῦτον, ἄνευ τῆς καθ' ἡμέραν διοικήσεως, δύο τάλαντα καὶ τετταράκοντα μνᾶς τοῦ ἐνιαυτοῦ ἐκάστου, μὴ ἐξεῖναι δὲ τραπεζίτεῦειν αὐτῷ, ἐὰν μὴ ἡμᾶς πείσῃ. προσγέγραπται δὲ τελευταῖον “ ὀφείλει δὲ Πασίων
33 ἑνδεκα τάλαντα εἰς τὰς παρακαταθήκας.” ἔστιν οὖν ὅστις ἂν τοῦ ξύλου καὶ τοῦ χωρίου καὶ τῶν γραμματείων τοσαύτην ὑπέμεινε φέρειν μίσθωσιν; ἔστι δ' ὅστις ἂν, δι' ὃν ὀφειλήκει τοσαῦτα χρήμαθ' ἢ τράπεζα, τούτῳ τὰ λοιπὰ ἐπέτρεψεν; εἰ γὰρ

^a The metaphor is from house-breaking.

^b Pasio is stated by Phormio to have owed the bank eleven talents (Oration XXXVI § 4). This debt may be assumed to have been properly secured, so that it was in no sense a

speech, that he is a barbarian and a man readily to be despised. The fellow is indeed a barbarian in that he hates those whom he ought to honour; but in villainy and in bringing matters to ruin ^a he is second to none.

(*To the clerk.*) Take the lease and read it—the 31 lease which they put in, as they did the will, by means of a challenge.

THE LEASE OF THE BANK

On the following terms Pasio has let the bank to Phormio: Phormio is to pay to the sons of Pasio as rental for the bank two talents and forty minae each year above the daily expenditure, and it shall not be lawful for Phormio to carry on a banking business independently unless he first obtains the consent of the sons of Pasio. And Pasio owes the bank eleven talents upon the deposits.

This, men of the jury, is the agreement which 32 Phormio produced, alleging that he had leased the bank upon these terms. You learn from hearing it read that Phormio, over and above the daily expenditure, was to pay as rent two talents and forty minae each year, and that it was not to be permitted him to carry on a banking business, unless he obtained our consent; and there is added as a final statement, "Pasio owes eleven talents upon the 33 deposits." Now, is there any man who would have submitted to the payment of so large a rental for the counter, the site, and the books? And is there any man who would have entrusted the rest of the assets to a man thanks to whom the bank had incurred so great a liability? ^b For, if there was deficit. The present speaker, however, represents it as such, and implies that the bank had been brought to insolvency through Phormio's incompetence.

ἐνεδέησε τοσούτων χρημάτων, τούτου διοικούντος ἐνεδέησεν. ἴστε γὰρ πάντες, καὶ ὅτ' ἦν ὁ πατήρ ἐπὶ τοῦ τραπεζιτεῦν, τοῦτον καθήμενον καὶ διοικούντ' ἐπὶ τῇ τραπέζῃ, ὥστ' ἐν τῷ μύλῳ προσῆκεν αὐτὸν εἶναι μᾶλλον ἢ τῶν λοιπῶν κύριον
 34 γενέσθαι. ἀλλ' ἐὼ ταῦτα καὶ τᾶλλ' ὅσ' ἂν περὶ
 [1112] τῶν ἑνδεκα ταλάντων ἔχοιμ' εἰπεῖν, ὥς οὐκ ὠφείλ' ὁ πατήρ, ἀλλ' οὗτος ὑφῆρηται.

Ἄλλ' οὐ ἀνέγνων εἵνεκα, τοῦ τὴν διαθήκην ψευδῇ δεῖξαι, τοῦθ' ὑμᾶς ἀναμνήσω. γέγραπται γὰρ αὐτόθι, μὴ ἐξεῖναι δὲ τραπεζιτεῦν Φορμίωνι, ἐὰν μὴ ἡμᾶς πείσῃ. τοῦτο τοίνυν τὸ γράμμα παντελῶς δηλοῖ ψευδῇ τὴν διαθήκην οὔσαν. τίς γὰρ ἂν ἀνθρώπων, ἃ μὲν ἡμελλε τραπεζιτεύων οὗτος ἐργάζεσθαι, ταῦθ' ὅπως ἡμῖν τοῖς αὐτοῦ παισίν, ἀλλὰ μὴ τούτῳ γενήσεται προϋνοήθη, καὶ διὰ τοῦτο μὴ ἐξεῖναι τούτῳ τραπεζιτεῦν ἔγραψεν, ἵνα μὴ ἀφιστῇται ἀφ' ἡμῶν. ἃ δ' αὐτὸς εἰργασμένος ἔνδον κατέλειπε, ταῦθ' ὅπως οὗτος λήψεται παρεσκευά-
 35 σεν; καὶ τῆς μὲν ἐργασίας ἐφθόνησεν, ἧς οὐδὲν αἰσχρὸν ἦν μεταδοῦναι. τὴν δὲ γυναῖκ' ἔδωκεν, οὐ μείζον οὐδὲν ἂν κατέλειπεν ὄνειδος; τυχὼν γε τῆς παρ' ὑμῶν δωρεῖας, εἴθ' ὥσπερ ἂν δοῦλος δεσπότης διδούς, ἀλλ' οὐ τούναντίον, εἴπερ ἐδίδου, δεσπότης οἰκέτῃ, προστιθεὶς προῖκα ὅσῃν οὐδεὶς τῶν ἐν τῇ

^a Slaves were often condemned to the heavy labour of turning the millstone.

^b The mother of Demosthenes brought to her husband a dowry of only 80 minae (Oration XXVII § 5); the mother of Mantitheus one of 60 minae (Oration XL § 6); and the two daughters of Polynektus dowries of 40 minae each (Oration XLI §§ 3 and 27).

a shortage of so large an amount, it was incurred while Phormio was manager. For you all know that, while my father was engaged in the banking business, Phormio sat at the counter and was his manager ; so that he ought rather to be in the mill ^a than to become master of the rest of the property. However. 34
I pass over this and all else that I might find to say about the eleven talents, to show that my father did not owe them but that Phormio secretly appropriated them.

But let me remind you of the purpose for which I read the lease, namely, to prove that the will is spurious. For it stands written in the lease that it shall not be lawful for Phormio to engage in banking business, unless he obtains our consent. This clause absolutely proves the will to be spurious. For what man, who had taken precautions that the profits which Phormio might make by banking should accrue to his own children and not to Phormio himself, and to secure this end had stipulated that it should not be permitted him to engage in banking for himself, lest his interests might be separated from ours—what man, I ask, in these circumstances would have provided that Phormio should get possession of what he had himself won by his labour and left in his house ? And would he have begrudged him the 35
banking business, in which he might have given him a share without disgrace, and yet have given him his wife, a bequest disgraceful above all others ? Yes, after receiving from you the gift of citizenship, he gave his wife (if indeed he gave her) as a slave giving to his master, and not, on the contrary, as a master to a slave, and he added such a dowry as no man in Athens was ever known to give.^b And yet, to have been 36

36 πόλει φαίνεται. καίτοι τούτῳ μὲν αὐτὸ τοῦτ' ἀγαπητὸν ἦν, τὸ τῆς δεσποίνης ἀξιοθῆναι· τῷ πατρὶ δ' οὐδὲ λαμβάνοντι τοσαῦτα χρήματα, ὅσα φασὶ διδόνθ' οὗτοι, εὖλογον ἦν πράξαι ταῦτα. ἀλλ' ὅμως ἂ τοῖς εἰκόσι, τοῖς χρόνοις, τοῖς πεπραγμένοις ἐξελέγχεται ψευδῇ, ταῦτα μαρτυρεῖν οὐκ ὤκνησεν οὗτοσι Στέφανος.

37 Εἶτα λέγει περιϋών, ὡς ἐμαρτύρησε μὲν Νικοκλῆς ἐπιτροπεῦσαι κατὰ τὴν διαθήκην, ἐμαρτύρησε δὲ Πασικλῆς ἐπιτροπευθῆναι κατὰ τὴν διαθήκην. ἐγὼ δ' αὐτὰ ταῦτ' οἶμαι τεκμήρι' εἶναι, τοῦ μήτ' [1113] ἐκείνους τάληθῇ μήτε τούσδε μεμαρτυρηκέναι. ὁ γὰρ ἐπιτροπεῦσαι κατὰ διαθήκας μαρτυρῶν, δῆλον ὅτι καθ' ὁποίας ἂν εἰδείῃ, καὶ ὁ ἐπιτροπευθῆναι κατὰ διαθήκας μαρτυρῶν, δῆλον ὅτι καθ' ὁποίας 38 ἂν εἰδείῃ. τί οὖν μαθόντες ἐμαρτυρεῖθ' ὑμεῖς ἐν προκλήσει διαθήκας, ἀλλ' οὐκ ἐκείνους εἰάτε; εἰ γὰρ αὖ μὴ φήσουσιν εἰδέναι τὰ γεγραμμέν' ἐν αὐταῖς, πῶς ὑμᾶς οἶόν τ' εἰδέναι τοὺς μηδαμῇ μηδαμῶς τοῦ πράγματος ἐγγύς; τί ποτ' οὖν οἱ μὲν ἐκεῖνα, οἱ δὲ ταῦτ' ἐμαρτύρησαν; ὅπερ εἶρηκα καὶ πρότερον, διείλοντο τὰδικήματα, καὶ ἐπιτροπεῦσαι μὲν κατὰ διαθήκην οὐδὲν δεινὸν ἡγείτο μαρτυρεῖν ὁ μαρτυρῶν, οὐδ' ἐπιτροπευθῆναι κατὰ 39 διαθήκην, ἀφαιρῶν ἑκάτερος τὸ μαρτυρεῖν τὰ ἐν ταῖς διαθήκαις ὑπὸ τούτου γεγραμμένα, οὐδὲ καταλιπεῖν τὸν πατέρ' αὐτῷ ἐπιγεγραμμένον γραμματεῖον διαθήκην, οὐδὲ τὰ τοιαῦτα· διαθήκας δὲ

^a That is, it would not have been reasonable for him to leave his wife to his former slave even if he had received as a bribe the large sum which he is alleged to have given as a marriage portion.

honoured with the hand of his mistress was of itself enough to make this fellow content, whereas in my father's case, even if he received as much money as these people allege that he gave, it was not reasonable for him to make this arrangement.^a Nevertheless, to things which are proved to be false by the probabilities, the dates and the facts, to these this man Stephanus has not hesitated to depose.

Then he goes about, saying that Nicocles testified 37 that he had served as guardian under the will, and Pasielles that he had lived as ward under the will. But for my part I hold that these very facts are proofs that neither these witnesses nor those have testified to the truth. For a person who testifies that he served as guardian under a will should certainly know what the nature of the will was, and a person who testifies that he lived as ward under a will should certainly know what the nature of the will was. Why 38 in the world, then, Stephanus, did you people depose to the will under the form of a challenge, instead of leaving the matter to them? If they on their part shall declare that they do not know the contents of the will, how is it possible for you to know them, you who have never in any way been connected with the matter? Why, pray, is it that one group of witnesses testified to these facts, and another group to those? It is as I have already told you: they divided the fraud. The one so testifying saw no danger in deposing that he served as guardian under the will, or that he lived as ward under the will, each one of them 39 omitting to state what had been written in the will by Phormio,—no danger in deposing that one's father had left him a document with the word "will" written on it, or anything of that sort. But to testify

μαρτυρεῖν, ἐν αἷς χρημάτων τοσούτων κλοπή, γυναικὸς διαφθορά, γάμοι δεσποίνης, πράγματ' αἰσχύνην καὶ ὕβριν τοσαύτην ἔχοντα, οὐδεὶς ἤθελεν πλὴν οὗτοι, πρόκλησιν κατασκευάσαντες, παρ' ὧν δίκαιον τῆς ὅλης τέχνης καὶ κακουργίας δίκην λαβεῖν.

- 40 Ἰνα τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, μὴ μόνον ἐξ ὧν ἐγὼ κατηγορῶ καὶ ἐλέγχω, δηλὸς ὑμῖν γένηται τὰ ψευδῇ μεμαρτυρηκῶς οὕτοσι Στέφανος, ἀλλὰ καὶ ἐξ ὧν πεποιήχ' ὁ παρασχόμενος αὐτόν, τὰ πεπραγμέν' ἐκείνῳ βούλομαι πρὸς ὑμᾶς εἰπεῖν. ὅπερ δ' εἶπον ἀρχόμενος τοῦ λόγου, δείξω κατηγοροὺς γιγνομένους αὐτοὺς ἑαυτῶν. τὴν γὰρ δίκην, ἐν ἣ ταυτ' ἐμαρτυρήθη, παρεγράψατο Φορμίων πρὸς
 41 με μὴ εἰσαγώγιμον εἶναι, ὡς ἀφέντος ἐμοῦ τῶν ἐγκλημάτων αὐτόν. τοῦτο τοίνυν ἐγὼ μὲν οἶδα
 [1114] ψεῦδος ὄν, καὶ ἐλέγξω δ', ὅταν εἰσῶ πρὸς τοὺς ταῦτα μεμαρτυρηκότας· τούτῳ δ' οὐχ οἶόν τε τοῦτ' εἰπεῖν. εἰ τοίνυν ἀληθῇ πιστεύσαιτ' εἶναι τὴν ἄφεσιν, οὕτω καὶ μάλιστ' ἂν οὗτος φανείη ψευδῇ μεμαρτυρηκῶς καὶ κατεσκευασμένης διαθήκης μάρτυς γεγονώς. τίς γὰρ οὕτως ἄφρων, ὥστ' ἄφεσιν μὲν ἐναντίον μαρτύρων ποιήσασθαι, τοῦ βεβαίαν αὐτῷ τὴν ἀπαλλαγὴν εἶναι, τὰς δὲ συνθήκας καὶ τὰς διαθήκας καὶ τᾶλλ', ὑπὲρ ὧν ἐποιεῖτο τὴν ἄφεσιν, σεσημασμέν' ἐᾶσαι καθ' αὐτοῦ κείσθαι;
 42 οὐκοῦν ἐναντία μὲν ἢ παραγραφὴ πᾶσι τοῖς μεμαρτυρημένοις, ἐναντία δ', ἣν ἀνέγνων ὑμῖν ἄρτι, μίσθωσις, τῇδε τῇ διαθήκῃ· οὐδὲν δὲ τῶν πεπραγμένων οὔτ' εὐλογον οὔθ' ἀπλοῦν οὔθ' ὁμολογούμενον αὐτὸ ἑαυτῷ φαίνεται. ἐκ δὲ τούτου τοῦ

to the existence of a will in which were involved the theft of such vast sums, the corruption of a lady, the marriage of a mistress with her slave, matters which entailed such shame and disgrace—nobody was ready to do this save these men who got up the challenge ; and from them it is right to exact the penalty for the whole of this villainous fraud.

Now, men of Athens, that it may be made clear to 40 you that this fellow Stephanus has given false testimony—made clear not merely by my accusations and proofs, but also by the acts of the person who brought him forward as a witness—I wish to tell you what that person has done. As I said at the beginning of my speech, I shall show that they are their own accusers. In the suit in which this testimony was given, Phormio entered a special plea to estop me on the ground that the suit was not admissible, alleging that I had released him from all claims. Now I myself know 41 that this is false, and I shall prove it so when I proceed against those who gave this testimony ; but Stephanus is not at liberty to say it is false. If, then, you should believe in the genuineness of the release, this, more than anything else, would prove that the fellow has given false testimony, and has deposed to a will that is forged. For who would be so senseless as to give a release in the presence of witnesses, that his discharge might be binding, and yet to suffer the articles of agreement, the will, and the other documents regarding which he gave the release, to remain under seal as evidence against himself ? The special plea, 42 therefore, contradicts all the evidence, and the lease which I just now read to you contradicts this will ; not one of their acts is either reasonable or straightforward or consistent with itself. In this manner

τρόπου πάντα πεπλασμένα καὶ κατεσκευασμέν' ἐλέγχεται.

- 43 Ὡς μὲν τοίνυν ἐστὶν ἀληθῆ τὰ μεμαρτυρημένα, οὗτ' αὐτὸν τοῦτον οὗτ' ἄλλον ὑπὲρ τούτου δεῖξαι δυνήσεσθαι νομίζω. ἀκούω δ' αὐτὸν τοιοῦτόν τι παρεσκευάσθαι λέγειν, ὡς προκλήσεώς ἐστιν ὑπεύθυνος, οὐχὶ μαρτυρίας, καὶ δυοῖν αὐτῷ προσήκει δοῦναι λόγον, οὐ πάντων τῶν γεγραμμένων, εἴτε προῦκαλείτό με ταῦτα Φορμίων ἢ μή, καὶ εἰ μὴ ἔδεχόμην ἐγώ· ταῦτα μὲν γὰρ ἀπλῶς αὐτὸς μεμαρτυρηκέναι φήσει, τὰ δ' ἄλλ' ἐκείνον προκαλεῖσθαι, εἰ δ' ἐστὶν ἢ μὴ ταῦτα, οὐδὲν προσήκειν αὐτῷ
- 44 σκοπεῖν. πρὸς δὴ τὸν λόγον τοῦτον καὶ τὴν ἀναίδειαν βέλτιόν ἐστι μικρὰ προειπεῖν ὑμῖν, ἵνα [1115] μὴ λάθῃτ' ἐξαπατηθέντες. πρῶτον μὲν, ὅταν ἐγχειρῇ λέγειν τοῦθ', ὡς ἄρ' οὐ πάντων ὑπεύθυνός ἐστιν, ἐνθυμεῖσθ' ὅτι διὰ ταῦθ' ὁ νόμος μαρτυρεῖν ἐν γραμματείῳ κελεύει, ἵνα μήτ' ἀφελεῖν ἐξῆ μήτε προσθεῖναι τοῖς γεγραμμένοις μηδέν. τότε οὖν αὐτὸν ἔδει ταῦτ' ἀπαλείφειν κελεύειν, ἃ νῦν οὐ φήσει μεμαρτυρηκέναι, οὐ νῦν ἐνόντων ἀναισχυν-
- 45 τεῖν. ἔπειτα καὶ τόδε σκοπεῖτε, εἰ ἑάσαιτ' ἂν ἐναντίον ὑμῶν ἐμὲ προσγράψαι τι λαβόντα τὸ γραμματεῖον. οὐ δῆπου. οὐκ οὐκ οὐδὲ τοῦτον ἀφαιρεῖν τῶν γεγραμμένων ἑὼν προσήκει. τίς γὰρ ἀλώσεται ποτε ψευδομαρτυριῶν, εἰ μαρτυρήσει θ' ἃ βούλεται, καὶ λόγον ὧν βούλεται δώσει; ἀλλ'

their whole story is shown to be a fiction and a fraud.

That the statements in the deposition are true I 43
hold that neither Stephanus himself nor anyone else
in his behalf will be able to prove. I hear, however,
that he is prepared to make some such statement as
this, that he is responsible for a challenge, not for a
deposition, and that he should be held to account,
not for everything written in it, but for two things
only—whether Phormio tendered me this challenge
or not, and whether I refused it ; these matters and
no more, he will say, were included in his deposition ;
as for the rest, Phormio covered them in his challenge,
but whether they were true or not it was not the
business of the witness to inquire. In answer to this 44
argument and to the man's impudence it is better
that I say a few words to you in advance, that you be
not taken at unawares and misled. In the first place,
when he tries to bring forward the argument that he
is not responsible for the entire content of the deposi-
tion, bear in mind that the reason why the law requires
people to give evidence in written form is that it may
not be open to them to strike out any part of what
has been written, or add anything to it. He should
at the time have demanded the erasure of the state-
ments to which he will now deny having deposed,
and not try now to brazen it out, while they stand in
the document. Moreover, consider this too, whether 45
you would suffer me in your presenee to take the
document and add to it. Of course you would not.
Well, then, neither is it fitting to suffer him to strike
out any of its contents. For who will ever be con-
victed of giving false testimony, if he is to depose to
what he pleases, and be accountable only for what he

οὐχ οὕτω ταῦτ' οὐθ' ὁ νόμος διεῖλεν οὐθ' ὑμῖν ἀκούειν προσήκει· ἀλλ' ἐκεῖν' ἀπλοῦν καὶ δίκαιον. τί γέγραπται; τί μεμαρτύρηκας; ταῦθ' ὡς ἀληθῆ δείκνυε. καὶ γὰρ ἀντιγέγραψαι ταῦτ' "ἀληθῆ μεμαρτύρηκα, μαρτυρήσας τὰν τῷ γραμματεῖω γεγραμμένα," οὐ "τὸ καὶ τὸ τῶν ἐν τῷ γραμματεῖω."

46 "Ὅτι δ' οὕτω ταῦτ' ἔχει, λαβὲ τὴν ἀντιγραφὴν αὐτὴν μοι. λέγε.

ΑΝΤΙΓΡΑΦΗ

Ἀπολλόδορος Πασίωνος Ἀχαρνεὺς Στεφάνῳ Μενε-
κλέους Ἀχαρνεῖ ψευδομαρτυριῶν, τίμημα τάλαντον.

Τὰ ψευδῆ μου κατεμαρ- τύρησε Στέφανος μαρτυρή- σας τὰ ἐν τῷ γραμματεῖω γεγραμμένα.	Τὰ ἀληθῆ ἐμαρτύρησα μαρ- τυρήσας τὰ ἐν τῷ γραμμα- τεῖω γεγραμμένα.
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[1116] Ταῦθ' οὗτος αὐτὸς ἀντεγράψαθ', ἃ χρὴ μνημο-
νεύειν ὑμᾶς, καὶ μὴ τοὺς ἐπ' ἐξαπάτη νῦν λόγους
ρήθησομένους, πιστοτέρους ποιείσθαι τῶν νόμων
καὶ τῶν ὑπὸ τούτου γραφέντων εἰς τὴν ἀντι-
γραφὴν.

47 Πυνθάνομαι τοίνυν αὐτοὺς καὶ περὶ ὧν ἔλαχον
τὴν ἐξ ἀρχῆς δίκην, ἐρεῖν καὶ κατηγορήσειν, ὡς
συκοφαντήματ' ἦν. ἐγὼ δ' ὃν μὲν τρόπον ἐ-
σκευωρήσατο τὴν μίσθωσιν, ὅπως τὴν ἀφορμὴν τῆς
τραπέζης κατάσχοι, εἶπον καὶ διεξῆλθον ὑμῖν, ὑπὲρ
δὲ τῶν ἄλλων οὐκ ἂν οἶός τ' εἶην λέγειν ἅμα καὶ
τούτους ἐλέγχειν περὶ τῆς μαρτυρίας· οὐ γὰρ
48 ἱκανόν μοι τὸ ὕδωρ ἐστίν. ὅτι δ' οὐδ' ὑμεῖς ἐθέλοιτ'

pleases? No, the law does not thus make a distinction in these matters, and you ought not to listen to such a thing either. The straightforward and honest course is this: "What stands written? To what have you deposed? Show that this is true. For you have written in your plea in answer to the complaint these words, 'I have given true testimony in testifying to what is contained in the deposition'—not 'to this or that in the deposition.'"

(*To the clerk.*) To prove that this is so, take, please, 46 the plea itself. Read it.

THE COMPLAINT AND COUNTER-PLEA

Apollodorus, son of Pasio, of Acharnae, sues Stephanus, son of Meneceles, of Acharnae, for false testimony: damages one talent.

Stephanus gave false testimony against me in testifying to that which is contained in the record.

I gave true testimony in testifying to that which is contained in the record.

This is the plea which the defendant himself has entered. You must keep it in mind, and not regard the deceitful language which will soon be addressed to you as being more worthy of credence than the laws and what the defendant has written in his own plea.

I learn that they are going to speak about my 47 original suit and to denounce it as baseless and malicious. But I on my part have already mentioned to you and explained in detail the manner in which Phormio concocted the lease, in order to get into his possession the banking-stock, and I should be unable to speak of these other matters and at the same time convict these men of giving false testimony; for the amount of water allotted me is not sufficient. And 48

- ἂν εἰκότως ἀκούειν περὶ τούτων αὐτῶν, ἐκείθεν
 εἴσεσθ', ἂν λογίσησθε πρὸς ὑμᾶς αὐτούς, ὅτι οὔτε
 νῦν ἐστὶν χαλεπὸν περὶ ὧν μὴ κατηγορηται λέγειν,
 οὔτε ψευδεῖς ἀναγνόντα μαρτυρίας ἀποφεύγειν.
 ἀλλ' οὐδέτερόν γε δίκαιον τούτων οὐδ' ἂν εἰς
 φήσειεν εἶναι, ἀλλ' ὃ ἐγὼ προκαλοῦμαι νῦν. σκο-
 49 πείτε δ' ἀκούσαντες. ἐγὼ γὰρ ἀξιῶ, οὓς μὲν
 ἀφείλοντό μ' ἐλέγχους περὶ τῶν ἐγκλημάτων, οὓς
 προσῆκον ἦν ῥηθῆναι, μὴ ζητεῖν αὐτούς νῦν, αἶς
 δ' ἀφείλοντο μαρτυρίας, ὥς εἰσὶν ἀληθεῖς, δεικνύ-
 ναι. εἰ δ' ὅταν μὲν τὴν δίκην εἰσῶ, τὰς μαρ-
 τυρίας μ' ἐλέγχειν ἀξιώσουσιν, ὅταν δὲ ταύταις
 ἐπεξῶ, περὶ τῶν ἐξ ἀρχῆς ἐγκλημάτων λέγειν με
 κελεύουσιν, οὔτε δίκαι' οὔτε ὑμῖν συμφέροντ'
 50 ἐροῦσιν. δικάσειν γὰρ ὁμωμόκαθ' ὑμεῖς οὐ περὶ
 ὧν ἂν ὁ φεύγων ἀξιοῖ, ἀλλ' ὑπὲρ αὐτῶν ὧν ἂν ἡ
 διώξις ᾗ. ταύτην δ' ἀνάγκη τῇ τοῦ διώκοντος
 λήξει δηλοῦσθαι, ἣν ἐγὼ τούτῳ ψευδομαρτυριῶν
 εἵληχα. μὴ δὴ τοῦτ' ἀφείς περὶ ὧν οὐκ ἄγω-
 [1117] νίζεται λεγέτω· μηδ' ὑμεῖς ἐὰτ', ἂν ἄρ' οὗτος
 ἀναισχυνηῇ.
 51 Οἶομαι τοίνυν αὐτὸν οὐδὲν οὐδαμῇ δίκαιον ἔχοντα
 λέγειν ἥξειν καπὶ τοῦτο, ὥς ἄτοπον ποιῶ, παρα-
 γραφὴν ἡττημένος, τοὺς διαθήκην μαρτυρήσαντας
 διώκων, καὶ τοὺς δικαστὰς τοὺς τότε φήσειν διὰ

that you yourselves could not in fairness be willing to listen to them in regard to these matters you will see at once, if you reflect that it is no difficult matter to speak now about subjects concerning which no charge is made, just as it was no difficult matter for Phormio to get himself acquitted by reading false depositions. However, no man would say that either of these courses is right, but that course rather which I am about to propose. Listen, and judge. I demand 49 that they do not now seek for the proofs regarding my charges, proofs which should have been mentioned at the former trial, but of which they deprived me ; but that they prove that the testimony by which they deprived me of them was true. If, when I bring in my suit, they are to demand that I refute their testimony, and, when I proceed against that, they are to bid me speak regarding my original charges, what they propose will be neither right nor in your interest. For you have sworn to give a verdict, not in regard to 50 matters upon which the defendant asks your decision, but in regard to those only which are raised by the prosecution. The cause of action must be made clear by the complaint of the prosecutor, and this in my case is a suit against this man for false testimony. Let him not, then, leave this and talk about matters regarding which I am not suing him ; and do you, if he is so shameless, refuse to permit it.

I imagine that, having no just argument to advance 51 on any point, he will have recourse to this defence also—that it is absurd for me, after having been worsted in the case of the special plea, to sue those who gave evidence of a will ; and he will maintain that the jurymen in that trial were led to vote in favour of Phormio, by the evidence of those who

τοὺς ἀφείναι μεμαρτυρηκότας, ἀποψηφίσασθαι μάλ-
λον ἢ διὰ τοὺς διαθήκην μαρτυρήσαντας. ἐγὼ δ',
ὦ ἄνδρες Ἀθηναῖοι, νομίζω πάντας ὑμᾶς εἰδέναι,
ὅτι οὐχ ἦττον τὰ πεπραγμέν' εἰώθατε σκοπεῖν ἢ
τὰς ὑπὲρ τούτων παραγραφάς· περὶ δὲ τῶν πραγ-
μάτων αὐτῶν τὰ ψευδῆ καταμαρτυρήσαντες οὗτοί
μου, ἀσθενεῖς τοὺς περὶ τῆς παραγραφῆς ἐποίησαν
52 λόγους. χωρὶς δὲ τούτων ἄτοπον, πάντων τὰ
ψευδῆ μαρτυρησάντων, τίς μάλιστ' ἔβλαψ' ἀπο-
φαίνειν; ἀλλ' οὐχ ὡς αὐτὸς ἕκαστος ἀληθῆ μεμαρ-
τύρηκε δεικνύναι. οὐ γάρ, ἂν ἕτερον δείξῃ δεινότερ'
εἰργασμένον, ἀποφεύγειν αὐτῷ προσήκει, ἀλλ' ἂν
αὐτὸς ὡς ἀληθῆ μεμαρτύρηκ' ἀποφήνῃ.

53 Ἐφ' ᾧ τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, μάλιστ'
ἀπολωλέναι δίκαιός ἐστιν οὗτος Στέφανος, τοῦτ'
ἀκούσατέ μου. δεινὸν μὲν γάρ ἐστιν εἰ καὶ καθ'
ὅτου τις οὖν τὰ ψευδῆ μαρτυρεῖ, πολλῷ δὲ δεινό-
τερον καὶ πλείονος ὀργῆς ἄξιον, εἰ κατὰ τῶν
συγγενῶν· οὐ γὰρ τοὺς γεγραμμένους νόμους ὁ
τοιούτος ἄνθρωπος μόνους, ἀλλὰ καὶ τὰ τῆς
φύσεως οἰκεῖ ἀναιρεῖ. τοῦτο τοίνυν ἐπιδειχθήσεται
54 πεποιηκὼς οὗτος. ἔστι γὰρ ἡ τούτου μήτηρ καὶ
ὁ τῆς ἐμῆς γυναικὸς πατὴρ ἀδελφοί, ὥστε τὴν μὲν
γυναῖκα τὴν ἐμὴν ἀνεψιὰν εἶναι τούτῳ, τοὺς δὲ παῖ-
[1118] δας τοὺς ἐκείνης καὶ τοὺς ἐμοὺς ἀνεψιαδοὺς. ἄρ'
οὖν δοκεῖ ποτ' ἂν ὑμῖν οὗτος, εἴ τι δι' ἔνδειαν εἶδε
ποιούσας ὧν οὐ χρὴ τὰς αὐτοῦ συγγενεῖς, ὅπερ ἤδη
πολλοὶ πεποιήκασι, παρ' ἑαυτοῦ προῖκ' ἐπιδοὺς
ἐκδοῦναι, ὃς ὑπὲρ τοῦ μηδ' ἅ προσήκει κομίσασθαι
ταύτας τὰ ψευδῆ μαρτυρεῖν ἠθέλησε, καὶ περὶ

testified to the release rather than by that of those who testified to the will. But, men of Athens, I think you all know that it is your habit to examine the facts no less closely than the pleas which men make regarding them; and these men, by giving false testimony against me regarding the facts themselves, weakened my arguments on the special plea. How- 52
ever, besides this, it is absurd, when all have given false evidence, to demonstrate who did the greatest amount of harm, instead of making each one prove that he has himself testified to the truth. It is not by proving that another has done more outrageous things than himself that a witness is to be let off, but by showing that he has himself given testimony that is true.

Now, men of Athens, let me show you the thing for 53
which more than anything else this fellow Stephanus deserves to be put to death. It is an awful thing to bear false witness against anyone whomsoever, but it is a thing more awful by far, and more deserving of indignation, to bear false witness against those of your own blood; for a man of that stamp violates, not the written laws alone, but also the ties of natural relationship. This, then, Stephanus shall be proved to have done. For his mother and the father of my wife are 54
brother and sister, so that my wife is his first cousin, and the children born to her and to me are his cousin's children. Do you think, then, that this man, if he saw his female relatives driven by want to shameful actions, would give them in marriage and add marriage portions out of his own resources—a thing which many a man has done ere now—when he has chosen to give false testimony in order to prevent their getting what belongs to them, and has counted the wealth of

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πλείονος ἐποιήσατο τὸν Φορμίωνος πλοῦτον ἢ τὰ τῆς συγγενείας ἀναγκαῖα;

- 55 Ἀλλὰ μὴν ὅτι ταῦτ' ἀληθῆ λέγω, λαβὲ τὴν μαρτυρίαν τὴν Δεινίου κἀναγίγνωσκε, καὶ κάλει Δεινίαν.

ΜΑΡΤΥΡΙΑ

Δεινίας Θεομνήστου Ἀθμονεὺς μαρτυρεῖ τὴν θυγατέρα τὴν αὐτοῦ ἐκδοῦναι Ἀπολλοδώρῳ κατὰ τοὺς νόμους γυναῖκα ἔχειν, καὶ μηδεπώποτε παραγενέσθαι μηδὲ αἰσθέσθαι, ὅτι Ἀπολλόδωρος ἀφῆκε τῶν ἐγκλημάτων ἀπάντων Φορμίωνα.

- 56 Ὅμοιός γ' ὁ Δεινίας, ὃ ἄνδρες δικασταί, τούτῳ, ὃς ὑπὲρ τῆς θυγατρὸς καὶ τῶν θυγατριδῶν καὶ ἐμοῦ τοῦ κηδεστοῦ διὰ τὴν συγγένειαν οὐδὲ τάληθῆ μαρτυρεῖν ἐθέλει κατὰ τούτου. ἀλλ' οὐχ οὕτοσιν Στέφανος, οὐκ ὤκνησε καθ' ἡμῶν τὰ ψευδῆ μαρτυρεῖν, οὐδ', εἰ μηδένα τῶν ἄλλων, τὴν αὐτοῦ μητέρα ἡσχύνθη τοῖς ἀπ' ἐκείνης οἰκείοις τῆς ἐσχάτης ἐνδείας αἷτιος γενόμενος.

- 57 Ὁ τοίνυν ἔπαθον δεινότατον καὶ ἐφ' ᾧ μάλιστ' ἐξεπλάγην ὅτ' ἡγωνιζόμεν, ὃ ἄνδρες δικασταί, τοῦθ' ὑμῖν εἰπεῖν βούλομαι· τὴν τε γὰρ τούτου πονηρίαν ἔτι μᾶλλον ὑμεῖς ὄψεσθε, καὶ ἐγὼ τῶν γεγεννημένων ἀποδουράμενος τὰ πλείιστα πρὸς ὑμᾶς [1119] ὥσπερ εἰ ῥάων ἔσομαι. τὴν γὰρ μαρτυρίαν, ἣν ὥμην εἶναι καὶ δι' ἧς ἦν ὁ πλείστος ἔλεγχός μοι,

^a Athmonon was a deme of the tribe Cecropis.

^b We must assume that Deinias, when called upon, refused to swear to the deposition which was read (whether the deposition given in the text is authentic or not cannot be determined with certainty). He must, therefore, have taken

Phormio of higher worth than the strong ties of kinship?

(*To the clerk.*) However, to prove that I am telling 55 the truth in this, take the deposition of Deinias and read it; and call Deinias.

THE DEPOSITION

Deinias, son of Theomnestus, of Athmonon,^a deposes that he gave his daughter to Apollodorus to live with him as his wife according to the laws, and that he was never present when Apollodorus released Phormio from all claims, nor was ever aware that he had done so.

Deinias, men of the jury, is very like Stephanus, is 56 he not?—Deinias, who on account of his relationship, refuses to testify against the defendant even to what is true, and on behalf of his daughter and his daughter's children, and me, his son-in-law!^b Not so Stephanus here. He did not hesitate to give false testimony against us; even respect for his own mother, if for no one else, did not keep him from bringing the extremest poverty upon those who through her were his relatives.

I wish now, men of the jury, to tell you of the most 57 outrageous thing which has been done to me,—a thing which more than anything else overwhelmed me with dismay in the course of the trial: for you will thus see even more clearly the fellow's baseness, and I, by venting before you my grief for what has happened, shall find, as it were, a sort of relief. The deposition, which I thought was there, and which afforded the strongest evidence in support of my case,

the oath of disclaimer (*ἐξωμολία*), although this is not stated in the text. Apollodorus asserts that Deinias took this course for fear that by swearing to the deposition he would work harm to his kinsman Stephanus. We must be content to confess our ignorance of his reasons.

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- 58 ταύτην οὐχ εὖρον ἐνοῦσαν ἐν τῷ ἐχίνῳ. τότε μὲν δὴ τῷ κακῷ πληγεῖς οὐδὲν ἄλλ' εἶχον πλὴν ὑπολαμβάνειν, τὴν ἀρχὴν ἡδικηκέναι με καὶ τὸν ἐχίνον κεκινηκέναι. νῦν δ' ἀφ' ὧν ὕστερον πέπυσμαι, πρὸς αὐτῷ τῷ διαιτητῇ Στέφανον τουτονὶ ταύτην ὑψηρημένον εὐρίσκω, πρὸς μαρτυρίαν τιν', ἣν ἐξορκώσασαιμ', ἀναστάντος ἐμοῦ. καὶ ὅτι ταῦτ' ἀληθῇ λέγω, πρῶτον μὲν ὑμῖν μαρτυρήσουσι τῶν τούτοις παρόντων οἱ ἰδόντες. οὐ γὰρ ἐξομνύναι
- 59 θελήσειν αὐτοὺς οἴομαι. ἐὰν δ' ἄρα τοῦτο ποιήσωσ' ὑπ' ἀναιδείας, πρόκλησιν ὑμῖν ἀναγνώσεται, ἐξ ἧς τούτους τ' ἐπιορκούντας ἐπ' αὐτοφώρῳ λήψεσθε, καὶ τοῦτον ὁμοίως ὑψηρημένον τὴν μαρτυρίαν εἴσεσθε. καίτοι ὅστις, ὦ ἄνδρες Ἀθηναῖοι, κακῶν ἀλλοτρίων κλέπτῃς ὑπέμειν' ὀνομασθῆναι, τί ἂν ἡγείσθῃς ὑπὲρ αὐτοῦ;
- 60 Λέγε τὴν μαρτυρίαν, εἴτα τὴν πρόκλησιν ταύτην.

ΜΑΡΤΥΡΙΑ

Μαρτυροῦσι φίλοι εἶναι καὶ ἐπιτήδαιοι Φορμίῳ, καὶ παρῆναι πρὸς τῷ διαιτητῇ Τεισίᾳ, ὅτε ἦν ἀπόφασις τῆς διαίτης Ἀπολλοδώρῳ πρὸς Φορμίῳ, καὶ εἰδέναι τὴν μαρτυρίαν ὑψηρημένον Στέφανον, ἣν αἰτιᾶται αὐτὸν Ἀπολλόδωρος ὑφελῆσθαι.

Ἡ μαρτυρεῖτ', ἣ ἐξομόσασθε.

ΕΞΟΜΟΣΙΑ

- 61 Οὐκ ἄδηλον ἦν, ὦ ἄνδρες δικασταί, ὅτι τοῦτ' ἔμελλον ποιήσειν, προθύμως ἐξομεῖσθαι. ἵνα τοῖνυν παραχρῆμ' ἐξελεγχθῶσ' ἐπιωρκηκότες, λαβέ μοι
- 218

I did not find in the box. At the time, dismayed by 58
 this misfortune, I could imagine nothing else than
 that the magistrate had wronged me and tampered
 with the box. Now, however, from what I have since
 learned, I find that the defendant Stephanus had
 filched the document away in the very presence of the
 arbitrator, when I had got up to put a witness on his
 oath. And to prove that I am speaking the truth in
 this, depositions shall first be offered you from those
 who were present at the time and saw it: for I do not
 think they will choose to take an oath of disclaimer.
 But if they are shameless enough to do this, the clerk 59
 shall read you a challenge by which you will catch
 them in the very act of perjury, and will know all
 the same that this man did steal the deposition.
 And yet, men of Athens, a person who would not
 shrink from being named as one who had stolen
 what was prejudicial to another—what do you
 suppose he would do in his own interest?

(*To the clerk.*) Read the deposition, and then this 60
 challenge.

THE DEPOSITION

The deponents testify that they are friends and associates
 of Phormio, and that they were present before the arbitrator
 Teisias when the announcement of the award was made in
 the suit between Apollodorus and Phormio, and that they
 know that Stephanus filched away the deposition which
 Apollodorus charges him with having stolen.

Either depose, or take the oath of disclaimer.

THE OATH OF DISCLAIMER

It was plain enough, men of the jury, that they 61
 would do this—take the oath of disclaimer with
 eagerness. Well, then, that they may at once be

ταύτην τὴν μαρτυρίαν καὶ τὴν πρόκλησιν. ἀνα-
γίγνωσκε.

[1120]

ΜΑΡΤΥΡΙΑ. ΠΡΟΚΛΗΣΙΣ

Μαρτυροῦσι παρεῖναι, ὅτε Ἀπολλόδορος προῦκαλείτο
Στέφανον παραδοῦναι τὸν παῖδα τὸν ἀκόλουθον εἰς βά-
σανον περὶ τῆς ὑφαιρέσεως τοῦ γραμματείου, καὶ γράμ-
ματα ἦν ἔτοιμος γράφειν Ἀπολλόδορος, καθ' ὃ τι
ἔσται ἢ βάσανος. ταῦτα δὲ προκαλουμένον Ἀπολλο-
δώρῳ, οὐκ ἐθέλησαι παραδοῦναι Στέφανον, ἀλλ' ἀπο-
κρίνασθαι Ἀπολλοδώρῳ δικάζεσθαι, εἰ βούλοιτο, εἴ τί
φῃσιν ἀδικεῖσθαι ὑφ' ἑαυτοῦ.

62 Τίς ἂν οὖν ὑπὲρ τοιαύτης αἰτίας, ὦ ἄνδρες δικα-
σταί, εἴπερ ἐπίστευεν αὐτῷ, οὐκ ἐδέξατο τὴν
βάσανον; οὐκοῦν τῷ φεύγειν τὴν βάσανον, ὑψηρη-
μένος ἐξελέγχεται. ἄρ' οὖν ἂν ὑμῖν αἰσχυθῆναι
δοκεῖ τὴν τοῦ τὰ ψευδῇ μαρτυρεῖν δόξαν, ὃ τὴν τοῦ
κλέπτης φανῆναι μὴ φυγών; ἢ δεηθέντος ὀκνήσαι
τὰ ψευδῇ μαρτυρεῖν, ὃς ἂ μὴδεὶς ἐκέλευ' ἐθελοντῆς
πονηρὸς ἦν;

63 Δικαίως τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, τούτων
ἀπάντων δούς ἂν δίκην, πολὺ μᾶλλον ἂν εἰκότως
διὰ τᾶλλα κολασθείη παρ' ὑμῖν. σκοπεῖτε δέ, τὸν
βίον ὃν βεβίωκεν ἐξετάζοντες. οὗτος γάρ, ἡνίκα
μὲν συνέβαινεν εὐτυχεῖν Ἀριστολόχῳ τῷ τραπεζίτῃ,
ἴσα βαίνων ἐβάδιζ' ὑποπεπτωκὼς ἐκείνῳ, καὶ ταυτ'

64 ἴσασι πολλοὶ τῶν ἐνθάδ' ὄντων ὑμῶν. ἐπειδὴ δ'
ἀπώλετ' ἐκείνος καὶ τῶν ὄντων ἐξέστη, οὐχ ἥκισθ'
ὑπὸ τούτου καὶ τῶν τοιούτων διαφορηθεῖς, τῷ μὲν
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convicted of perjury, (*to the clerk*) take, please, this deposition and challenge. Read.

THE DEPOSITION. THE CHALLENGE

The deponents testify that they were present when Apollodorus challenged Stephanus to give up his attendant slave to be put to the torture concerning the theft of the document, and Apollodorus was ready to write out the conditions on which the torture was to be administered; and that when Apollodorus tendered this challenge, Stephanus refused to give up the slave, but replied to Apollodorus that he might bring suit, if he chose, if he maintained that he was being in any way wronged by him.

Who is there, men of the jury, who, on a charge 62 like that, if he were sure of his innocence, would not have accepted the torture? Then, by refusing the torture, he is convicted of the theft. Now do you think that a man would be ashamed of the reputation of having borne false witness, who did not shrink from being proved a thief? Or that he would hesitate to give false witness at the request of another, when, at no man's bidding, he voluntarily committed a fraud?

Now, men of the jury, while he might justly be 63 made to pay the penalty for all these things, he deserves even more to be punished in your court for the rest of his conduct. Observe the kind of a life he has lived, and judge. For so long as it was the lot of Aristolochus, the banker, to enjoy prosperity, this fellow fawned upon him as he walked beside him, adapting his pace to his, and this is well known to many of you who are present here. But when 64 Aristolochus was ruined and lost his property, chiefly through having been plundered by this fellow and others of his stamp, Stephanus never stood by the son

υίει τῷ τούτου πολλῶν πραγμάτων ὄντων οὐ
 παρέστη πώποτε, οὐδ' ἐβοήθησ', ἀλλ' Ἀπόληξις
 καὶ Σόλων καὶ πάντες ἄνθρωποι μᾶλλον βοηθοῦσι.
 Φορμίωνα δὲ ἐώρακεν καὶ τούτῳ γέγον' οἰκείος,
 [1121] ἐξ Ἀθηναίων ἀπάντων τοῦτον ἐκλεξάμενος, καὶ
 ὑπὲρ τούτου πρεσβευτῆς μὲν ὦχετ' εἰς Βυζάντιον
 πλέων ἡνίκ' ἐκείνοι τὰ πλοῖα τὰ τούτου κατέσχον,
 τὴν δὲ δίκην ἔλεγεν τὴν πρὸς Καλχηδονίους, τὰ
 ψευδῇ δ' ἐμοῦ φανερώς οὕτω καταμεμαρτύρηκεν.
 65 εἶθ' ὅς εὐτυχούντων ἐστὶ κόλαξ, καὶ ἀτυχῶσι, τῶν
 αὐτῶν τούτων προδότης, καὶ τῶν μὲν ἄλλων πο-
 λιτῶν πολλῶν καὶ καλῶν καγαθῶν ὄντων μηδενὶ
 μηδ' ἐξ ἴσου χρῆται, τοῖς δὲ τοιούτοις ἐθελοντῆς
 ὑποπίπτει, καὶ μήτ' εἴ τινα τῶν οἰκείων ἀδικήσει,
 μήτ' εἰ παρὰ τοῖς ἄλλοις φαύλην δόξαν ἔξει ταῦτα
 ποιῶν, μήτ' ἄλλο μηδὲν σκοπεῖ, πλὴν ὅπως πλέον
 ἔξει, τοῦτον οὐ μισεῖν ὡς κοινὸν ἐχθρὸν τῆς
 66 φύσεως ὅλης τῆς ἀνθρωπίνης προσήκει; ἔγωγ'
 ἂν φαίην. ταῦτα μέντοι τὰ τοσαύτην ἔχοντ' αἰ-
 σχύνην, ὧ ἄνδρες Ἀθηναῖοι, ἐπὶ τῷ τὴν πόλιν
 φεύγειν καὶ τὰ ὄντ' ἀποκρύπτεσθαι προήρηται
 πράττειν, ἵν' ἐργασίας ἀφανεῖς διὰ τῆς τραπέζης
 ποιῆται, καὶ μήτε χορηγῇ μήτε τριηραρχῇ μήτ'
 ἄλλο μηδὲν ὧν προσήκει ποιῇ. καὶ κατείργασται
 τοῦτο. τεκμήριον δέ· ἔχων γὰρ οὐσίαν τοσαύτην
 ὥσθ' ἑκατὸν μνᾶς ἐπιδοῦναι τῇ θυγατρὶ, οὐδ'
 ἡντινοῦν ἐώραται λητουργίαν ὑφ' ὑμῶν λητουργῶν,
 οὐδὲ τὴν ἐλαχίστην. καίτοι πόσῳ κάλλιον φιλο-

^a Apolexis is a not unfamiliar name (see e.g. Oration XLIII § 48), but of the Apolexis or the Solon here mentioned nothing is known.

^b Byzantium, the modern Istanbul.

of Aristoloehus, who was overburdened with lawsuits, nor aided him, but it was Apolexis ^a or Solon or anybody else that helped him rather than he. Then he has courted Phormio and become intimate with him, choosing him out of all the Athenians; and he sailed to Byzantium ^b as agent in his interest, when the Byzantines detained Phormio's vessels, and he pleaded his cause against the Calchedonians,^c and he has thus flagrantly given false witness against me. A 65 man, then, who is a flatterer of those in prosperity, and who betrays these same men if they fall into adversity; who out of all the host of good and worthy citizens of Athens deals with not a single one on the basis of equality, but willingly fawns upon people like Phormio; who takes no thought whether he is going to injure any of his kinsfolk by these actions, or whether he is going to win an evil reputation in the minds of other men, but thinks only of one thing, how he may enrich himself—ought you not to loathe this man as a common enemy of the whole human race? I certainly think so. This course of action, involving 66 so great disgrace, he has adopted, men of Athens, with a view to evading his duties to the state and to conceal his wealth, that he may make secret profits by means of the bank, and never serve as choregus or trierarch, or perform any other of the public duties which befit his station. And he has accomplished this object. Here is a proof. Although he has so large an estate that he gave his daughter a marriage portion of one hundred minae, he has never been seen by you to perform any public service whatever, even the very slightest. And yet how much more

^c Calchedon is a town on the east side of the Bosphorus, opposite Byzantium.

τιμούμενον ἐξετάζεσθαι καὶ προθυμούμενον εἰς ἃ
 δεῖ τῇ πόλει, ἣ κολακεύοντα καὶ τὰ ψευδῇ μαρ-
 τυροῦντα; ἀλλ' ἐπὶ τῷ κερδαίνειν πᾶν ἂν οὗτος
 67 ποιήσειεν. καὶ μὴν, ὦ ἄνδρες Ἀθηναῖοι, μᾶλλον
 ἄξιον ὀργίλως ἔχειν τοῖς μετ' εὐπορίας πονηροῖς
 [1122] ἢ τοῖς μετ' ἐνδεείας. τοῖς μὲν γὰρ ἢ τῆς χρείας
 ἀνάγκη φέρει τινὰ συγγνώμην παρὰ τοῖς ἀνθρω-
 πίνως λογιζομένοις· οἱ δ' ἐκ περιουσίας ὥσπερ
 οὗτος πονηροί, οὐδεμίαν πρόφασιν δικαίαν ἔχοιεν
 ἂν εἰπεῖν, ἀλλ' αἰσχροκερδεῖα καὶ πλεονεξία καὶ
 ὕβρις καὶ τῷ τὰς αὐτῶν συστάσεις κυριωτέρας τῶν
 νόμων ἀξιοῦν εἶναι ταῦτα φανήσονται πράττοντες.
 ὑμῖν δ' οὐδὲν τούτων συμφέρει, ἀλλὰ τὸν ἀσθενῆ
 παρὰ τοῦ πλουσίου δίκην, ἂν ἀδικῇται, δύνασθαι
 λαβεῖν. ἔσται δὲ τοῦτ', ἐὰν κολάζητε τοὺς φανερώς
 οὕτως ἐξ εὐπορίας πονηροὺς.

68 Οὐ τοίνυν οὐδ' ἃ πέπλασται καὶ βαδίζει παρὰ
 τοὺς τοίχους οὗτος ἐσκυθρωπακώς, σωφροσύνης
 ἂν τις ἡγήσαιτ' εἰκότως εἶναι σημεῖα, ἀλλὰ μισ-
 ανθρωπίας. ἐγὼ γάρ, ὅστις αὐτῷ μηδενὸς συμ-
 βεβηκότος δεινοῦ, μηδὲ τῶν ἀναγκαίων σπανίζων,
 ἐν ταύτῃ τῇ σχέσει διάγει τὸν βίον, τοῦτον ἡγοῦμαι
 συνεωρακέναι καὶ λελογίσθαι παρ' αὐτῷ, ὅτι τοῖς
 μὲν ἀπλῶς, ὡς πεφύκασι, βαδίζουσι καὶ φαιδροῖς,
 καὶ προσέλθοι τις ἂν καὶ δεηθείη καὶ ἐπαγγεῖλειεν
 οὐδὲν ὀκνῶν, τοῖς δὲ πεπλασμένοις καὶ σκυθρωποῖς
 69 ὀκνήσειεν τις ἂν προσελθεῖν πρῶτον. οὐδὲν οὖν

honourable it would have been to be proved a man of public spirit and one zealous in the performance of his duties to the state, than a flatterer and a bearer of false testimony ! But the fellow would do anything to get money. Surely, men of Athens, you 67 ought to feel indignation rather toward those who are rascals in wealth than toward those who are such in poverty. In the case of the latter the pressure of their needy state affords them some excuse in the eyes of those who look on the matter with human sympathy, whereas those who, like this fellow, are rascals while possessing abundance, could find no reasonable excuse to offer, but will be shown to act as they do from a spirit of shameful greed and covetousness and insolence, and a resolve to make their own plots stronger than the laws. Not one of these things is to your interest, but rather that the weak, if he suffers wrong, should be able to get redress from the wealthy. And he will be able, if you punish those who are thus manifestly rascals while possessing wealth.

Neither should the airs which the fellow puts on as 68 he walks with sullen face along the walls be properly considered as marks of sobriety, but rather as marks of misanthropy. In my opinion a man whom no misfortune has befallen, and who is in no lack of the necessities of life, but who none the less habitually maintains this demeanour, has reviewed the matter and reached the conclusion in his own mind, that to those who walk in a simple and natural way and wear a cheerful countenance, men draw near unhesitatingly with requests and proposals, whereas they shrink from drawing near in the first place to affected and sullen characters. This demeanour, then, is nothing 69

- ἄλλ' ἢ πρόβλημα τοῦ τρόπου τὸ σχῆμα τοῦτ' ἔστι, καὶ τὸ τῆς διανοίας ἄγριον καὶ πικρὸν ἐνταῦθα δηλοῖ. σημεῖον δέ· τοσούτων γὰρ ὄντων τὸ πλῆθος Ἀθηναίων, πρᾶττων πολὺ βέλτιον ἢ σέ προσήκον ἦν, τῷ πώποτ' εἰσήνεγκας, ἢ τίνι συμβέβλησαί πω,
- 70 ἢ τίν' εὖ πεποίηκας; οὐδέν' ἂν εἰπεῖν ἔχουσ· ἀλλὰ τοκίζων καὶ τὰς τῶν ἄλλων συμφορὰς καὶ χρείας εὐτυχήματα σαυτοῦ νομίζων, ἐξέβαλες μὲν τὸν σαυτοῦ θεῖον Νικίαν ἐκ τῆς πατρώας οἰκίας,
- [1123] ἀφήρησαι δὲ τὴν σαυτοῦ πενθερὰν ταῦτ' ἀφ' ὧν ἕξῃ, ἀοίκητον δὲ τὸν Ἀρχεδήμου παῖδα τὸ σαυτοῦ μέρος πεποίηκας. οὐδεὶς δὲ πώποθ' οὕτω πικρῶς οὐδ' ὑπερήμερον εἰσέπραξεν ὥς σὺ τοὺς ὀφείλοντας τοὺς τόκους. εἶθ' ὃν ὁράτ' ἐπὶ πάντων οὕτως ἄγριον καὶ μιαρὸν, τοῦτον ὑμεῖς ἡδίκηκότ' ἐπ' αὐτοφώρῳ λαβόντες οὐ τιμωρήσεσθε; δεῖν' ἄρ', ὦ ἄνδρες δικασταί, ποιήσετε κοῦχί δίκαια.
- 71 "Αξιὸν τοίνυν, ὦ ἄνδρες Ἀθηναῖοι, καὶ Φορμίωνι τῷ παρασχομένῳ τουτονὶ νεμεσῆσαι τοῖς πεπραγμένοις, τὴν ἀναίδειαν τοῦ τρόπου καὶ τὴν ἀχαριστίαν ἰδόντας. οἶμαι γὰρ ἅπαντας ὑμᾶς εἰδέναί, ὅτι τοῦτον, ἡνίκ' ὦνιος ἦν, εἰ συνέβη μάγειρον ἢ τινος ἄλλης τέχνης δημιουργὸν πρίασθαι, τὴν τοῦ δεσπότου τέχνην ἂν μαθὼν πόρρῳ τῶν νῦν παρόντων
- 72 ἦν ἀγαθῶν. ἐπειδὴ δ' ὁ πατὴρ ὁ ἡμέτερος τραπεζίτης ὢν ἐκτήσατ' αὐτὸν καὶ γράμματ' ἐπαίδευσεν καὶ τὴν τέχνην ἐδίδαξε καὶ χρημάτων ἐποίησε

but a cloak to cover his real character, and he shows therein the rudeness and malignity of his temper. Here is a proof. You have been far better off than you deserved, yet to whom among the whole host of Athenians have you ever made a contribution? To whom have you ever lent aid, or to whom done a kindness? You could not name a 70 single one; but while lending money at interest and regarding the misfortunes and necessities of others as your own good fortune, you ejected your own uncle Nicias from the house of his fathers, you have taken from your own mother-in-law the resources upon which she lived, and you have, in so far as it depended upon you, rendered homeless the son of Archedemus. No one ever exacted payment from a defaulter as rigorously as you exact interest from your debtors. A man, then, whom you find to be so brutal and so savage on all occasions, are you going to fail to punish him when you have caught him in the very act of wrongdoing? In that case, men of the jury, you will do what is an outrage and in no sense right.

It is fitting therefore, men of Athens, that you 71 should wax indignant also against Phormio, for bringing this man forward as a witness, when you see the shamelessness of his character and his ingratitude. For I fancy you all know that if, when the fellow was for sale, a cook or an artisan in any other trade had bought him, he would have learned the trade of his master and been far removed from the prosperity which now is his. But since my father into whose 72 possession he came, was a banker and taught him letters and instructed him in his business and put him in control of large sums of money, he has become

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κύριον πολλῶν, εὐδαίμων γέγονεν, τὴν τύχην, ἥ
 πρὸς ἡμᾶς ἀφίκετ', ἀρχὴν λαβὼν πάσης τῆς νῦν
 73 παρούσης εὐδαιμονίας. οὐκοῦν δεινόν, ὦ γῆ καὶ
 θεοί, καὶ πέρα δεινοῦ, τοὺς Ἑλληνα μὲν ἀντὶ βαρ-
 βάρου ποιήσαντας, γνώριμον δ' ἀντ' ἀνδραπόδου,
 τοσούτων δ' ἀγαθῶν ἡγεμόνας, τούτους περιορᾶν
 ἐν ταῖς ἐσχάταις ἀπορίαις ὄντας ἔχοντα καὶ πλου-
 τοῦντα, καὶ εἰς τοῦθ' ἤκειν ἀναιδείας, ὥσθ', ἥς
 παρ' ἡμῶν τύχης μετέσχε, ταύτης ἡμῖν μὴ τολμᾶν
 74 μεταδοῦναι. ἀλλ' αὐτὸς μὲν οὐκ ὥκνησε τὴν
 δέσποιναν γῆμαι, καὶ ἡ τὰ καταχύσματα αὐτοῦ
 [1124] κατέχεειν τόθ' ἡνίκ' ἐωνήθη, ταύτῃ συνοικεῖ, οὐδὲ
 προῖκα πέντε τάλανθ' αὐτῷ γράψαι, χωρὶς ὧν
 οὔσης τῆς μητρὸς κυρίας οὔτος ἐγκρατὴς γέγονεν
 πολλῶν χρημάτων (τί γὰρ αὐτὸν οἶεσθ' εἰς τὰς
 διαθήκας ἐγγράψαι "καὶ τᾶλλα, ὅσα ἐστίν,
 Ἀρχίππῃ δίδωμι";) τὰς δ' ἡμετέρας θυγατέρας
 μελλούσας δι' ἔνδειαν ἀνεκδότους ἔνδον γηράσκειν
 75 περιορᾶ. καὶ εἰ μὲν πένης οὔτος ἦν, ἡμεῖς δ'
 εὐποροῦντες ἐτυγχάνομεν, καὶ συνέβη τι παθεῖν,
 οἷα πόλλ', ἐμοί, οἱ παῖδες ἂν οἱ τούτου τῶν ἐμῶν
 θυγατέρων ἐπεδικάζοντο, οἱ τοῦ δούλου τῶν τοῦ
 δεσπότου· θεῖοι γάρ εἰσιν αὐταῖς διὰ τὸ τὴν μητέρα
 τὴν ἐμὴν τοῦτον λαβεῖν· ἐπειδὴ δ' ἀπόρως ἡμεῖς
 ἔχομεν, τηρικαῦτα¹ οὐ συνεκδώσει ταύτας, ἀλλὰ
 λέγει καὶ λογίζεται τὸ πλῆθος ὧν ἐγὼ χρημάτων
 ἔχω.

76 Καὶ γὰρ τοῦτ' ἀτοπώτατον πάντων. ὧν μὲν

¹ After τηρικαῦτα Blass inserts δ'.

^a It was believed to be a good omen to scatter sweetmeats,
 228

wealthy, having found the good luck which brought him into our family the foundation of all his present wealth. It is outrageous, then, O Earth and the gods, 73 and worse than outrageous, that he should suffer those who made him a Greek instead of a barbarian and a man of note instead of a slave, and who brought him to such great prosperity, to live in dire want while he has means and is rich, and that he should have come to such a pitch of shamelessness that he cannot bring himself to share with us the good fortune which we shared with him. But for himself he has not 74 scrupled to marry his mistress, and he dwells as husband with her who scattered the sweatmeats over him when he was bought as a slave,^a nor to write a clause giving himself a marriage portion of five talents in addition to the large sums of which he became master, inasmuch as they were in the custody of my mother—for why do you suppose he wrote in the will the clause “and all else which she has I give to Arehippê”?—while he looks with indifference on my daughters, who are doomed through poverty to grow old in maidenhood with none to dower them. If 75 Phormio had been poor, and it had been our fortune to be wealthy, and if, in the course of nature, anything had happened to me, this fellow’s sons would have claimed my daughters in marriage—the sons of the slave would have claimed the daughters of the master! for they are their uncles, since the man married my mother; but seeing that it is we who are poor, he will not help to portion them off, but he talks and talks, and reckons up the amount of property which *I* possess.

For this is the most absurd thing of all. Up to this 76

nuts, etc., over the head of a newly purchased slave. See Aristophanes, *Plutus* 768.

ἀπεστέρηκεν ἡμᾶς χρημάτων, οὐδέπω καὶ τήμερον
 ἠθέλησεν ὑποσχεῖν τὸν λόγον, ἀλλὰ μηδ' εἰσαγω-
 γίμους εἶναι τὰς δίκας παραγράφεται· ἃ δὲ τῶν
 πατρώων ἐνειμάμην ἐγώ, ταῦτα λογίζεται. καὶ
 τοὺς μὲν ἄλλους ἂν τις ἴδοι τοὺς οἰκέτας ὑπὸ τῶν
 δεσποτῶν ἐξεταζομένους· οὗτος δ' αὐτὸ τοῦναντίον
 τὸν δεσπότην ὁ δοῦλος ἐξετάζει, ὡς δῆτα πονηρὸν
 77 καὶ ἄσωτον ἐκ τούτων ἐπιδείξων. ἐγὼ δ', ὦ
 ἄνδρες Ἀθηναῖοι, τῆς μὲν ὀψεως τῇ φύσει καὶ τῷ
 ταχέως βαδίζειν καὶ λαλεῖν μέγα, οὐ τῶν εὐτυχῶς
 πεφυκότων ἐμαυτὸν κρίνω· ἐφ' οἷς γὰρ οὐδὲν
 ὠφελούμενος λυπῶ τινας, ἔλαττον ἔχω πολλαχοῦ·
 τῷ μέντοι μέτριος κατὰ πάσας τὰς εἰς ἐμαυτὸν
 [1125] δαπάνας εἶναι, πολὺν τούτου καὶ τοιούτων ἐτέρων
 78 εὐτακτότερον ζῶν ἂν φανείην. τὰ δ' εἰς τὴν πόλιν
 καὶ ὅσ' εἰς ὑμᾶς, ὡς δύναμαι λαμπρόταθ', ὡς
 ὑμεῖς σύνιστε, ποιῶ· οὐ γὰρ ἀγνοῶ τοῦθ' ὅτι τοῖς
 μὲν γένει πολίταις ὑμῖν ἱκανὸν λητουργεῖν ὡς οἱ
 νόμοι προστάττουσι, τοὺς δὲ ποιητοὺς ἡμᾶς, ὡς
 ἀποδιδόντας χάριν, οὕτω προσήκει φαίνεσθαι
 λητουργοῦντας. μὴ οὖν μοι ταῦτ' ὀνειδίξε, ἐφ'
 79 οἷς ἐπαίνου τύχοιμ' ἂν δικαίως. ἀλλὰ τίν', ὦ
 Φορμίων, τῶν πολιτῶν ἑταιρεῖν, ὥσπερ σύ, με-
 μίσθωμαι; δείξον. τίνα τῆς πόλεως, ἧς αὐτὸς
 ἠξιώθην, καὶ τῆς ἐν αὐτῇ παρρησίας ἀπεστέρηκα,
 ὥσπερ σὺ τοῦτον ὃν κατήσχυνας; τίνος γυναῖκα
 διέφθαρκα, ὥσπερ σὺ πρὸς πολλαῖς ἄλλαις ταύτην,
 ἧ τὸ μνημ' ὠκοδόμησ' ὁ θεοῖς ἐχθρὸς οὗτος
 πλησίον τοῦ τῆς δεσποίνης, ἀνηλωκὼς πλέον ἢ

day he has never seen fit to render an account of the money of which he has defrauded me, but enters a special plea that my action is not even admissible ; yet he charges against me what I have received from the estate of my fathers. Other slaves one may see called to strict account by their masters, but here we see the very opposite : the fellow, though a slave, calls his master to account, thinking thereby to show him forth as a vile fellow and a prodigal. For myself, 77 men of Athens, in the matter of my outward appearance, my fast walking, and my loud voice, I judge that I am not one of those favoured by nature ; for in so far as I annoy others without benefiting myself, I am in many respects at a disadvantage ; but since I am moderate in all my personal expenses, it will be seen that I live a much more orderly life than Phormio and others who are like him. Whatever concerns the 78 state, however, and all that concerns you, I perform, as you know, as lavishly as I can : for I am well aware that for you who are citizens by birth it is sufficient to perform public services as the laws require ; we on the contrary who are created citizens ought to show that we perform them as a grateful payment of a debt. Cease, then, to fling into my teeth matters for which I should properly win commendation. But, Phormio, whom of the citizens have I hired for 79 prostitution, as you have done ? Show me. Whom have I deprived of the citizenship of which I was deemed worthy, and of the right of free speech in the city, as you did in the case of the man whom you dishonoured ? Whose wife have I debauched, as you have the wives of many ?—among them her to whom this god-detested fellow built the monument near that of his mistress at a cost of more than two talents.

τάλαντα δύο; καὶ οὐκ ἡσθάνετο, ὅτι οὐχὶ τοῦ
τάφου μνημεῖον ἔσται τὸ οἰκοδόμημα τοιοῦτον ὄν,
ἀλλὰ τῆς ἀδικίας ἧς τὸν ἄνδρ' ἡδίκηκεν ἐκείνη διὰ
80 τοῦτον. εἶτα τοιαῦτα ποιῶν καὶ τηλικαύτας μαρ-
τυρίας ἐξενηνοχῶς τῆς ὕβρεως τῆς σεαυτοῦ σύ,
τὸν ἄλλου του βίον ἐξετάζειν τολμᾶς; μεθ'
ἡμέραν εἰ σὺ σώφρων, τὴν δὲ νύκτ' ἐφ' οἷς θάνατος
ζημία, ταῦτα ποιεῖς. πονηρός, ὦ ἄνδρες Ἀθηναῖοι,
πονηρὸς οὗτος ἄνωθεν ἐκ τοῦ Ἀνακείου κᾶδικος.
σημεῖον δέ· εἰ γὰρ ἦν δίκαιος, πένης ἂν ἦν τὰ τοῦ
δεσπότητος διοικήσας. νῦν δὲ τοσούτων χρημάτων
τὸ πλῆθος κύριος καταστάς, ὥστε τοσαῦτα λαθεῖν
ἀπ' αὐτῶν κλέψας ὅσα νῦν κέκτηται, οὐκ ὀφείλειν
81 ταῦτ', ἀλλὰ πατρῷ^a ἔχειν ἡγεῖται. καίτοι πρὸς
[1126] θεῶν, εἰ κλέπτην σ' ἀπῆγον ὡς ἐπ' αὐτοφώρῳ,
τὴν οὐσίαν ἦν ἔχεις, εἰ πως οἶόν τ' ἦν, ἐπιθείς σοι,
εἰτά σ' ἡξιούν, εἰ μὴ φῆς ὑψηρημένος ταῦτ' ἔχειν,
ἀναγαγεῖν ὅθεν εἵληφας, εἰς τίν' ἂν αὐτ' ἀνήγαγες;
οὔτε γάρ σοι πατὴρ παρέδωκεν, οὔθ' εὔρες, οὔτε
λαβὼν ποθεν ἄλλοθεν ἦλθες ὡς ἡμᾶς· βάρβαρος
γὰρ ἐωνήθης. εἰθ' ὦ δημοσίᾳ προσῆκ' ἐπὶ τοῖς
εἰργασμένοις τεθνάναι, σύ, τὸ σῶμα σεσωκῶς καὶ
πόλιν ἐκ τῶν ἡμετέρων σαυτῷ κτησάμενος, καὶ
παῖδας ἀδελφοὺς τοῖς σεαυτοῦ δεσπότηταις ἀξιωθεῖς
ποιήσασθαι, παρεγράψω μὴ εἰσαγώγιμον εἶναι τὴν
δίκην τῶν ἐγκαλουμένων χρημάτων ὑφ' ἡμῶν;

^a This was one of the places where slaves were sold.

And he did not see that a structure, being of that sort, would be a monument, not of her tomb, but of the wrong which because of him she had done to her husband. Do you, then, who perform acts like these, 80 and who have given such manifest proofs of your outrageous conduct, dare to scrutinize the manner of life of anyone else? By day you act soberly, but the whole night long you indulge in actions for which death is the penalty. He is a knave, men of Athens, a knave and a villain, and has been such from of old, ever since he left the temple of Castor and Pollux.^a Here is the proof. If he had been honest, he would have managed his master's business, and remained poor. But as it is, having got control of so large an amount of money that he could steal from it all that he now possesses without detection, he regards what he holds, not as a debt, but as an inherited patrimony. And yet, by the gods, if I had led you off to prison as 81 a thief caught in the act, piling upon your back—if this had been in any way possible—the wealth which you now possess, and had then demanded of you, if you denied having got this wealth by thievery, to refer me to the source from which you got it, to whom would you have referred me? Your father did not give it to you; you did not find it; you had not got it from some other source when you come into our family; for you were a barbarian when you were purchased. Have you, then, a man who ought to have been publicly put to death for what you have done, after saving your skin, after securing for yourself a city with our money, and after being allowed to beget children as brothers to your own masters—have you entered a special plea that our action for the sums claimed from you is inadmissible? And, then, did 82

82 εἶτα κακῶς ἡμᾶς ἔλεγες, καὶ τὸν ἡμέτερον πατέρ' ἐξήταζες ὅστις ἦν; ἐφ' οἷς τίς οὐκ ἂν, ὦ ἄνδρες Ἀθηναῖοι, χαλεπῶς ἤνεγκεν; ἐγὼ γάρ, εἰ πάντων τῶν ἄλλων ὑμῶν ἔλαττον προσήκει μοι φρονεῖν, τούτου γε μείζον οἶμαι, καὶ τούτῳ γ' εἰ μηδενὸς τῶν ἄλλων ἔλαττον, ἐμοῦ γ' ἔλαττον· ὄντων γὰρ ἡμῶν τοιούτων, ὁποῖους τινὰς ἂν σὺ κατασκευάσῃς τῷ λόγῳ, σὺ δούλος ἦσθα.

83 Τάχα τοίνυν ἂν ἴσως καὶ τοῦτό τις αὐτῶν εἴποι, ὥς ἀδελφὸς ὢν ἐμὸς Πασικλῆς οὐδὲν ἐγκαλεῖ τῶν αὐτῶν τούτῳ πραγμάτων. ἐγὼ δ', ὦ ἄνδρες Ἀθηναῖοι, καὶ περὶ Πασικλέους, παραιτησάμενος καὶ δεηθεὶς ὑμῶν συγγνώμην ἔχειν, εἰ προεληλυθὼς εἰς τοῦθ' ὥσθ' ὑπὸ τῶν ἐμαυτοῦ δούλων ὑβρισθεὶς οὐ δύναμαι κατασχεῖν, ἃ τέως οὐδὲ τῶν ἄλλων λεγόντων ἀκούειν ἐδόκουν, ἐρῶ καὶ οὐ σιωπήσομαι.

84 ἐγὼ γὰρ ὁμομήτριον μὲν ἀδελφὸν ἐμαντοῦ Πασικλέα νομίζω, ὁμοπάτριον δ' οὐκ οἶδα, δέδοικα [1127] μέντοι μὴ τῶν Φορμίωνος ἀμαρτημάτων εἰς ἡμᾶς ἀρχὴ Πασικλῆς ᾗ. ὅταν γὰρ τῷ δούλῳ συνδικῇ τὸν ἀδελφὸν ἀτιμῶν, καὶ παραπεπτωκῶς θαυμάζη τούτους ὑφ' ὧν αὐτῷ θαυμάζεσθαι προσῆκε, τίν' ἔχει δικαίαν ταῦθ' ὑποψίαν; ἄνελ' οὖν ἐκ μέσου μοι Πασικλέα, καὶ σὸς μὲν υἱὸς ἀντὶ δεσπότου καλείσθω, ἐμὸς δ' ἀντίδικος (βούλεται γάρ) ἀντ' ἀδελφοῦ.

85 Ἐγὼ δὲ τούτῳ μὲν χαίρειν λέγω, οὓς δ' ὁ πατήρ μοι παρέδωκε βοηθοὺς καὶ φίλους, εἰς τούτους ἤκω, εἰς ὑμᾶς, ὦ ἄνδρες δικασταί. καὶ δέομαι

you speak evil of me, and inquire what manner of man my father was? Men of Athens, who would not have been indignant at this? For my part, though it beseem me to have less of pride than any of you, yet I judge that I may at least have more than Phormio, while as for him, though there be no one else than whom he should have less, yet he should have less than I; for, assuming that we are the sort of people your words made us out to be, you, Phormio, were none the less our slave.

There is perhaps something else which one of them 83 may say: that Pasicles, although he is my brother, makes no charge against Phormio for these same actions. Well, I will speak about Pasicles, too, men of Athens, though I beg and implore you to pardon me, if I am so carried away by indignation at the outrages I have received from my own slaves as to be unable to restrain myself; I will not keep silent, but will declare what until now I pretended not to hear when others said it:—I consider Pasicles 84 to be my brother on my mother's side, but whether on my father's side also, I do not know; but I am afraid that the wrongs which Phormio has done us began with Pasicles. For when he joins in pleading the cause of the slave and dishonours his brother, when he fawns upon those, and curries the favour of those, who ought to seek his favour, to what suspicion does this naturally give rise? Away, then, with Pasicles, and let him be called your son instead of your master, and my adversary (since he so chooses) instead of my brother.

I bid adieu to this fellow and appeal to those to 85 whom my father left me as my helpers and friends—to you, men of the jury. And I beg and entreat

καὶ ἀντιβολῶ καὶ ἰκετεύω, μὴ ὑπερίδῃτέ με καὶ τὰς θυγατέρας δι' ἔνδειαν τοῖς ἐμαυτοῦ δούλοις καὶ τοῖς τούτου κόλαξιν ἐπίχαρτον γενόμενον. οὐμὸς ὑμῖν πατήρ χιλίας ἔδωκεν ἀσπίδας, καὶ πολλὰ χρήσιμον αὐτὸν παρέσχε, καὶ πέντε ἔθελοντῆς ἐπιδούς καὶ παρ' ἐαυτοῦ πληρώσας ἐττηράρχησε τριηραρχίας. καὶ ταῦτ', οὐκ ὀφείλειν ὑμᾶς νομίζων χάριν ἡμῖν, ὑπομιμνήσκω· ἡμεῖς γὰρ ὀφείλομεν ὑμῖν· ἀλλ' ἵνα μὴ λάθω τι παθὼν τούτων ἀνάξιον· οὐδὲ γὰρ ὑμῖν ἂν γένοιτο καλόν.

86 Πολλὰ δ' ἔχων εἰπεῖν περὶ ὧν ὕβρισμαι, οὐχ ἱκανὸν τὸ ὕδωρ ὀρῶ μοι. ὥς οὖν μάλιστ' ἂν ἅπαντας ὑμᾶς ἡγοῦμαι γινῶναι τὴν ὑπερβολὴν ὧν ἡδίκημεθ' ἡμεῖς, φράσω· εἰ σκέψαιτο πρὸς αὐτὸν ἕκαστος ὑμῶν τίν' οἴκοι κατέλιπεν οἰκέτην, εἴθ' ὑπὸ τούτου πεποινθόθ' ἐαυτὸν θείῃ ταῦθ' ἅπερ ἡμεῖς ὑπὸ τούτου. μὴ γὰρ εἰ Σύρος ἢ Μάνης ἢ τίς ἕκαστος ἐκείνων, οὗτος δὲ Φορμίων· ἀλλὰ τὸ πρᾶγμα ταυτό· δοῦλοι μὲν ἐκείνοι, δοῦλος δ' οὗτος ἦν, δεσπότης

87 δ' ὑμεῖς, δεσπότης δ' ἦν ἐγώ. ἦν τοίνυν ὑμῶν ἂν ἕκαστος δίκην ἀξιῷσειε λαβεῖν, ταύτην νομίζετε

[1128] καμοὶ προσήκειν νῦν· καὶ τὸν ἀφηρημένον τῷ μαρτυρῆσαι τὰ ψευδῆ, καὶ ὑπὲρ τῶν νόμων καὶ ὑπὲρ τῶν ὅρκων, οὓς ὁμωμοκότες δικάζετε, τιμωρήσασθε καὶ παράδειγμα ποιήσατε τοῖς ἄλλοις, μνημονεύοντες πάνθ' ὅσ' ἀκηκόαθ' ἡμῶν, καὶ φυλάττοντες, εἰὰν παράγειν ἐπιχειρῶσιν ὑμᾶς, πρὸς ἕκαστον ἀπαντῶντες· εἰὰν μὴ φῶσιν ἅπαντα μεμαρτυρηκέναι, “ τί οὖν ἐν τῷ γραμματείῳ γέγραπται;

and implore you, do not suffer my daughters and myself through our poverty to become a source of malicious joy to my own slaves and to his flatterers. My father gave you a thousand shields and made himself serviceable to you in many ways, and five times served as trierarch, voluntarily equipping the ships and manning them at his own expense. I remind you of this, not because I consider that you are under obligation to me—for it is I that am under obligation to you,—but in order that I may not suffer unworthy treatment without your knowing it. For that would not be a credit to you any more than to me.

I have much to say regarding the indignities which 86 I have suffered, but I see that I have not enough water left in the clock. I will tell you, therefore, how I think you will all best come to know the enormity of the wrongs that have been done me. You must each of you consider what slave he left at home, and then imagine that you have suffered from him the same treatment that I have suffered from Phormio. Do not take into consideration that they are severally Syrus or Manes or what not, while this fellow is Phormio. The thing is the same—they are slaves, and he was a slave : you are masters, and I was master. Believe, 87 then, that it is fitting now for me to exact the penalty which each one of you would claim : and in the interest of the laws and of the oaths which you have taken as jurors punish the man who has robbed me of a verdict by giving false testimony, and make him an example to others, remembering all that you have heard from me and bearing it in mind, if they attempt to mislead you, and meeting them at every point. If they deny that they have borne witness to all the facts, ask them these questions, “ What stands written

τί οὖν οὐ τότε ἀπηλείφου; τίς ἢ παρὰ τοῖς ἄρ-
 88 χουσιν ἀντιγραφὴ;” ἐὰν μεμαρτυρηκέναι τὸν μὲν
 ἐπιτροπευθῆναι κατὰ διαθήκας, τὸν δ’ ἐπιτρο-
 πεῦσαι, τὸν δ’ ἔχειν, “ ποίας; ἐν αἷς τί γέγραπται;”
 ταῦτ’ ἐρωτᾶτε· ἃς γὰρ οὗτοι μεμαρτυρήκασιν,
 οὐδεὶς ἐκείνων προσμεμαρτύρηκεν. ἐὰν δ’ ὁδύ-
 ρωνται, τὸν πεπονθότ’ ἐλεινότερον τῶν δωσόντων
 δίκην ἡγεῖσθε. ταῦτα γὰρ ἂν ποιῇτ’, ἐμοί τε
 βοηθήσετε, καὶ τούτους τῆς ἄγαν κολακείας ἐπι-
 σχήσετε, καὶ αὐτοὶ τὰ εὖορκ’ ἔσεσθ’ ἐψηφισμένοι.

in the deposition? Why did you not strike it out at the time? What is the counter-plea in the custody of the archons?" If they declare that they 88 have testified, one person that he lived as ward under a will, another that he served as guardian, and another that he has the will in his possession, demand of them, "What will? What were the provisions contained in it?" For to the deposition to which these men bore witness no one of the others has given corroborative testimony. But if they try whining tactics, you should consider that the one wronged is more deserving of pity than those about to be punished. If you act in this way, you will succour me, and you will restrain these men from their excessive adulation; and to your own satisfaction you will have rendered a righteous verdict.

AGAINST STEPHANUS
II

INTRODUCTION

STEPHANUS appears to have replied at some length to the preceding speech, and after his reply the plaintiff Apollodorus delivered this one in answer to his defence. In it he charges that Stephanus had given hearsay evidence contrary to law, and that Phormio had also acted illegally in using the deposition of Stephanus as a means of giving evidence for himself. He maintains further that deliberate fraud was proved by the fact that the deposition had manifestly been prepared in advance, since it was not written on wax, as would have been the case with a genuine deposition prepared on the spur of the moment. He then seeks to prove that his father made no will, and alleges that he could not legally have done so, and cites various laws in support of this contention.

The speech is diffuse and ill-arranged, and whatever be true of the preceding one, is certainly not the work of Demosthenes. One of the arguments advanced to prove that Pasio could not legally have made a will is a mere quibble (see the note on § 14), and it is to be noted that, while in this speech Apollodorus charges that his father was mentally incompetent, in Oration XLIX § 42 he states that Pasio during his last illness had written out for him a list of all the debts due him with the names of the debtors

AGAINST STEPHANUS, II

and a statement of the purposes for which the money had in each case been borrowed.

In addition to the passages cited in the introduction to the preceding oration the reader may consult Schaefer, iii. pp. 174 ff., and Blass, iii. pp. 531 ff.

XLVI

ΚΑΤΑ ΣΤΕΦΑΝΟΥ ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ

B

[1129] Ὅτι μὲν οὐκ ἀπορήσειν ἔμελλε Στέφανος οὕτοσί, ὃ τι ἀπολογήσεται περὶ τῆς μαρτυρίας, παράγων τῷ λόγῳ, ὥς οὐ πάντα μεμαρτύρηκε τὰ ἐν τῷ γραμματείῳ γεγραμμένα, καὶ ἑξαπατῶν ὑμᾶς, καὶ αὐτὸς σχεδόν τι ὑπενόουν, ὧ ἄνδρες δικασταί. πανοῦργός τε γάρ ἐστι, καὶ οἱ γράφοντες καὶ οἱ συμβουλευόντες ὑπὲρ Φορμίωνος πολλοί· ἅμα τ' εἰκός ἐστι τοὺς ἐγχειροῦντας τὰ ψευδῇ μαρτυρεῖν, καὶ τὴν ἀπολογίαν εὐθέως ὑπὲρ αὐτῶν μελετᾶν.

2 ὅτι δ' ἐν τοσούτῳ λόγῳ οὐδαμοῦ μάρτυρας παρεῖχεθ' ὑμῖν, ὥς ἢ διατιθεμένῳ τῷ πατρὶ τῷ ἐμῷ παρεγένετό που αὐτὸς ταύτην τὴν διαθήκην, ὥστ' εἰδέναι ταῦθ' ὅτι ἀντίγραφ' ἐστὶν ὧν ὁ πατήρ μου διέθετο, ἢ ἀνοιχθὲν εἶδε τὸ γραμματεῖον ὃ φασι διαθέμενον ἐκεῖνον καταλιπεῖν, ταῦτα συμμέμνησθέ

3 μοι. ἀλλὰ μὴν ὁπότε μεμαρτύρηκεν ἀντίγραφ' εἶναι τῶν διαθηκῶν τῶν Πασίωνος τὰ ἐν τῷ γραμματείῳ γεγραμμένα, τὰς δὲ διαθήκας μὴ ἔχει

XLVI

APOLLODORUS AGAINST STEPHANUS, CHARGED WITH GIVING FALSE TESTIMONY

II

EVEN of myself, men of the jury, I could pretty well suspect that this fellow Stephanus would not be at a loss for something to say in defence of his testimony ; and that he would seek to mislead and deceive you in his speech by alleging that he has not borne witness to everything written in the deposition. For he is a knave, and there are many to write speeches and give advice on Phormio's behalf. Furthermore it is but natural that those who undertake to give false testimony should at the start prepare some means of defending it. But I bid you to bear this in mind, that in his address, long as it was, he nowhere brought forward witnesses to prove to you either that he was himself present when my father made this will, so as to know that this is a copy of the will which my father made, or that he saw the document opened which they declare my father drew up and left as his will. When, however, my opponent has testified that what was written in the document was a copy of the will of Pasio, but is unable to prove either

ἐπιδείξαι μήθ' ὥς ὁ πατήρ διέθεθ' ἡμῶν, μήθ' ὥς αὐτὸς εἶδε παραγενόμενος αὐτὰς διατιθεμένου τοῦ πατρός, πῶς οὐ περιφανῶς οὗτος ἐξελέγχεται τὰ ψευδῇ μεμαρτυρηκώς;

4 Εἰ τοίνυν πρόκλησίν φησιν εἶναι καὶ μὴ μαρτυρίαν, οὐκ ἀληθῇ λέγει. ἅπαντα γὰρ ὅσα παρ-
[1130] ἔχονται εἰς τὸ δικαστήριον προκαλούμενοι ἀλλήλους οἱ ἀντίδικοι, διὰ μαρτυρίας παρέχονται. οὐ γὰρ ἂν εἰδείθ' ὑμεῖς εἴτ' ἐστὶν ἀληθῇ εἴτε ψευδῇ ἃ φασιν ἑκάτεροι, εἰ μὴ τις καὶ τοὺς μάρτυρας παρέχοιτο. ὅταν δὲ παράσχηται, τούτοις πιστεύοντες ὑποδίκους οὔσι, ψηφίζεσθε ἐκ τῶν λεγομένων καὶ μαρτυρουμένων ἃ ἂν ὑμῖν δοκῇ δίκαια
5 εἶναι. βούλομαι τοίνυν καὶ τὴν μαρτυρίαν ἐξελέγξαι, ὅτι οὐ πρόκλησις ἐστὶ, καὶ ὥς ἔδει μαρτυρεῖν αὐτούς, εἴπερ ἐγίγνετο ἡ πρόκλησις, ὥς οὐκ ἐγίγνετο. “μαρτυροῦσι παρέιναι πρὸς τῷ διαιτητῇ Τεισία, ὅτε προὔκαλεῖτο Φορμίων Ἀπολλόδωρον ἀνοίγειν τὸ γραμματεῖον, ὃ παρέιχεν Ἀμφίας ὁ Κηφισοφῶντος κηδεστής, Ἀπολλόδωρον δ' οὐκ ἐθέλειν ἀνοίγειν.” οὕτω μὲν ἂν μαρτυροῦντες ἐδόκουν ἀληθῇ μαρτυρεῖν· ἀντίγραφα δὲ τῶν διαθηκῶν τῶν Πασίωνος μαρτυρεῖν εἶναι τὰ ἐν τῷ γραμματείῳ ὃ παρέιχετο Φορμίων, μήτε παραγενομένους ἐκείνῳ διατιθεμένῳ, μήτ' εἰδότας εἰ διέθετο, πῶς οὐ περιφανῶς ἀναισχυντία δοκεῖ ὑμῖν εἶναι;

6 Ἀλλὰ μὲν εἰ φησὶ Φορμίωνος λέγοντος πιστεύειν ταῦτ' ἀληθῇ εἶναι, τοῦ αὐτοῦ ἀνδρός ἐστὶ πιστεύειν τε λέγοντι τούτῳ ταῦτα καὶ κελεύοντι μαρτυρεῖν. οἱ δέ γε νόμοι οὐ ταῦτα λέγουσιν, ἀλλ' ἃ ἂν εἰδῇ

that my father made a will or that he was himself present and saw it when my father drew it up, is he not manifestly proved to have given false testimony ?

If, now, he maintains that it was a challenge and not a deposition, he is not telling the truth. For all pieces of evidence which the parties to a suit bring before the court when they tender challenges to one another, they bring in by means of depositions. Otherwise you would not know whether what they severally say is true or false, if they did not bring forward the witnesses also. But when they do bring in witnesses, you rely upon these as being responsible, and so from the statements and the testimony offered you cast your votes for what seems to you to be a just verdict. I wish therefore to prove to you that the deposition is not a challenge, and to show you how they ought to have deposed if the challenge was given, which it was not,—“ The deponents testify that they were present before the arbitrator Teisias, when Phormio challenged Apollodorus to open the document which Amphias, the brother-in-law of Cephisophon, produced, and that Apollodorus refused to open it.” If they had given their evidence in this way, they would have appeared to be speaking the truth. But to depose that what was written in the document which Phormio produced was a copy of the will of Pasio, without having been present when Pasio made the will, or knowing that he had made one, does this not seem to you to be a manifest piece of insolence ?

And surely, if he says that he believed this to be true because Phormio said it was, it would be like the same man to believe him when he said this, and to testify to it at his bidding. The laws, however, do not say this, but ordain that a man may testify to

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τις καὶ οἷς ἂν παραγένηται πραττομένοις, ταῦτα
 μαρτυρεῖν κελεύουσιν ἐν γραμματείῳ γεγραμμένα,
 ἵνα μήτ' ἀφελεῖν ἐξῇ μηδὲν μήτε προσθεῖναι τοῖς
 7 γεγραμμένοις. ἀκοὴν δ' οὐκ ἐῷσι ζῶντος μαρ-
 τυρεῖν, ἀλλὰ τεθνεῶτος, τῶν δὲ ἀδυνάτων καὶ
 ὑπερορίων ἐκμαρτυρίαν γεγραμμένην ἐν τῷ γραμ-
 ματείῳ· καὶ ἀπὸ τῆς αὐτῆς ἐπισκῆψεως τήν τε
 [1131] μαρτυρίαν καὶ ἐκμαρτυρίαν ἀγωνίζεσθαι ἅμα, ἵν'
 εἴαν μὲν ἀναδέχεται ὁ ἐκμαρτυρήσας, ἐκείνος
 ὑπόδικος ἦ τῶν ψευδομαρτυριῶν, εἴαν δὲ μὴ
 ἀναδέχεται, οἱ μαρτυρήσαντες τὴν ἐκμαρτυρίαν.
 8 Στέφανος τοίνυν οὕτοσί, οὗτ' εἰδὼς διαθήκας
 καταλιπόντα τὸν πατέρα ἡμῶν, οὗτε παραγενό-
 μενος πῶποτε διατιθεμένῳ τῷ πατρὶ ἡμῶν, ἀκού-
 σας δὲ Φορμίωνος, μεμαρτύρηκεν ἀκοὴν τὰ ψευδῆ
 τε καὶ παρὰ τὸν νόμον.

Καὶ ταῦθ' ὅτι ἀληθῆ λέγω, αὐτὸν ὑμῖν τὸν νόμον
 ἀναγνώσεται.

ΝΟΜΟΣ

Ἄκοὴν εἶναι μαρτυρεῖν τεθνεῶτος, ἐκμαρτυρίαν δὲ
 ὑπερορίου καὶ ἀδυνάτου.

9 Ὡς τοίνυν καὶ παρ' ἑτέρον νόμον μεμαρτύρηκεν,
 ἐπιδεῖξαι ὑμῖν βούλομαι, ἵνα εἰδῆτε ὅτι μεγάλων
 ἀδικημάτων οὐκ ἔχων καταφυγὴν ὁ Φορμίων,
 πρόφασιν λαβὼν λόγῳ τὴν πρόκλησιν, ἔργῳ αὐτὸς
 αὐτῷ μεμαρτύρηκε προστησάμενος τούτους, δι' ὧν
 οἱ μὲν δικασταὶ ἐξηπατήθησαν ὡς ἀληθῆ τούτων

AGAINST STEPHANUS. II. 6-9

what he knows, or to matters at the doing of which he was present, and that his testimony must be committed to writing in order that it may not be possible to subtract anything from what is written, or to add anything to it. Hearsay evidence they do not admit 7 from a living person, but only from one who is dead ; but in the case of those who are sick or absent from the country they allow evidence to be introduced, provided it be in written form, and the absent witness and the one submitting his testimony shall alike be liable to action under the same impeachment, in order that, if the absent witness acknowledges his evidence, he may be liable to action for giving false testimony, and if he does not acknowledge it, the one who submitted his testimony may be liable. Now Stephanus 8 here, without knowing that my father left a will or having ever been present when he drew one up, but having been told this by Phormio, has given hearsay evidence which is false, and has done it in defiance of the law.

To prove that I am telling the truth in this, the clerk shall read you the law itself.

THE LAW

It shall be lawful to introduce hearsay evidence from one that is dead, and written evidence given in absence from one who is out of the country, or is sick.

Now I wish to prove to you that he has given 9 evidence contrary to another law also, that you may know that Phormio, having no harbour of refuge from the grievous wrongs he has committed, had made a pretence of the challenge, but actually has given evidence for himself, screening himself behind the testimony of these men, by which the jurymen were

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μαρτυρούντων, ἐγὼ δὲ ἀπεστερήθην ὧν ὁ πατήρ μοι κατέλιπε χρημάτων καὶ τοῦ δίκην λαβεῖν περὶ ὧν ἀδικοῦμαι. μαρτυρεῖν γὰρ οἱ νόμοι οὐκ ἔωσιν αὐτὸν αὐτῷ οὔτ' ἐπὶ ταῖς γραφαῖς οὔτ' ἐπὶ ταῖς δίκαις οὔτ' ἐν ταῖς εὐθύναις. ὁ τοίνυν Φορμίων αὐτὸς αὐτῷ μεμαρτύρηκεν, ὁπότε φασὶν οὔτοι ἀκούσαντες ἐκείνου ταῦτα μεμαρτυρηκέναι.

- 10 Ἴνα δὲ εἰδῇτε ἀκριβῶς, αὐτὸν τὸν νόμον μοι ἀνάγνωθι.

ΝΟΜΟΣ

Τοῖν ἀντιδίκων ἐπάναγκες εἶναι ἀποκρίνασθαι ἀλλήλοις τὸ ἐρωτώμενον, μαρτυρεῖν δὲ μή.

- [1132] Σκέψασθε τοίνυν τουτονὶ τὸν νόμον, ὃς κελεύει ὑποδίκους εἶναι τῶν ψευδομαρτυριῶν καὶ κατ' αὐτὸ τοῦτο, ὅτι μαρτυρεῖ παρὰ τὸν νόμον.

ΝΟΜΟΣ

Ἔστω δὲ καὶ ὑπόδικος τῶν ψευδομαρτυριῶν ὁ μαρτυρήσας αὐτοῦ τούτου, ὅτι μαρτυρεῖ παρὰ τὸν νόμον καὶ ὁ προβαλλόμενος κατὰ ταῦτά.

- 11 Ἐτι τοίνυν κἂν ἀπὸ τοῦ γραμματείου γνοίῃ τις, ἐν ᾧ ἡ μαρτυρία γέγραπται, ὅτι τὰ ψευδῇ μεμαρτύρηκεν. λελευκωμένον τε γάρ ἐστι καὶ οἴκοθεν κατεσκευασμένον. καίτοι τοὺς μὲν τὰ πεπραγμένα μαρτυροῦντας προσήκει οἴκοθεν τὰς μαρτυρίας κατεσκευασμένας μαρτυρεῖν, τοὺς δὲ τὰς προκλήσεις μαρτυροῦντας, τοὺς ἀπὸ ταῦτομάτου προστάντας,

^a As the deposition was written (with a dark pigment) on a whitened tablet, it had obviously been prepared in advance.

AGAINST STEPHANUS, II. 9-11

deceived, assuming that they were testifying to the truth, and I was robbed of the property which my father left me and of reparation for the wrongs which I have suffered. For the laws do not permit a man to give evidence for himself either in criminal suits or in civil suits or in audits. Phormio, however, has given evidence for himself, when these men say that they have given this testimony on the strength of what they heard from him.

But that you may be fully convinced of this, (*to 10 the clerk*) please read the law itself.

THE LAW

The two parties to a suit shall be compelled to answer one another's questions, but they may not testify.

Now consider this law also which ordains that action for false testimony may also be brought on this very ground, namely, that one testifies contrary to law.

THE LAW

The witness shall also be liable to action for giving false testimony on the mere ground that he gives evidence contrary to law, and the one producing him shall also be liable in the selfsame manner.

Furthermore, even from the tablet upon which the 11 deposition is written one can tell that he has given false evidence. For it is whitened, and was prepared at home.^a Yet it is only those who testify to facts who should offer depositions prepared at home; those who testify to challenges, who stand forward on the spur of the moment, should present their depositions

An off-hand answer to a challenge would have been written on a waxed tablet.

DEMOSTHENES

ἐν μάλθῃ γεγραμμένην τὴν μαρτυρίαν, ἵν' εἴ τι προσγράψαι ἢ ἀπαλεῖψαι ἐβουλήθη ράδιον ᾦν.

12 Οὐκοῦν κατὰ μὲν ταῦτα πάντα ἐξελέγχεται τὰ ψευδῇ μεμαρτυρηκῶς καὶ παρὰ τὸν νόμον· βούλομαι δ' ὑμῖν καὶ αὐτὸ τοῦτο ἐπιδείξαι, ὥς οὔτε διέθετο ὁ πατὴρ ἡμῶν διαθήκην οὐδεμίαν, οὔθ' οἱ νόμοι ἐῷσιν. εἰ γάρ τις ἔροιτο ὑμᾶς, καθ' ὁποίους νόμους δεῖ πολιτεύεσθαι ἡμᾶς, δῆλον ὅτι ἀποκρίναισθ' ἂν κατὰ τοὺς κειμένους. ἀλλὰ μὴν οἷ γε νόμοι ἀπαγορεύουσι “μηδὲ νόμον ἐξεῖναι ἐπ' ἀνδρὶ θεῖναι, ἂν μὴ τὸν αὐτὸν ἐφ' ἅπασιν Ἀθη-

13 ναίοις.” οὐκοῦν ὁ μὲν νόμος οὕτως τοῖς αὐτοῖς νόμοις πολιτεύεσθαι ἡμᾶς κελεύει καὶ οὐκ ἄλλους ἄλλοις. ὁ δὲ πατὴρ ἐτελεύτησεν ἐπὶ Δυσνικήτου ἄρχοντος, ὁ δὲ Φορμίων Ἀθηναῖος ἐγένετο ἐπὶ Νικοφύμου ἄρχοντος, δεκάτῳ ἔτει ὕστερον ἢ ὁ πατὴρ ἡμῶν ἀπέθανεν. πῶς ἂν οὖν μὴ εἰδῶς ὁ πατὴρ αὐτὸν Ἀθηναῖον ἐσόμενον, ἔδωκεν ἂν τὴν

[1133] ἑαυτοῦ γυναῖκα, καὶ προεπηλάκισε μὲν ἂν ἡμᾶς, κατεφρόνησε δ' ἂν τῆς δωρειᾶς ἧς παρ' ὑμῶν ἔλαβε, παρεῖδε δ' ἂν τοὺς νόμους; πότερα δὲ κάλλιον ᾦν αὐτῷ ζῶντι πρᾶξαι ταῦτα, εἴπερ ἐβούλετο, ἢ ἀποθανόντα διαθήκας καταλιπεῖν, ἃς οὐ

14 κύριος ᾦν; ἀλλὰ μὴν αὐτῶν τῶν νόμων ἀκούσαντες γνώσεσθε, ὥς οὐ κύριος ᾦν διαθέσθαι.

Λέγε τὸν νόμον.

ΝΟΜΟΣ

“Ὅσοι μὴ ἐπεποίηντο, ὥστε μήτε ἀπειπεῖν μήτ' ἐπιδικάσασθαι, ὅτε Σόλων εἰσήει τὴν ἀρχήν, τὰ ἑαυτοῦ

^a That is, in 371–370 B.C.

^b That is, in 361–360 B.C.

AGAINST STEPHANUS, II. 11-14

written in wax, in order that, if one wants to add or to erase anything, it may be easier to do so.

In all these things, then, he is shown to have given 12 false testimony, and to have given it contrary to law ; but I wish to prove this further fact, that our father did not make a will, and could not legally make one. For, if anyone should ask you in accordance with what laws we should live as citizens, you would of course answer, the established laws. But look you, the laws ordain, " nor shall it be permitted to enact a law applying to an individual, unless the same law applies also to all the Athenians." This law, then, ordains 13 that we should live as citizens under the same laws and not one under one law, another under another. But my father died during the archonship of Dysnicetus,^a and Phormio became an Athenian citizen during the archonship of Nicophemus,^b in the tenth year after my father died. How, then, could my father, not knowing that Phormio was to become an Athenian citizen, have given him in marriage his own wife, and thus have outraged us, shown his contempt of the gift of citizenship which he had received from you, and disregarded your laws ? And which was the more honourable course for him—to do this during his lifetime, supposing he wished to do it, or to leave behind him at his death a will which he had no legal right to make ? And verily, when you have 14 heard the laws themselves you will see clearly that Pasio had no right to make a will.

(To the clerk.) Read the law.

THE LAW

Any citizen, with the exception of those who had been adopted when Solon entered upon his office, and had thereby become

διαθέσθαι εἶναι, ὅπως ἂν ἐθέλῃ, ἂν μὴ παῖδες ὦσι γνήσιοι ἄρρενες, ἂν μὴ μανίων ἢ γήρως ἢ φαρμάκων ἢ νόσου ἕνεκα, ἢ γυναικὶ πειθόμενος, ὑπὸ τούτων του παραιῶν, ἢ ὑπ' ἀνάγκης ἢ ὑπὸ δεσμοῦ καταληφθεῖς.

- 15 Τοῦ μὲν νόμου τοίνυν ἀκηκόατε, ὃς οὐκ ἐᾷ διαθήκας διαθέσθαι, ἐὰν παῖδες ὦσι γνήσιοι. οὗτοι δέ φασι ταῦτα διαθέσθαι τὸν πατέρα, ὥς δὲ παρεγένοντο οὐκ ἔχουσιν ἐπιδείξαι. ἄξιον δὲ καὶ τόδε ἐνθυμηθῆναι, ὅτι ὅσοι μὴ ἐπεποίηντο, ἀλλ' ἦσαν πεφυκότες γνήσιοι, τούτοις ὁ νόμος δίδωσιν, ἐὰν ἄπαιδες ὦσι, διαθέσθαι τὰ ἑαυτῶν. ὁ τοίνυν πατὴρ ἡμῶν ἐπεποίητο ὑπὸ τοῦ δήμου πολίτης, ὥστε οὐδὲ κατὰ τοῦτο ἐξῆν αὐτῷ διαθέσθαι διαθήκην, ἄλλως τε καὶ περὶ τῆς γυναικός, ἥς οὐδὲ κύριος ἐκ τῶν νόμων ἦν, παῖδές τε ἦσαν αὐτῷ.
- 16 σκέψασθε δὲ καὶ διότι οὐδ' ἂν ἄπαις τις ἦ, κύριός ἐστι τὰ αὐτοῦ διαθέσθαι, ἐὰν μὴ εὖ φρονῇ· νοσοῦντα δὲ ἢ φαρμακῶντα ἢ γυναικὶ πειθόμενον ἢ ὑπὸ γήρως ἢ ὑπὸ μανίων ἢ ὑπὸ ἀνάγκης τινὸς καταληφθέντα ἄκυρον κελεύουσιν εἶναι οἱ νόμοι. σκο-
- [1134] πεῖτε δὴ, εἰ δοκοῦσιν ὑμῖν εὖ φρονοῦντος ἀνδρὸς εἶναι αἱ διαθήκαι, ἃς φασι διαθέσθαι οὗτοι τὸν
- 17 πατέρα. μὴ πρὸς ἄλλο δέ τι παράδειγμα σκέψησθε ἢ πρὸς τὴν μίσθωσιν, εἰ δοκεῖ ὑμῖν ἀκόλουθον εἶναι τῷ τὴν τέχνην μὴ ἐξουσίαν δοῦναι εἰ μὴ ἐν τῷ

^a The precise meaning of this phrase is disputed. See the authorities cited in the next note.

^b On this law consult Hermann-Thalheim, *Rechtssalterthümer*, pp. 68 ff., with the authorities there cited. It is quoted, in part, also in Oration XLIV § 68, and is frequently referred to by Isaeus. See Wyse's note on Isaeus II § 13, and 254

AGAINST STEPHANUS, II. 14-17

unable either to renounce or to claim an inheritance,^a shall have the right to dispose of his own property by will as he shall see fit, if he have no male children lawfully born, unless his mind be impaired by one of these things, lunacy or old age or drugs or disease, or unless he be under the influence of a woman, or under constraint or deprived of his liberty.^b

You have heard the law, then, which does not 15 permit a man to dispose of his property by will, if he have male children lawfully born. But these men declare that my father made this will, yet they cannot prove that they were present at the time. Another thing also deserves to be borne in mind, that it is to those who had not been adopted, but were lawfully born, that the law gives the right, in case of their being childless, to dispose of their property by will. Now my father had been adopted as a citizen by the people, so that on this account also he had not the right to make a will, especially in regard to his wife, of whom he was not even the legal guardian; and besides he had children. Note further, that even if a man be child- 16 less, he has not the right to dispose of his property by will, unless he be of sound mind; but if he be impaired by disease or the effect of drugs, or be under the influence of a woman, or be the victim of old age or madness, or be under constraint, the laws ordain that he be incompetent. Now consider whether the will, which these men say my father made, seems to you to be the will of a man of sound mind. Taking 17 the lease, and nothing else, as an example, tell me whether it seems to you consistent that my father should refuse Phormio permission to carry on his business except in association with us, and yet that

Savage, *The Athenian Family*, p. 119. Observe that, while the law has to do with those adopted into the family, our pleader makes it refer to those adopted as citizens.

αὐτῷ ἡμῖν ἐργάζεσθαι, τούτῳ τὴν γυναῖκα δοῦναι τὴν αὐτοῦ καὶ τῶν παίδων ἐᾶσαι κοινωνὸν αὐτῷ γενέσθαι. καὶ μὴ θαυμάζετε, εἰ τᾶλλα σκευωρομένους αὐτοὺς τὰ ἐν τῇ μισθώσει τοῦτο παρέλαθεν. ἴσως μὲν γὰρ οὐδὲ προσεῖχον ἄλλῳ οὐδενί, ἢ τῷ τὰ χρήματα ἀποστερήσαι καὶ τῷ προσοφείλοντα τὸν πατέρα ἐγγράψαι· εἶτα οὐδὲ ἐδόκουν ἐμὲ οὕτω δεινὸν ἔσεσθαι, ὥστε ταῦτα ἀκριβῶς ἐξετάσαι.

- 18 Σκέψασθε τοίνυν καὶ τοὺς νόμους, παρ' ὧν κελεύουσι τὰς ἐγγύας ποιεῖσθαι, ἵν' εἰδῆτε καὶ ἐκ τούτων ὥς κατεσκευασμένης διαθήκης ψευδῆς μάρτυς γέγονε Στέφανος οὗτοσί.

ΝΟΜΟΣ

“Ἦν ἂν ἐγγνήσῃ ἐπὶ δικαίοις δάμαρτα εἶναι ἢ πατὴρ ἢ ἀδελφὸς ὁμοπάτωρ ἢ πάππος ὁ πρὸς πατρός, ἐκ ταύτης εἶναι παῖδας γνησίους. ἐὰν δὲ μηδεὶς ἢ τούτων, ἐὰν μὲν ἐπὶ κληρὸς τις ἢ, τὸν κύριον ἔχειν, ἐὰν δὲ μὴ ἢ, ὅτῳ ἂν ἐπιτρέψῃ, τοῦτον κύριον εἶναι.

- 19 Οὗτος μὲν τοίνυν ὁ νόμος οὗς ἐποίησε κυρίου εἶναι, ἀκηκόατε· ὅτι δ' οὐδεὶς ἦν τούτων τῇ μητρί, οἱ ἀντίδικοί μοι αὐτοὶ μεμαρτυρήκασιν. εἰ γὰρ ἦν, παρείχοντ' ἂν. ἢ μάρτυρας μὲν ψευδεῖς οἴεσθ' ἂν παρασχέσθαι καὶ διαθήκας οὐκ οὔσας, ἀδελφὸν δὲ ἢ πάππον ἢ πατέρα οὐκ ἂν, εἴπερ ἦν δυνατόν ἔνεκα χρημάτων; ὁπότε τοίνυν μηδεὶς φαίνεται ζῶν τούτων, τότε ἀνάγκη ἐπὶ κληρον τὴν [1135] μητέρα ἡμῶν εἶναι. τῆς τοίνυν ἐπικλήρου σκοπεῖτε τίνας κελεύουσιν οἱ νόμοι κυρίου εἶναι.
- 20 Λέγε τὸν νόμον.

he should give him his wife in marriage, and thus make him a partner in his own fatherhood? And do not be surprised that, while they were arranging all else in regard to the lease so cleverly, they overlooked this. For perhaps they paid no heed to anything else, save to rob me of my money and to set my father down as a debtor to the bank; and then they did not suppose that I should be clever enough to look into these matters closely.

Now, then, consider the laws, and see from whom 18 they ordain that betrothals should be made, that you may come to know from them also, that this fellow Stephanus has proved himself to be a false witness to a forged will.

THE LAW

If a woman be betrothed for lawful marriage by her father or by a brother begotten of the same father or by her grandfather on her father's side, her children shall be legitimate. In case there be none of these relatives, if the woman be an heiress, her guardian shall take her to wife, and if she be not, that man shall be her guardian to whom she may entrust herself.

You have heard what persons this law has appointed 19 to be guardians; and that my mother had none of these my opponents have themselves borne witness. For if there had been such, they would have produced them. Or do you suppose they would have produced false witnesses and a non-existent will, but would not have produced a brother or a grandfather or a father, if they could have done it for money? Since, then, it is plain that no one of these was living, it follows necessarily that my mother was an heiress. Now see whom the law ordains to be guardians of an heiress.

(*To the clerk.*) Read the law.

20

DEMOSTHENES

ΝΟΜΟΣ

Καὶ ἐὰν ἐξ ἐπικλήρων τις γένηται, καὶ ἅμα ἡβήσῃ ἐπὶ δίετες, κρατεῖν τῶν χρημάτων, τὸν δὲ σίτον μετρεῖν τῇ μητρὶ.

Οὐκοῦν ὁ μὲν νόμος κελεύει τοὺς παῖδας ἡβήσαντας κυρίους τῆς μητρὸς εἶναι, τὸν δὲ σίτον μετρεῖν τῇ μητρὶ. ἐγὼ δὲ φαίνομαι στρατευόμενος καὶ τριηραρχῶν ὑμῖν, ὅτε οὗτος συνώκησε τῇ μητρὶ. 21 ἀλλὰ μὴν ὅτι ἐγὼ μὲν ἀπεδήμουν τριηραρχῶν, ἐτετελευτήκει δ' ὁ πατήρ πάλαι, ὅτε οὗτος ἔγημε, τὰς δὲ θεραπαίνας αὐτὸν ἐξήτουν καὶ ἡξίουν περὶ αὐτοῦ τούτου βασανίζεσθαι αὐτάς, εἰ ταῦτ' ἀληθὴ ἔστι, καὶ ὥς προῦκαλούμην, λαβέ μοι τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ

Μαρτυροῦσι παρέναι, ὅτε προῦκαλεῖτο Ἀπολλόδωρος Φορμίωνα, ὅτε ἡξίου παρὰδοῦναι Ἀπολλόδωρος Φορμίωνα τὰς θεραπαίνας εἰς βάσανον, εἰ μὴ φησι Φορμίων καὶ πρότερον διεφθαρκεῖναι τὴν μητέρα τὴν ἐμήν, πρὶν οὐδ' ἀποφαίνει Φορμίων γῆμαι ἐγγνησάμενος αὐτὴν παρὰ Πασίωνος. ταῦτα δὲ προκαλουμένου Ἀπολλοδώρου οὐκ ἡθέληρε Φορμίων παρὰδοῦναι τὰς θεραπαίνας.

22 Τὸν τοίνυν νόμον ἐπὶ τούτοις ἀνάγνωθι, ὃς κελεύει ἐπιδικασίαν εἶναι τῶν ἐπικλήρων ἀπασῶν, καὶ ξένων καὶ ἀστών, καὶ περὶ μὲν τῶν πολιτῶν τὸν ἄρχοντα εἰσάγειν καὶ ἐπιμελεῖσθαι, περὶ δὲ τῶν

^a That is at the age of eighteen years (see note *b* on p. 9 of vol. i.).

AGAINST STEPHANUS, II. 20-22

THE LAW

If one be born the son of an heiress, two years after he has reached the age of manhood^a he shall assume control of the estate, and he shall make due provision for his mother's maintenance.

The law, then, appoints that sons who have reached the age of manhood shall be guardians of their mother and shall make due provision for their mother's maintenance. But it is clear that I was on a military expedition and in command of a trireme in your service,^b when this man married my mother. Nay more, to prove that I was absent in command of a 21 trireme, and that my father had been dead for some time, when the fellow married, I demanded of him the female slaves, and claimed the right of having them put to the torture to establish this very point, whether what I am saying is true—to prove all this, and that I tendered him a challenge, (*to the clerk*) please take the deposition.

THE DEPOSITION

The deponents testify that they were present when Apollodorus challenged Phormio, namely, when Apollodorus demanded that Phormio give up the female slaves for the torture, if Phormio denied that he had seduced my mother before the time when Phormio declares that he married her, after she had been betrothed to him by Pasio. And when Apollodorus tendered this challenge, Phormio refused to surrender the female slaves.

Now in addition to this read the law which appoints 22 that there shall be an adjudication of all heiresses, whether alien or citizen, and that in the case of those who are citizens the archon shall have jurisdiction and shall take charge of the matter, and in the case of

^b Hence he had obviously come to manhood.

DEMOSTHENES

μετοίκων τὸν πολέμαρχον, καὶ ἀνεπίδικον μὴ ἐξεῖναι ἔχειν μήτε κλῆρον μήτε ἐπικλήρον.

[1136]

ΝΟΜΟΣ

Κληροῦν δὲ τὸν ἄρχοντα κλήρων καὶ ἐπικλήρων, ὅσοι εἰσὶ μῆνες, πλὴν τοῦ Σκιροφοριῶνος. ἀνεπίδικον δὲ κλῆρον μὴ ἔχειν.

- 23 Οὐκοῦν αὐτόν, εἴπερ ἠβούλετο ὀρθῶς διαπράττεσθαι, λαχεῖν ἔδει τῆς ἐπικλήρου, εἴτε κατὰ δόσιν αὐτῷ προσήκεν εἴτε κατὰ γένος, εἰ μὲν ὡς ὑπὲρ ἀσθῆς, πρὸς τὸν ἄρχοντα, εἰ δ' ὡς ὑπὲρ ξένης, πρὸς τὸν πολέμαρχον, καὶ τότε, εἴπερ τι λέγειν εἶχε δίκαιον, πείσαντα ὑμῶν τοὺς λαχόντας μετὰ τῶν νόμων καὶ τῆς ψήφου κύριον εἶναι, καὶ μὴ αὐτὸν αὐτῷ νόμους ἰδίους θέμενον διαπράξασθαι ἂ ἐβούλετο.
- 24 Σκέψασθε δὴ καὶ τονδὶ τὸν νόμον, ὃς κελεύει τὴν διαθήκην, ἣν ἂν παίδων ὄντων γνησίων ὁ πατὴρ διαθῇται, εἰάν ἀποθάνωσιν οἱ παῖδες πρὶν ἡβῆσαι, κυρίαν εἶναι.

ΝΟΜΟΣ

Ὁ τι ἂν γνησίων ὄντων νιέων ὁ πατὴρ διαθῇται, εἰάν ἀποθάνωσιν οἱ νιεῖς πρὶν ἐπὶ δέετες ἡβᾶν, τὴν τοῦ πατρὸς διαθήκην κυρίαν εἶναι.

- 25 Οὐκοῦν ὁπότε ζῶσιν, ἄκυρος μὲν ἡ διαθήκη ἐστίν, ἣν φασιν οὗτοι τὸν πατέρα καταλιπεῖν, παρὰ πάντας δὲ τοὺς νόμους μεμαρτύρηκε Στέφανος οὕτοσὶ τὰ ψευδῆ, ὡς ἀντίγραφά ἐστι τῆς διαθήκης

^a The month Scirophorion corresponds to the latter half of June and the prior half of July. "This month may have

AGAINST STEPHANUS, II. 22-25

those who are resident aliens, the polemarch ; and it shall not be lawful for anyone to obtain an inheritance or an heiress without legal adjudication.

THE LAW

The archon shall assign by lot days for the trial of claims to inheritances or heiresses in every month except Scirophorion ^a ; and no one shall obtain an inheritance without adjudication.

Well then, if he had wished to proceed regularly, he ²³ ought to have entered his claim for the heiress, whether the claim was based upon a gift or upon nearness of kin, before the archon, if he claimed her as a citizen, and before the polemarch, if as an alien ; and then, if he had any just claim to advance, it was his duty to convince those of you who were drawn on the jury, and so obtain the woman by their verdict and in a manner sanctioned by your laws, instead of having made laws valid for himself alone, and in that way having accomplished what he desired.

Note, too, the following law, that a will shall be ²⁴ valid which a father makes, even though he has sons lawfully born, provided the sons die before they reach the age of manhood.

THE LAW

Whatsoever will a father shall make, while he has lawfully born sons, if the sons die within two years after having reached the age of manhood, that father's will shall be valid.

Well then, seeing that the sons are alive, the will ²⁵ which these men say my father left is invalid, and this man Stephanus has borne false witness in defiance of all the laws, in declaring that the document is a copy of been excepted, since it was the last month of the Attic year, and in it the magistrates vacated office and passed their audit " (Sandys).

τῆς Πασίωνος· πῶς γὰρ σὺ οἶσθα, καὶ ποῦ παρα-
γενόμενος διατιθεμένῳ τῷ πατρί; κακοτεχνῶν
δὲ φαίνει περὶ τὰς δίκας, τὰ ψευδῇ μὲν αὐτὸς
μαρτυρῶν ἐτοιμῶς, κλέπτων δὲ τὰς ἀληθεῖς μαρ-
τυρίας, ἔξαπατῶν δὲ τοὺς δικαστάς, συνιστάμενος
δ' ἐπὶ ταῖς δίκαις. οἱ δὲ νόμοι καὶ περὶ τῶν
τοιούτων γραφὴν πεποιήκασιν.

26 Καί μοι ἀνάγνωθι τὸν νόμον.

[1137]

ΝΟΜΟΣ

Ἐάν τις συνιστῇται, ἢ συνδεκάξῃ τὴν ἡλιαίαν ἢ τῶν
δικαστηρίων τι τῶν Ἀθήνησιν ἢ τὴν βουλὴν ἐπὶ δωρο-
δοκίᾳ χρήματα διδοὺς ἢ δεχόμενος, ἢ ἔταιρείαν συνιστῇ
ἐπὶ καταλίσει τοῦ δήμου, ἢ συνήγορος ὢν λαμβάνῃ
χρήματα ἐπὶ ταῖς δίκαις ταῖς ἰδίαις ἢ δημοσίαις, τούτων
εἶναι τὰς γραφὰς πρὸς τοὺς θεσμοθέτας.

27 Ἡδέως ἂν τοίνυν ὑμᾶς ἐροίμην ἐπὶ τούτοις ἅπασι,
κατὰ ποίους νόμους ὁμωμοκότες δικάζετε, πότερα
κατὰ τοὺς τῆς πόλεως ἢ καθ' οὓς Φορμίων αὐτῷ
νομοθετεῖ. ἐγὼ μὲν τοίνυν τούτους παρέχομαι
ὑμῖν, καὶ ἐξελέγχω αὐτοὺς ἀμφοτέρους παρα-
βεβηκότας, Φορμίωνα μὲν ἐξ ἀρχῆς ἀδικήσαντα
ἡμᾶς καὶ ἀποστερήσαντα τὰ χρήματα, ἃ ὁ πατὴρ
ἡμῖν κατέλιπε καὶ ἐμίσθωσε τούτῳ μετὰ τῆς
τραπέζης καὶ τοῦ ἐργαστηρίου, Στέφανον δὲ του-
τονὶ τὰ ψευδῇ μεμαρτυρηκότα καὶ παρὰ τὸν
νόμον.

28 Ἄξιον τοίνυν, ὦ ἄνδρες δικασταί, καὶ τόδε
ἐνθυμηθῆναι, ὅτι διαθήκης οὐδεὶς πώποτε ἀντί-
γραφα ἐποιήσατο, ἀλλὰ συγγραφῶν μὲν, ἵνα

^a See Oration XXXVI § 4.

Pasio's will. (*To Stephanus.*) Why, how do you know that it is? Where were you ever present when my father made it? You are shown to have been guilty of trickery in the suit, to have given false witness yourself without scruple, to have stolen depositions which supported the truth, to have misled the jury, and to have entered into a conspiracy to defeat justice. But the laws have provided criminal suits for actions such as these.

(*To the clerk.*) Read the law, please.

26

THE LAW

If any man enter into a conspiracy, or join in seeking to bribe the Heliæa or any of the courts in Athens, or the Senate, by giving or receiving money for corrupt ends, or shall organize a clique for the overthrow of the democracy, or, while serving as public advocate, shall accept money in any suit, private or public, criminal suits shall be entered for these acts before the Thesmothetæ.

So, in the light of all these things, I should like to 27 ask you in accordance with what laws you have sworn to give judgement: whether according to the laws of the state, or according to the laws which Phormio enacts for himself. I bring before you, then, these laws, and I prove that both these men have transgressed them, Phormio by having at the outset wronged me and robbed me of the money which my father left me, and which that father leased to Phormio together with the bank and the manufactory^a: Stephanus here, by having given false testimony, and given it in defiance of the law.

Another thing also, men of the jury, deserves to 28 be borne in mind, that no one ever makes a copy of a will; they make copies of contracts, that they

εἰδῶσι καὶ μὴ παραβαίνωσι, διαθηκῶν δὲ οὐ.
 τούτου γὰρ ἔνεκα καταλείπουσιν οἱ διατιθέμενοι,
 ἵνα μηδεὶς εἰδῇ ἅ διατίθενται. πῶς οὖν ὑμεῖς ἴστε
 ὅτι ἀντίγραφά ἐστι τῶν διαθηκῶν τῶν Πασίωνος
 τὰ ἐν τῷ γραμματείῳ γεγραμμένα;

Δέομαι οὖν ὑμῶν ἀπάντων, ὦ ἄνδρες δικασταί,
 καὶ ἱκετεύω βοηθῆσαι μὲν ἐμοί, τιμωρήσασθαι
 δὲ τοὺς ἐτοίμως οὕτως τὰ ψευδῇ μαρτυροῦντας,
 ὑπὲρ τε ὑμῶν αὐτῶν καὶ ἐμοῦ καὶ τοῦ δικαίου καὶ
 τῶν νόμων.

may know the terms and not violate them; but not of wills. For this is the very reason why the testators leave a will—that no man may know how they are disposing of their property. How, then, do you people know that what is written in the document is a copy of Pasio's will?

I beseech and implore you all, men of the jury, to come to my aid and to punish those who thus without scruple have given false testimony, for your own sakes, for mine, for the sake of justice and the laws.

AGAINST EVERGUS AND
MNESIBULUS

INTRODUCTION

THIS speech, like those against Stephanus, prefers against the defendants a charge of having borne false testimony and having by this means secured the conviction of the plaintiff, in this case on a charge of assault and battery.

The facts leading up to the trial were, according to the plaintiff's statement, the following: A certain Theophemus, who had served as trierarch, had failed to return the ship's equipment which he had received from the public stores, and the plaintiff, having himself been designated trierarch and overseer of the symmory (the tax-group, here equivalent to the navy-board), made demand upon him to return this equipment or else to pay its value.^a To this demand Theophemus paid no heed, nor, when the plaintiff had received an order of the court, did he show any more willingness to return either the equipment or its value. After this the plaintiff reported his failure to the despatching board of the senate, and a decree was passed instructing him and others in like ease to

^a This was the Athenian method: a new trierarch received the equipment for his ship either from his predecessor or from the public stores. In either case both ship and equipment were charged against him. After his year of service the ship and equipment were turned in, or handed over to his successor, but he was himself responsible for any shortage or damage.

recover what was due in whatever way they might be able. Armed with this order the plaintiff again approached Theophemus, but again failed to recover what was due, and in endeavouring to take some property as security for the amount he was, as he states, assaulted by the defendant, and in self-defence returned blow for blow. After this experience he impeached Theophemus before the senate for having assaulted him in the performance of a public duty. The senate was apparently prepared to impose a heavy penalty, but the matter was finally compromised, the plaintiff agreeing to the imposition of the very moderate fine of twenty-five drachmae, and receiving from the friends of the defendant assurance that the question of the assault should be referred to any arbitrator whom the plaintiff might name.

At this juncture the plaintiff went to sea with the fleet, and matters remained in abeyance until he should return. Then, as Theophemus refused him satisfaction, he brought suit against him. The defendant on his part brought a cross action, but, when the arbitrator was about to hear the cases, Theophemus put in a special plea and an affidavit by which he secured a postponement of the suit against himself, while the suit he had brought against the plaintiff came to trial at once. In this suit, largely through the allegedly false testimony of Evergus and Mnesibulus, he won a verdict against the plaintiff in the amount of eleven hundred drachmae. The plaintiff had also to pay the ἐπωβολία (see the note on p. 50 of vol. i.), amounting to eighty-three drachmae two obols, and court charges of thirty drachmae. The plaintiff then at once brought suit against the two witnesses, charging that they had

AGAINST EVERGUS

falsely testified that he had refused to admit to the torture a female slave who had seen the affray and whom Theophemus had tendered as a witness to prove that the plaintiff had dealt the first blow.

We are told that the plaintiff was unable to pay Theophemus the damages on the day appointed (he had again been called upon to serve as trierarch) and that he therefore asked for an extension of time. This Theophemus craftily granted (in order that the plaintiff might appear to be in default), and when subsequently payment was tendered him, he found some excuse to put the matter off, but went that same day to the plaintiff's farm and seized property far in excess of the amount due. The next day he was paid in full, but even then he refused to return the goods he had seized, unless the plaintiff would agree to withdraw his charges both against himself and against his witnesses. More than that, even after payment had been made, Evergus went again to the farm and seized additional goods. The plaintiff charges that on both occasions the seizure was carried out with brutal violence. In particular, he charges that an old nurse of his, who had endeavoured to hide in her robe a goblet of some value to prevent its being carried off, was so roughly handled that she died six days later.

The speech, despite its interest, is feebly composed and is full of repetitions, and critics are virtually unanimous in rejecting the view that it was composed by Demosthenes.

Reference may be made to Schaefer, iii.² pp. 193 ff., and to Blass, iii. pp. 543 ff.

XLVII

ΚΑΤΑ ΕΥΕΡΓΟΥ ΚΑΙ ΜΝΗΣΙΒΟΥΛΟΥ ΨΕΥΔΟΜΑΡΤΥΡΙΩΝ

Καλῶς μοι δοκοῦσιν οἱ νόμοι ἔχειν, ὦ ἄνδρες δικασταί, οἱ ὑπόλοιπον ἀγῶνα ἀποδόντες ταῖς δίκαις τὸν τῶν ψευδομαρτυριῶν, ἵν' εἴ τις μάρτυρας τὰ ψευδῇ μαρτυροῦντας παρασχόμενος ἢ προκλήσεις μὴ γενομένας ἢ μαρτυρίας παρὰ τὸν νόμον μαρτυρηθείσας ἐξηπάτησε τοὺς δικαστάς, μηδὲν αὐτῷ πλέον γένηται, ἀλλ' ἐπισκηψάμενος ταῖς μαρτυρίαις ὁ ἀδικηθεὶς καὶ εἰσελθὼν εἰς ὑμᾶς καὶ ἐπιδείξας περὶ τοῦ πράγματος τοὺς μάρτυρας τὰ ψευδῇ μεμαρτυρηκότας, παρά τε τούτων δίκην λάβῃ καὶ τὸν προβαλλόμενον ὑπόδικον ἔχῃ τῶν
2 κακοτεχνιῶν. καὶ διὰ τοῦτο τῷ μὲν διώκοντι ἐλάττω ἐποίησαν τὰ ἐπιτίμια, ἐὰν ἡττηθῇ, ἵνα μὴ διὰ τὸ πλῆθος ἀποτρέπωνται διώκειν τοὺς μάρτυρας τῶν ψευδομαρτυριῶν οἱ ἀδικούμενοι, τῷ δὲ φεύγοντι μεγάλας ἐπέθηκαν τιμωρίας, ἐὰν ἀλῶ
3 καὶ δόξῃ ὑμῖν τὰ ψευδῇ μεμαρτυρηκέναι. δικαίως,
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XLVII

AN UNKNOWN PLEADER AGAINST EVERGUS AND MNESIBULUS, CHARGED WITH GIVING FALSE TESTIMONY

It is in my opinion, men of the jury, an admirable provision of the laws that they allow another chance after a trial by means of proceedings for false testimony, in order that, if anyone by bringing forward witnesses testifying to what is false or by citing challenges which were never tendered or depositions made contrary to law, has deceived the jury, he may gain nothing by it, but the one who has been wronged may impeach the testimony, and come into your court and show that the witnesses have given false testimony regarding the matter at issue, and thus exact the penalty from them and hold the one who brought them forward liable to an action for subornation of perjury. And for this reason² they have made the fine less for the plaintiff, if he lose his case, in order that those who have been wronged may not by the fine be deterred from prosecuting witnesses for false testimony, while they have imposed a heavy penalty upon the defendant, if he be convicted and be thought by you to have given false testimony. And justly so, men of the jury.³

- ὦ ἄνδρες δικασταί. ὑμεῖς γὰρ εἰς τοὺς μάρτυρας βλέψαντες, καὶ πιστεύσαντες οἷς ἂν οὗτοι μαρτυρήσωσι, ψηφίζεσθε· ἵνα οὖν μήθ' ὑμεῖς ἐξαπατᾶσθε μήθ' οἱ εἰσιόντες εἰς ὑμᾶς ἀδικῶνται, διὰ ταύτ' [1140] αὐτοὺς ὑποδίκους ἐποίησεν ὁ νομοθέτης. δέομαι δ' ὑμῶν καὶ γὰρ μετ' εὐνοίας μου ἀκροάσασθαι περὶ τοῦ πράγματος ἐξ ἀρχῆς ἅπαντα, ἵν' ἐκ τούτων εἰδῆτε ὅσ' ἐγὼ τ' ἡδίκηθην καὶ ἐξηπατήθησαν οἱ δικασταί καὶ οὗτοι τὰ ψευδῆ ἐμαρτύρησαν.
- 4 Μάλιστα μὲν οὖν ἂν ἡβουλόμην μὴ ἔχειν πράγματα· εἰ δ' οὖν ἀναγκάζοι τις, πρὸς τοιούτους ἡδὺ ἐστὶν εἰσιέναι, οἱ μὴ ἀγνώτές εἰσιν ὑμῖν. νῦν δὲ πλείων μοι λόγος ἔσται ἐξελέγχοντι τὸν τρόπον αὐτῶν, ἢ τὴν μαρτυρίαν ψευδῆ οὔσαν. περὶ μὲν γὰρ τῆς μαρτυρίας, ὅτι ψευδῆ μεμαρτυρήκασιν, αὐτοί μοι δοκοῦσιν ἔργῳ ἐξελέγχειν αὐτούς, καὶ οὐκ ἄλλους με δεῖ μάρτυρας παρασχέσθαι ἢ
- 5 αὐτοὺς τούτους· ἐξὸν γὰρ αὐτοῖς ἀπηλλάχθαι πραγμάτων καὶ μὴ κινδυνεύειν εἰσιόντας εἰς ὑμᾶς, ἔργῳ βεβαιώσαντας ὡς ἀληθῆς ἐστὶν ἡ μαρτυρία, οὐκ ἡθελήκασιν παραδοῦναι τὴν ἀνθρωπον, ἣν μεμαρτυρήκασιν προκαλέσασθαι πρὸς τῷ διαιτητῇ Πυθοδώρῳ ἐκ Κηδῶν παραδιδόναι ἔτοιμον εἶναι Θεόφημον, ἡξίου δ' ἐγὼ παραλαμβάνειν, ὡς οἱ μάρτυρες ὑμῖν οἱ τότε παραγενόμενοι ἐμαρτύρησαν ἐν τῷ δικαστηρίῳ, καὶ νυνὶ δὲ μαρτυρήσουσι. καὶ Θεόφημος αὐτοῖς ὡς ἀληθῆ μεμαρτυρηκόσιν οὐκ ἐπεσκήψατο, οὐδ' ἐπεξέρχεται τῶν ψευδομαρτυριῶν.

^a Cedaē was a deme of the tribe Erechtheis.

For you look to the witnesses and give your verdict as you do, because you have believed the testimony which they have given. It is, therefore, to prevent you from being deceived and those who come into your court from being wronged that the lawgiver made the witnesses responsible. I, therefore, beg of you hear me with goodwill, while I rehearse all the facts from the beginning, in order that from these you may see the magnitude of the wrongs I have suffered, and know that the jurymen were deceived and that these men have given testimony which is false.

I should have much preferred not to go to law, ⁴ but, if forced to do so, it is a satisfaction to appear against men who are not unknown to you. However, I shall devote a larger part of my speech to exposing the character of these men than to proving that their testimony is false. As to my charge that the testimony to which they have deposed is false, they seem to me to have given proof by their own actions, and there is no need for me to produce any other witnesses than themselves. For when they might have got rid of ⁵ all trouble, and have avoided the risk which they run in coming into your court, by establishing in fact the truth of their testimony, they have refused to deliver up the woman, whom they have testified that Theophemus was ready to deliver up, and had offered to deliver up before the arbitrator, Pythodorus of Cedaë,^a but whose surrender I, in fact, demanded, as the witnesses who were then present in court testified, and will now testify. And Theophemus has not impeached them for giving testimony that was not true, nor does he proceed against them for false witness.

- 6 Σχεδὸν μὲν οὖν τι καὶ αὐτοὶ μοι ὁμολογοῦσιν ἐν τῇ μαρτυρίᾳ ἐθέλιν με παραλαμβάνειν τὴν ἄνθρωπον, Θεόφημον δὲ ἀναβάλλεσθαι κελεύειν, ἐμὲ δὲ οὐκ ἐθέλιν. ἦν δ' ἐγὼ μὲν ἡξίωσα παραλαβεῖν, Θεόφημος δὲ προὔκαλέσατο παραδοῦναι, [1141] ὥς οὗτοί φασι, τὸ δὲ σῶμα οὐδεὶς εἶδε παρόν, οὔτε τότε πρὸς τῷ διαιτητῇ οὔτε ὕστερον πρὸς τῷ δικαστηρίῳ οὔτ' ἄλλοθι οὐδαμοῦ παραδιδόμενον, ἐμαρτύρησαν δὲ οἱ μάρτυρες οὗτοι ὥς ἐθέλοι παραδοῦναι Θεόφημος καὶ πρόκλησιν προκαλοῖτο, 7 ὥγηθησαν δὲ οἱ δικασταὶ ἀληθῆ εἶναι τὴν μαρτυρίαν, φεύγειν δ' ἐμὲ τὸν ἔλεγχον τὸν ἐκ τῆς ἀνθρώπου περὶ τῆς αἰκείας, ὁπότερος ἡμῶν ἦρξε χειρῶν ἀδίκων· (τοῦτο γάρ ἐστιν ἡ αἴκεια). πῶς οὐκ ἀναγκαῖόν ἐστι τούτους τοὺς μάρτυρας τὰ ψευδῆ μεμαρτυρηκέναι; οἳ γε οὐδὲ νῦν πω τολμῶσι τὸ σῶμα τῆς ἀνθρώπου παραδοῦναι, καθὰ ἔφασαν προκαλέσασθαι τὸν Θεόφημον καὶ ἐμαρτύρησαν αὐτῷ, καὶ τὴν μὲν μαρτυρίαν ἔργῳ βεβαιῶσαι 8 ὥς ἀληθὴς ἐστι, καὶ τοὺς μάρτυρας ἀπηλλάχθαι τοῦ ἀγῶνος, παραδόντος τὸ σῶμα τῆς ἀνθρώπου, τὴν δ' ἄνθρωπον περὶ τῆς αἰκείας βασανίζεσθαι, ἐφ' ἣ ἐγὼ διώκω δίκη τὸν Θεόφημον, ἐπειδὴ τότε οὐ παρέσχε, καὶ τὸν ἔλεγχον ἐξ ὧν ὁ Θεόφημος ἔλεγε τότε ἐξαπατῶν τοὺς δικαστάς, ἐκ τούτων γίνεσθαι; ἔφη γὰρ ἐν τῇ δίκῃ τῆς αἰκείας, τοὺς μὲν μάρτυρας τοὺς παραγενομένους καὶ μαρτυροῦντας τὰ γενόμενα ἐν γραμματείῳ κατὰ τὸν νόμον, ψευδεῖς εἶναι καὶ ὑπ' ἐμοῦ παρ-

The defendants themselves practically admit in 6 their deposition that I was anxious to receive the woman for the torture, and that Theophemus urged me to postpone the action, whereas I was unwilling to do so. And yet it was regarding this woman, whom I demanded for the torture, but whom Theophemus offered to give up, as these men say; whom, however, no one ever saw present in person either at that time before the arbitrator or afterwards in the court-room, or produced at any other place,—it was regarding her that these witnesses deposed that Theophemus was ready to give her up, and made the offer with a challenge; and the jury thought that the testimony 7 was true, and that I was seeking to evade the evidence which the woman might have given in regard to the assault and the question as to which one of us delivered the first blow (for this is what constitutes assault). Is it not, then, a necessary inference that these witnesses have given false testimony, men who even up to this day dare not deliver up the woman in person, as according to their statement Theophemus offered to do, and as they testified for him? And they dare not establish by actual fact the truth of their testimony and free the witnesses from the risk of a 8 trial by making Theophemus, since he then refused to do so, deliver up the woman in person, to be put to the torture regarding the assault for which I am suing Theophemus, and so make the proof result from the very statements made at that time by Theophemus with a view to deceiving the jurors. For he said in the course of the trial for assault that the witnesses who had been present and who testified to what had taken place by a deposition in writing, as the law provides, were false witnesses and had been suborned

εσκευασμένους, τὴν δ' ἄνθρωπον τὴν παραγενομένην
 ἐρεῖν τάληθῃ, οὐκ ἐκ γραμματείου μαρτυροῦσαν,
 ἀλλ' ἐκ τῆς ἰσχυροτάτης μαρτυρίας, βασανιζο-
 9 μένην, ὁπότερος ἤρξε χειρῶν ἀδίκων. ἂ δὴ, τῷ
 λόγῳ τότε καταχρώμενος καὶ μάρτυρας παρεχό-
 μενος τούτων, ἡπάτα τοὺς δικαστάς, νῦν ἐξελέγ-
 χεται ψευδῇ ὄντα· τὸ γὰρ σῶμα τῆς ἀνθρώπου
 [1142] οὐ τολμᾷ παραδοῦναι, ὃ μεμαρτυρήκασιν αὐτὸν
 ἐθέλγειν παραδοῦναι, ἀλλὰ μᾶλλον προήρηται τὸν
 ἀδελφὸν καὶ τὸν κηδεστὴν ψευδομαρτυριῶν ἀγωνί-
 ζεσθαι, ἢ παραδοῦναι τὸ σῶμα τῆς ἀνθρώπου καὶ
 δικαίως ἀπηλλάχθαι, καὶ μὴ διὰ λόγων καὶ
 δεήσεως, εἰς δύνωνται, ἐξαπατήσαντες ὑμᾶς ἀπο-
 10 φεύγειν, πολλάκις ἐμοῦ προκαλεσαμένου καὶ ἐξαιτή-
 σαντος τὴν ἄνθρωπον, καὶ τότε τ' ἀξιοῦντος
 παραλαμβάνειν καὶ μετὰ τὴν δίκην, καὶ ὅτε
 ἐξέτινον αὐτοῖς, καὶ ἐφ' ἣ ἐγὼ δίκη τὸν Θεόφημον
 διώκω τῆς αἰκείας, καὶ ἐν τῇ ἀνακρίσει τῶν
 ψευδομαρτυριῶν· καὶ τούτων οὐ προσποιουμένων,
 ἀλλὰ λόγῳ μὲν μαρτυρούντων τὰ ψευδῇ, ἔργῳ δὲ
 οὐ παραδιδόντων τὴν ἄνθρωπον· εὖ γὰρ ᾔδεσαν ὅτι
 βασανιζομένης αὐτῆς ἐξελεγχθήσονται ἀδικοῦντες,
 οὐκ ἀδικούμενοι.

Ὡς δὲ ταῦτα ἀληθῇ λέγω, τούτων ὑμῖν ἀναγνώ-
 σεται τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ

11 Ὅτι μὲν τοίνυν πολλάκις προκαλεσαμένῳ καὶ
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by me ; but that the woman who had been present would tell the truth, deposing, not to a written document, but under torture, giving thus the strongest kind of evidence as to which party delivered the first blow. This is what he said at that time, using the most 9 vigorous language and bringing forward witnesses to support his statements, and by this means deceiving the jurors ; but now all this is proved to be false ; for he does not dare to deliver up the woman, whom the witnesses have declared that he was ready to deliver up, but prefers that his brother and his brother-in-law should have to stand trial on a charge of giving false testimony, rather than that he should deliver up the woman in person, and so be well rid of his troubles in a fair and legal way, and that they should not try by arguments and entreaties to find a means of escape by deceiving you, if they could ; although I challenged 10 him again and again, and asked for the woman, demanding to receive her for the torture both at that time and after the trial, and again when I paid them the money, and in my suit for assault against Theophemus, and in the examination before the magistrate in the trial for false testimony. These men do not try to hide anything ; their words are perjury, their act is to refuse to deliver up the woman ; for they knew well that, if she should be put to the torture, it would be proved that they were the wrongdoers and not the parties wronged.

To prove that I am speaking the truth in this, the clerk shall read you the depositions concerning these matters.

THE DEPOSITIONS

That, despite my frequent challenges and demands 11

ἀξιοῦντι παραλαβεῖν τὴν ἄνθρωπον οὐδεὶς παρ-
 εδίδου, μεμαρτύρηται ὑμῖν. ἵνα δὲ καὶ ἐκ τεκμηρίων
 εἰδῆτε ὅτι ψευδῇ μεμαρτυρήκασι, δηλώσω ὑμῖν.
 οὗτοι γάρ, εἴπερ ἀληθῇ ἦν ἃ φασι προκαλέσασθαι
 τὸν Θεόφημον καὶ παραδιδόναι τὸ σῶμα τῆς
 ἀνθρώπου, οὐκ ἂν δήπου δύο μόνους μάρτυρας
 ἐποίησαντο κηδεστήν καὶ ἀδελφόν, τοὺς τάληθῇ
 12 μαρτυροῦντας, ἀλλὰ καὶ ἄλλους ἂν πολλούς. ἡ
 μὲν γὰρ δίαίτα ἐν τῇ ἡλιαίᾳ ἦν· οἱ γὰρ τὴν Οἰνῆδα
 καὶ τὴν Ἐρεχθῆδα διαιτῶντες ἐνταῦθα κάθηνται·
 τῶν δὲ τοιούτων προκλήσεων, ὅταν τις τὸ σῶμα
 παραδιδῶ κομίσας, πολλοὶ προϊστάνται ἐπακούον-
 τες τῶν λεγομένων, ὥστε οὐκ ἂν ἠπόρησαν μαρ-
 [1143] τύρων, εἴπερ καὶ ὁπωστιοῦν ἀληθὲς ἦν ἡ μαρτυρία.

13 Μεμαρτυρήκασι τοίνυν, ὦ ἄνδρες δικασταί, ἐν
 τῇ αὐτῇ μαρτυρίᾳ, ὡς ἐγὼ οὐκ ἐθέλοιμι ἀνα-
 βαλέσθαι, ὁ δὲ Θεόφημος κελεύει, ἵνα μοι παραδοίῃ
 τὴν ἄνθρωπον. ὡς δὲ οὐκ ἀληθὲς τοῦτ' ἔστιν,
 ἐγὼ ὑμᾶς διδάξω. εἰ μὲν γὰρ ἐγὼ τὸν Θεόφημον
 ταύτην τὴν πρόκλησιν προὔκαλούμην, ἦν μεμαρ-
 τυρήκασιν αὐτῷ, ἀξιῶν αὐτὸν τὴν ἄνθρωπον παρα-
 14 δοῦναι, εἰκότως ἂν μοι τούτους τοὺς λόγους
 ἀπεκρίνατο, ἀναβαλέσθαι κελεύων τὴν δίαιταν εἰς
 τὴν ὑστέραν σύνοδον, ἵνα κομίσῃ τὴν ἄνθρωπον
 καὶ παραδῶ μοι· νῦν δὲ σὲ αὐτὸν μεμαρτυρήκασιν,
 ὦ Θεόφημε, ἐθέλειν παραδιδόναι τὴν ἄνθρωπον,
 καὶ ἐμὲ μὴ θέλειν παραλαβεῖν. πῶς οὖν σὺ κύριος
 μὲν ὢν τῆς ἀνθρώπου, μέλλων δὲ προκαλεῖσθαι

^a The place for holding the sessions of the court of that name.

for the delivery of the woman for examination, no one has ever delivered her up, has been shown to you by witnesses. But in order that you may know from circumstantial proofs also that they have given false testimony, I will prove it. For if what they state were true, namely, that Theophemus tendered the challenge and offered to give up the woman in person, these men, I take it, would not have produced two witnesses only, a brother and a brother-in-law, to testify to what was true, but many others as well. For the arbitration took place in the Heliaea,^a where 12 those serving as arbitrators for the Oeneïd and Erectheïd tribes hold their sessions ; and when challenges of this sort are given, and a party brings his slave in person, and delivers him up for examination by the torture, hosts of people stand forth to hear what is said ; so that they would not have been at a loss for witnesses, if there had been the least truth in the deposition.

They have testified, then, in the same deposition, 13 men of the jury, that I was unwilling to have a postponement, but that Theophemus urged it in order that he might produce the woman. That this is not true, I will show you. For if I had tendered to Theophemus this challenge to which they have deposed, requiring him to deliver up the woman, he 14 might fittingly have answered by urging that the arbitration be put off until the next meeting, in order that he might bring the woman and deliver her up to me : but as it is, Theophemus, they have deposed that it was you who desired to deliver up the woman and that I was not willing to receive her. How is it that you, who were the woman's master, when you were on the point of

- ταύτην τὴν πρόκλησιν ἣν μεμαρτυρήκασί σοι, καταφεύγων δὲ εἰς τὴν ἄνθρωπον περὶ τοῦ δικαίου,
- 15 ἄλλου δέ σοι οὐδενὸς ὄντος μάρτυρος ὡς ἐπλήγης ὑπ' ἐμοῦ ἄρχοντος χειρῶν ἀδίκων, οὐχ ἡῖκες ἔχων τὴν ἄνθρωπον πρὸς τὸν διαιτητὴν καὶ παρεδίδους τὸ σῶμα παρούσης τῆς ἀνθρώπου, κύριός γε ὢν αὐτῆς; ἀλλὰ τὴν μὲν πρόκλησιν φῆς προκαλέσασθαι, τὴν δ' ἄνθρωπον οὐδεὶς εἶδε, δι' ἧς ἐξηπάτησας τοὺς δικαστάς, ψευδεῖς μάρτυρας παρασχόμενος ὡς ἐθέλων παραδοῦναι.
- 16 Ἐπειδὴ τοίνυν σοι τότε οὐ παρῆν ἡ ἄνθρωπος, ἀλλὰ πρότερον ἐσημάνθησαν οἱ ἐχῖνοι, ὥστερον ἔστιν ὅπου ἡγάγες τὴν ἄνθρωπον εἰς τὴν ἀγορὰν ἢ εἰς τὸ δικαστήριον; εἰ γὰρ μὴ τότε σοι παρεγένετο, ὥστερον δήπου ἔδει παραδιδόναι, καὶ μάρτυρας ποιεῖσθαι ὡς ἐθέλεις ἐν τῇ ἀνθρώπῳ τὸν
- [1144] ἔλεγχον γίνεσθαι, καθάπερ προὐκαλέσω, προκαλήσεώς τε ἐμβεβλημένης σοι καὶ μαρτυρίας ὡς ἡθες παραδιδόναι τὴν ἄνθρωπον. μέλλων τοίνυν εἰσιέναι τὴν δίκην ἔστιν ὅπου τὴν ἄνθρωπον εἰς-
- 17 ἡγάγες πρὸς τὸ δικαστήριον; καίτοι ἔδει αὐτόν, εἴπερ ἀληθῆ ἦν ἃ φασιν αὐτὸν προκαλεῖσθαι, κληρουμένων τῶν δικαστηρίων κομίσαντα τὴν ἄνθρωπον, λαβόντα τὸν κήρυκα, κελεύειν ἐμέ, εἰ βουλοίμην, βασανίζειν, καὶ μάρτυρας τοὺς δικαστάς εἰσιόντας ποιεῖσθαι ὡς ἔτοιμός ἐστι παραδοῦναι. νυνὶ δὲ λόγῳ ἐξαπατήσας, ψευδεῖς μαρτυρίας παρα-

tendering me this challenge, to which your witnesses have deposed, when you were forced to take refuge in this woman's testimony to establish your case, and 15 when you had no other witness to my having assaulted you and having delivered the first blow—how is it, I ask, that you did not bring the woman with you to the arbitrator and deliver her up, having her then present in person, and being yourself her master? Nay, you state that you tendered the challenge; but no one saw the woman by means of whom you deceived the jurors, through producing false witnesses to represent that you wished to give her up.

Well, then, since the woman was not present with 16 you at that time and the boxes had previously been sealed, did you at any time afterward bring her into the market-place or before the court? For if she was not present with you at that time, you surely ought to have delivered her up afterwards, and to have called witnesses to prove that you were willing to have the test made by the woman's evidence in accordance with the challenge which you had tendered, as your challenge had been put in the box, and a deposition stating that you were ready to deliver her up. Well then, when you were on the point of entering upon the trial, did you ever bring the woman before the court? And yet, if what 17 they say about his tendering the challenge is true, he ought, when the court-rooms were being assigned by lot, to have brought the woman, got a herald to attend, and bidden me, if I chose, to put her to the torture, and have made the jurors as they came in witnesses to the fact that he was ready to deliver her up. But as it is, he has made deceitful statements and has produced false witnesses, but even to

σχόμενος, οὐδέπω καὶ νῦν τολμᾷ τὴν ἄνθρωπον παραδοῦναι, πολλάκις ἐμοῦ προκαλεσαμένου καὶ ἐξαιτήσαντος, ὥς οἱ μάρτυρες ὑμῖν οἱ παραγεγόμενοι μεμαρτυρήκασιν.

Καί μοι ἀνάγνωθι πάλιν τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ

- 18 Βούλομαι δ' ὑμῖν, ὦ ἄνδρες δικασταί, καὶ τὴν δίκην διηγῆσασθαι, ὅθεν ἐγένετό μοι πρὸς Θεόφημον, ἵνα εἰδῆτε ὅτι οὐ μόνον ἐμοῦ ἀδίκως κατεδικάσατο, ἐξαπατήσας τοὺς δικαστάς, ἀλλὰ καὶ τῆς βουλῆς ἅμα τῶν πεντακοσίων τῇ αὐτῇ ψήφῳ, καὶ ἄκυρα μὲν ἐποίησε τὰ δικαστήρια τὰ ὑμέτερα, ἄκυρα δὲ τὰ ψηφίσματα καὶ τοὺς νόμους, ἀπίστους δὲ τὰς ἀρχὰς κατέστησεν ὑμῖν καὶ τὰ γράμματα τὰ ἐν ταῖς στήλαις. ὃν δὲ τρόπον, ἐγὼ
- 19 ὑμᾶς περὶ εἰνὸς ἐκάστου διδάξω. ἐμοὶ γὰρ πρὸς Θεόφημον συμβόλαιον μὲν οὐδὲν πώποτε πρότερον ἐν τῷ βίῳ ἐγένετο, οὐδ' αὖ κῶμος ἢ ἔρως ἢ πότος, ὥστε διαφερόμενον περὶ τίνος πλεονεκτήματος ἢ παροξυνόμενον ὑπὸ ἡδονῆς τινὸς ἐλθεῖν ἐπὶ τὴν οἰκίαν τὴν τούτου. ψηφισμάτων δὲ ὑμετέρων
- [1145] δῆμον καὶ βουλῆς καὶ νόμου ἐπιτάξαντος, εἰσ-
έπραξα τοῦτον ὀφείλοντα τῇ πόλει σκευὴ τριηρικά.
- 20 διότι δέ, ἐγὼ ὑμῖν διηγῆσομαι. ἔτυχεν ἐκπλεουσῶν τριήρων βοήθεια ἀποστελλομένη διὰ τάχους. σκευὴ οὖν ἐν τῷ νεωρίῳ οὐχ ὑπῆρχε ταῖς ναυσίν, ἀλλ' ἔχοντες οἱ ὀφείλοντες οὐκ ἀπεδίδοσαν· πρὸς δὲ

^a These stelae were marble slabs upon which were inscribed the names of those trierarchs who were indebted to the state for damage or loss of equipment. A good many such inscriptions are still extant.

this day he does not dare to deliver up the woman, though I have made repeated challenges and demands, as the witnesses who were present have testified before you.

(*To the clerk.*) Please read the depositions again.

THE DEPOSITIONS

I wish now, men of the jury, to explain to you the 18 origin of my action against Theophemus, in order that you may be assured that he not only secured my condemnation unjustly by deceiving the jury, but also at the same time secured by the same verdict the condemnation of the senate of five hundred, and made of no effect the decisions of your courts and of no effect your decrees and your laws, and shook your faith in your magistrates and in the inscriptions on the public stelae.^a How he has done this I will show you point by point. I never before at 19 any time in my life had any business transaction with Theophemus, nor yet any revel or love-affair or drinking-bout, to lead me to go to his house, because of a quarrel with him about some matter in which he had got the better of me, or under the excitement of amorous passion. No, but in obedience to decrees passed by your assembly and senate and at the bidding of the law I demanded of him the ship's equipment which he owed to the state. For what reason, I shall proceed to tell you. It chanced that some triremes 20 were about to sail, a military force having to be despatched in haste. Now there was not in the dockyards equipment for the ships, but those from whom it was due, who had in their possession such equipment, had failed to return it : and furthermore

τούτοις οὐδ' ἐν τῷ Πειραιεῖ ὄντα ἄφθονα ὀθόνια καὶ στυππεῖον καὶ σχοινία, οἷς κατασκευάζεται τριήρης, ὥστε πρίασθαι. γράφει οὖν Χαιρέδημος τὸ ψήφισμα τουτί, ἵνα εἰσπραχθῇ τὰ σκεύη ταῖς ναυσὶ καὶ σῶα γένηται τῇ πόλει.

Καὶ μοι ἀνάγνωθι τὸ ψήφισμα.

ΨΗΦΙΣΜΑ

21 Τούτου τοίνυν τοῦ ψηφίσματος γεγενημένου, ἡ μὲν ἀρχὴ ἐπεκλήρωσε καὶ παρέδωκε τοὺς ὀφείλοντας τὰ σκεύη τῇ πόλει, οἱ δὲ¹ τῶν νεωρίων ἐπιμεληταί, τοῖς τριηράρχοις τοῖς ἐκπλέουσι τότε καὶ τοῖς ἐπιμεληταῖς τοῖς ἐν ταῖς συμμορίαις. ὁ δὲ νόμος ὁ τοῦ Περιάνδρου ἠνάγκαζε καὶ προσέταττε παραλαβεῖν τοὺς ὀφείλοντας τὰ σκεύη, καθ' ὃν αἱ συμμορίαι συνετάχθησαν. πρὸς δὲ τούτοις ἕτερον ψήφισμα δῆμον ἠνάγκαζε τὸ πρὸς μέρος ἡμῖν διδόναι τῶν ὀφειλόντων ἕκαστον εἰσπράξασθαι.

22 ἔτυχον δὲ ἐγὼ μὲν τριηραρχῶν καὶ ἐπιμελητῆς ὢν τῆς συμμορίας, Δημοχάρης δὲ ὁ Παιανιεὺς ἐν τῇ συμμορίᾳ ὢν καὶ ὀφείλων τῇ πόλει σκεύη μετὰ Θεοφήμου τουτουί, συντριηράρχος γενόμενος. γεγραμμένους οὖν αὐτοὺς ἀμφοτέρους ἐν τῇ στήλῃ ὀφείλοντας τὰ σκεύη τῇ πόλει, ἡ ἀρχὴ παραλαβοῦσα παρὰ τῆς προτέρας ἀρχῆς, ἡμῖν παρέδωκε

23 κατὰ τε τὸν νόμον καὶ τὰ ψηφίσματα. ἐξ ἀνάγκης [1146] οὖν ἦν μοι παραλαβεῖν. ἐπεὶ ἐν τῷ πρόσθεν χρόνῳ πολλὰς τριηραρχίας τετριηραρχικῶς ὑμῖν,

¹ δὲ is bracketed by Blass.

^a This law was passed in 358-357 B.C.

^b Paecania was a deme of the tribe Pandionis.

there was not available for purchase in the Peiraeus either an adequate supply of sail-cloth and tow and cordage, which serve for the equipment of a trireme. Chaeridemus, therefore, proposed this decree, in order that the equipment for the ships might be recovered and kept safe for the state.

(*To the clerk.*) Read the decree, please.

THE DECREE

When this decree had been passed, the magistrates 21 chose by lot those who owed the ship's equipment to the state and handed over their names, and the overseers of the dockyards passed on the list to the trierarchs who were then about to sail, and to the overseers of the navy-boards. The law of Periander ^a forced us and laid command upon us to receive the list of those who owed equipment to the state,—I mean the law in accordance with which the navy-boards were constituted. And besides this another decree of the people compelled them to assign to us the several debtors that we might recover from each man his proportionate amount. Now I, as it happened, was 22 a trierarch and overseer of the navy-board, and Demochares of Paeania ^b was in the navy-board, and was indebted to the state for the equipment of a ship in conjunction with Theophemus here, for he had served as joint trierarch with him. Both their names, then, had been inscribed on the stelê as indebted to the state for the ship's equipment, and the magistrates, receiving their names from those in office before them, gave them over to us in accordance with the law and the decrees. It was therefore a matter of necessity for 23 us to receive them. I must tell you that hitherto, although I had often served as your trierarch, I had

οὐδεπώποτε ἔλαβον σκεύη ἐκ τοῦ νεωρίου, ἀλλ' αὐτὸς ἰδία παρεσκεύαζον, ὁπότε δέοι, ἵνα ὡς ἐλάχιστα πράγματα ἔχοιμι πρὸς τὴν πόλιν· τότε δὲ κατὰ τε τὰ ψηφίσματα καὶ τὸν νόμον ἤναγκαζόμην παραλαβεῖν.

- 24 Ὡς δὲ ταῦτ' ἀληθῆ λέγω, τούτων ὑμῖν μάρτυρας παρέξομαι τό τε ψήφισμα καὶ τὸν νόμον, ἔπειτα τὴν ἀρχὴν αὐτὴν τὴν παραδοῦσαν καὶ εἰσαγαγοῦσαν εἰς τὸ δικαστήριον, εἶτα τοὺς ἐκ τῆς συμμορίας, ἧς ἦν ἐπιμελητὴς καὶ τριήραρχος.

Καί μοι ἀνάγνωθι.

ΝΟΜΟΣ. ΨΗΦΙΣΜΑ. ΜΑΡΤΥΡΙΑΙ

- 25 Ὡς μὲν τοίνυν πολλή μοι ἀνάγκη ἦν παραλαβεῖν τοὺς ὀφείλοντας τῇ πόλει, τοῦ τε νόμου ἀκούετε καὶ τῶν ψηφισμάτων· ὡς δὲ καὶ παρέλαβον παρὰ τῆς ἀρχῆς, ὁ παραδοὺς ὑμῖν μεμαρτύρηκεν. σκέψασθαι οὖν ὑμᾶς εἰκὸς ἐστίν ἐξ ἀρχῆς, ὦ ἄνδρες δικασταί, τοῦτο πρῶτον, πότερον ἐγὼ ἠδίκουν ὁ ἀναγκαζόμενος εἰσπράξαι τὸν Θεόφημον, ἢ Θεόφημος, ὃς ὀφείλων τῇ πόλει τὰ σκεύη πολὺν
- 26 χρόνον οὐκ ἀπεδίδου. ἐὰν γὰρ καθ' ἕκαστον σκοπῇτε, εὐρήσετε τὸν Θεόφημον ἅπαντα ἀδικοῦντα, καὶ ταῦτα οὐχ ὑπ' ἐμοῦ μόνον λόγῳ εἰρημένα, ἀλλὰ καὶ ὑπὸ τῆς βουλῆς καὶ τοῦ δικαστηρίου ψήφῳ κεκριμένα. ἐπειδὴ γὰρ παρέλαβον αὐτὸν παρὰ τῆς ἀρχῆς, προσελθὼν αὐτῷ πρῶτον μὲν ἀπῆτουν τὰ σκεύη· ὡς δὲ τοῦτό μου εἰπόντος οὐκ ἀπεδίδου, ὕστερον αὐτῷ περιτυχὼν περὶ τὸν

never taken equipment from the dockyards, but had supplied it at my own private expense whenever need arose, in order that I might have as little trouble as possible with the state. On this occasion, however, I was compelled to take over the names in accordance with the decrees and the law.

To prove that I am speaking the truth in this, I 24 shall produce as witnesses supporting these facts, the decree and the law, next the magistrate who gave the names over to me and who brought the case into court, and finally the members of the navy-board in which I was overseer and trierarch.

(*To the clerk.*) Read, please.

THE LAW. THE DECREE. THE DEPOSITIONS

That it was absolutely necessary, therefore, for me 25 to take over the names of those indebted to the state, you have heard from the law and the decrees; and that I took them over from the magistrate, the one who delivered them to me has testified. So, then, the first question for you to consider at the outset, men of the jury, is this, whether the wrongdoer was I, who was compelled to recover from Theophemus what he owed, or Theophemus, who had long owed the equipment to the state and refused to give it back. For if you look at each matter severally, you 26 will find that Theophemus was wholly in the wrong, and that this is not merely a statement of mine but a fact decided by vote of the senate and the court. For when I had received his name from the magistrate, I approached him and first demanded the ship's equipment; when he refused to give it back on my making this statement, I subsequently fell in with

DEMOSTHENES

[1147] Ἑρμῆν τὸν πρὸς τῇ πυλίδι, προσεκαλεσάμην πρὸς
 τε τοὺς ἀποστολέας καὶ πρὸς τοὺς τῶν νεωρίων
 ἐπιμελητάς· οὗτοι γὰρ εἰσήγον τότε τὰς διαδικασίας
 εἰς τὸ δικαστήριον περὶ τῶν σκευῶν.

27 Ὡς δὲ ἀληθῆ λέγω, τούτων ὑμῖν μάρτυρας τοὺς
 κλητεύσαντας παρέξομαι.

ΜΑΡΤΥΡΕΣ

“Ὅτι μὲν τοίνυν προσεκλήθη ὑπ’ ἐμοῦ, οἱ κλη-
 τήρές μοι μεμαρτυρήκασιν· ὥς δὲ εἰσήχθη εἰς τὸ
 δικαστήριον, λαβέ μοι τὴν μαρτυρίαν τῶν ἀποστο-
 λέων καὶ τῆς ἀρχῆς.

ΜΑΡΤΥΡΙΑ

28 Ὅν μὲν τοίνυν ὥμην πράγματα παρέξειν μοι
 Δημοχάρην τὸν Παιανιέα, πρὶν μὲν εἰσαχθῆναι εἰς
 τὸ δικαστήριον, ἦν ἀηδής, ἐπειδὴ δὲ εἰσήχθη καὶ
 ἔάλω, ἀπέδωκε τὸ καθ’ ἑαυτὸν μέρος τῶν σκευῶν.
 ὃν δ’ οὐκ ἂν ὤθην εἰς τοσοῦτον πονηρίας ἐλθεῖν,
 ὥστε τολμήσαι ἂν ποτε τὴν πόλιν ἀποστερῆσαι
 τὰ σκεύη, εἰς τοσοῦτο δικῶν καὶ πραγμάτων προ-
 βέβηκεν. καὶ παρὼν μὲν πρὸς τῷ δικαστηρίῳ ὅτε
 εἰσήγετο, οὐδαμοῦ ἡντεδίκησεν, οὐδὲ ἀπεγράψατο
 διαδικασίαν πρὸς οὐδένα, εἴ τινα φησιν ἕτερον
 ἔχειν τὰ σκεύη καὶ μὴ προσήκειν αὐτῷ ἀποδοῦναι,
 29 ἀλλ’ εἶασε καθ’ αὐτοῦ ψῆφον ἐπαχθῆναι· ἐπειδὴ

^a This Hermes, dedicated by the nine archons in 493-492, stood near the Ἀστικός Πυλῶν, or City Gate, of the north fortification wall of the Peiraeus. See Judeich, *Topographie von Athen*², pp. 152 f.

^b The διαδικασία was a procedure for the adjudication of the claims or responsibilities of various contestants. The technical modern term is “interpleader.”

him near the Hermes ^a which stands by the little gate and summoned him before the despatching board and the overseers of the dockyards ; for it was they who at that time brought into court suits regarding ship's equipments.

To prove that I am speaking the truth, I shall produce as witnesses to these facts those who served the summons. 27

THE WITNESSES

That he was summoned by me, then, has been testified to you by those who served the summons ; now to prove that he was brought into court, (*to the clerk*) take the deposition of the despatching board and the magistrates.

THE DEPOSITION

The one who I thought would give me trouble, 28 Demochares of Paeania, was indeed disagreeable before he was brought into court, but after he had been tried and convicted he returned the part of the ship's equipment that was due from him. But the one whom I should never have expected to go to such an extreme of rascality that he would ever dare to rob the state of the equipment, has gone ahead with all these troublesome lawsuits. He was present in the court-room when the suit was brought in, but never made any defence, nor did he give in the name of anyone for an adjudication,^b as he should have done, if he claims that someone else has the equipment and that it was not his duty to give it back ; but he suffered the verdict to be given against him ; yet after he left the court- 29

δὲ ἀπῆλθεν ἐκ τοῦ δικαστηρίου, οὐδὲν μᾶλλον
 ἀπεδίδου, ἀλλ' ὥετο ἐν μὲν τῷ παρόντι αὐτὸς
 ἐκποδὼν γενόμενος ἡσυχίαν ἔξειν, ἕως ἂν ἐγὼ τε
 ἐκπλεύσω καὶ αἱ νῆες καὶ χρόνος ἐγγένηται, καὶ
 ἐμέ, ἃ οὗτος ὥφειλε σκεύη τῇ πόλει, ἀναγκασθή-
 σεσθαι ἀποδοῦναι ἥκοντα ἐνθάδε ἢ τῷ διαδόχῳ,
 ὃς ἂν ἔλθῃ ἐκ τῆς συμμορίας ἐπὶ τὴν ναῦν. τί γὰρ
 ἂν καὶ ἀντέλεγον αὐτῷ ψηφίσματα καὶ νόμους
 παρεχομένῳ, ὥς προσῆκεν ἐμὲ εἰσπράξαι τὰ
³⁰ σκεύη; ὁ δὲ Θεόφημος χρόνου ἐγγεγεννημένου,
 [1148] ὁπότε αὐτὸν ἥκων ἀπαιτοῖν, ἔμελλε φήσειν ἀπο-
 δεδωκέναι, καὶ τούτοις τεκμηρίοις καταχρήσεσθαι
 ὥς ἀποδέδωκε, τῷ καιρῷ, τῇ χρειᾷ, ὥς οὐκ ἡλίθιος
 ἦν οὐδ' αὖ φίλος αὐτῷ γενόμενος οὐδεπώποτε,
 ὥστ' ἐπισχεῖν· ὥστε τί ἂν ποτε βουλόμενος ἐγὼ,
 τριηραρχῶν μὲν τῇ πόλει, ἐπιμελητῆς δὲ ὦν τῆς
 συμμορίας, ψηφισμάτων δὲ τοιούτων καὶ νόμου
 ὄντος, περὶ τὴν εἴσπραξιν ἐπέσχον ἂν τούτῳ;
 31 ταύτην τὴν διάνοιαν ἔχων ὁ Θεόφημος, τότε μὲν
 οὐκ ἀπεδίδου τὰ σκεύη, ἀλλ' ἐκποδὼν ἦν, ὕστερον
 δὲ ὥετό με ἀποστερήσειν, πρὸς δὲ τούτοις εἰς
 ὄρκον καταφυγὼν ῥαδίως ἐπιорκήσειν, ὅπερ καὶ
 ἄλλοις πεποίηκεν. δεινὴ γὰρ ἡ πλεονεξία τοῦ
 τρόπου περὶ τὰ διάφορα, ὥς ἐγὼ ἔργῳ ὑμῖν
 ἐπιδείξω. ταῦτα γὰρ τὰ σκεύη ὀφείλων ὁ Θεό-
 φημος τῇ πόλει, εἰς Ἀφαρέα ἀνέφερε λόγῳ, ἔργῳ
 δὲ οὐκ ἀπεγράψατο πρὸς αὐτὸν διαδικασίαν, εὖ
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room he did not pay any the more because of that, but decided that for the time being he would keep out of the way and remain quiet until I should have sailed with the fleet, and some time should have elapsed, thinking that I should have to pay for the equipment which he owed to the state either when I returned here, or else to my successor who should come from the navy-boards to take command of the ship. For what answer could I have given this man, when he produced decrees and laws showing that I was obliged to recover the equipment? And 30 Theophemus, after a lapse of time, when I had come back and made demands upon him, would have said that he had paid back the equipment, and to show that he had paid would have insisted upon these proofs—the crisis, the urgency, and that I was not such a fool and had never been such a friend of his as to wait: for what possible reason, then, when I was serving the state as trierarch and was overseer of the navy-board, and when decrees of such a nature and such a law were in force, should I have obliged him by delaying the collection? It was because Theo- 31 phemus reasoned in this way that he then refused to restore the equipment but kept himself out of the way, and thought that later on he would be able to rob me: and besides this, he could take refuge in an oath and perjure himself without trouble, a thing which he has done to others also. For the greediness of the man's character in matters where his interests are involved is dreadful, as I shall show you in fact. For Theophemus, while owing this equipment to the state, made a pretence of shifting the charge to Aphareus, but in actual fact he never reported his name for an adjudication, well knowing

εἰδὼς ὅτι ἐλεγχθήσεται ψευδόμενος, εἴαν εἰσέλθῃ
 32 εἰς δικαστήριον. ὁ γὰρ Ἀφαρεὺς ἐξήλεγχεν αὐτὸν
 τιμὴν λογισάμενον αὐτῷ τῶν σκευῶν καὶ λαβόντα
 παρ' αὐτοῦ, ὅτε παρελάμβανε τὴν τριηραρχίαν.
 νῦν δέ φησι Δημοχάρει παραδοῦναι, καὶ δικάζεται
 τοῖς παιδίοις τοῖς Δημοχάρους τετελευτηκότος τοῦ
 Δημοχάρους. ὅτε δ' ἔζη ὁ Δημοχάρης, οὐκ ἀπ-
 εγράψατο πρὸς αὐτὸν διαδικασίαν ὁ Θεόφημος,
 εἰσπραττόμενος ὑπ' ἐμοῦ τὰ σκεύη, ἀλλ' ἠβούλετο
 ἐπὶ προφάσει χρόνου ἐγγενομένου ἀποστερῆσαι τὴν
 πόλιν τὰ σκεύη.

Ὡς δ' ἀληθῆ λέγω, ἀναγνώσεται τὰς μαρτυρίας.

[1149]

ΜΑΡΤΥΡΙΑΙ

33 Ταῦτα τοίνυν ἐγὼ πάντα ἐνθυμούμενος, καὶ
 ἀκούων τὸν Θεόφημον τῶν πεπλησιακότων οἷος
 εἶη περὶ τὰ διάφορα, καὶ οὐκ ἀπολαμβάνων τὰ
 σκεύη παρ' αὐτοῦ, προσῆειν πρὸς τε τοὺς ἀπο-
 στολέας καὶ τὴν βουλὴν, λέγων ὅτι οὐκ ἀποδίδωσί
 μοι τὰ σκεύη ὁ Θεόφημος, ἃ ὤφλει ἐν τῷ δικα-
 στηρίῳ. προσῆσαν δὲ καὶ οἱ ἄλλοι τριήραρχοι τῇ
 βουλῇ, ὅσοι μὴ παρελάμβανον παρὰ τῶν ὀφειλόντων
 τὰ σκεύη. καὶ πολλῶν λόγων γενομένων ἀπο-
 κρίνεται ἡμῖν ἡ βουλὴ ψηφίσματι, ὃ ἀναγνώσεται
 ὑμῖν, εἰσπράττεσθαι τρόπῳ ᾧ ἂν δυνώμεθα.

ΨΗΦΙΣΜΑ

34 Γενομένου τοίνυν τοῦ ψηφίσματος τούτου ἐν τῇ
 βουλῇ, καὶ οὐδενὸς γραφομένου παρανόμων, ἀλλὰ
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that he would be convicted of falsehood, if he should come into court. For Aphareus proved that Theophemus had reckoned up against him the cost of the equipment and had got the money from him, when he took over the trierarchy. Now Theophemus maintains that he gave it over to Demochares, and he is suing the children of Demochares, who is now dead. But, while Demochares lived, Theophemus did not report his name for an adjudication when he was being sued by me for the equipment; he merely wished, on the pretence of the lapse of time, to rob the state of the equipment.

To prove that I am speaking the truth, the clerk shall read you the depositions.

THE DEPOSITIONS

Bearing all these facts in mind, therefore, and hearing from those who had had dealings with Theophemus what sort of a man he was in matters where his interests were involved, and failing to recover the equipment from him, I approached the despatching board and the senate, stating that Theophemus would not return to me the equipment for which he was accountable by judgement of the court. And the other trierarchs also approached the senate, all those who had not been able to recover the equipment from the persons bound to produce it. And after much argument the senate answered by a decree which the clerk shall read to you, instructing us to recover what was due in whatever way we could.

THE DECREE

When, then, the decree had been passed by the senate, since no one indicted it for illegality, but it

κυρίου ὄντος, προσελθὼν Εὐέργῳ τουτῶι τῷ ἀδελφῷ τοῦ Θεοφήμου, ἐπειδὴ τὸν Θεόφημον οὐχ οἷός τε ἦν ἰδεῖν, ἔχων τὸ ψήφισμα πρῶτον μὲν ἀπήτησα τὰ σκεύη καὶ ἐκέλευσα αὐτὸν φράσαι τῷ Θεοφήμῳ, ἔπειτα διαλιπὼν ἡμέρας τινάς, ὥς οὐκ ἀπεδίδου τὰ σκεύη, ἀλλ' ἐχλεύαζέ με, παραλαβὼν μάρτυρας ἡρόμην αὐτὸν πότερα νενεμημένος εἴη πρὸς τὸν ἀδελφὸν ἢ κοινὴ ἢ οὐσία εἴη αὐτοῖς.

35 ἀποκριναμένου δέ μοι Εὐέργου, ὅτι νενεμημένος εἴη καὶ χωρὶς οἰκοῖα ὁ Θεόφημος, αὐτὸς δὲ παρὰ τῷ πατρί, πυθόμενος οὗ ᾧκει ὁ Θεόφημος, λαβὼν παρὰ τῆς ἀρχῆς ὑπηρέτην ἦλθον ἐπὶ τὴν οἰκίαν τοῦ Θεοφήμου. καταλαβὼν δὲ αὐτὸν οὐκ ἔνδον ὄντα, ἐκέλευσα τὴν ἄνθρωπον τὴν ὑπακούσασαν μετελθεῖν αὐτὸν ὅπου εἴη, ταύτην ἣν μεμαρτυρήκασιν οὗτοι προκαλέσασθαι τὸν Θεόφημον παρα-

[1050] δοῦναι, ἐγὼ δὲ ἐξαιτῶν οὐ δύναμαι παραλαβεῖν, ἵν' ὑμεῖς τὴν ἀλήθειαν πύθησθε, ὁπότερος ἦρξε

36 χειρῶν ἀδίκων. ὥς δὲ ἀφικνεῖται ὁ Θεόφημος μετελθούσης αὐτὸν τῆς ἀνθρώπου, ἀπῆτουν αὐτὸν τὸ διάγραμμα τῶν σκευῶν, λέγων ὅτι ἤδη περὶ ἀναγωγὴν εἴην, καὶ ἐδείκνυν τὸ ψήφισμα τῆς βουλῆς. ὥς δὲ ταῦτά μου λέγοντος οὐκ ἀπεδίδου, ἀλλ' ἠπεῖλει καὶ ἐλοιδορεῖτο, ἐκέλευσα τὸν παῖδα καλέσαι εἴ τινας ἴδοι τῶν πολιτῶν παριόντας ἐκ τῆς ὁδοῦ, ἵνα μάρτυρές μοι εἴησαν τῶν λεγομένων,

37 καὶ ἡξίουں πάλιν τὸν Θεόφημον, ἢ αὐτὸν ἀκολουθεῖν πρὸς τοὺς ἀποστολέας καὶ τὴν βουλήν, καὶ εἰ μὴ φησιν ὀφείλειν, ἐκείνους πείθειν τοὺς παρὰ δόντας καὶ ἀναγκάζοντας εἰσπράττειν, ἢ ἀποδιδόναι

^a Only a citizen would be a competent witness. A slave or an alien would not suffice.

became valid, I approached this man Evergus, the brother of Theophemus, since I was unable to see Theophemus : and having the decree in my hand I first demanded the return of the equipment, and bade him inform Theophemus : then, after allowing a few days to pass, since he refused to return the equipment, but only jeered at me, I took some witnesses with me, and asked him whether he had divided the estate with his brother, or whether their property was held in common. On Evergus's answering me that it had been 35 divided and that Theophemus lived in a house by himself, but that he (Evergus) lived with his father, I thus learned where Theophemus lived, and taking with me a servant from the magistrates, I went to Theophemus's house. As I did not find him at home, I bade the woman who answered the door to go and fetch him wherever he might be. This was the woman, whom, according to the depositions of these men, Theophemus offered to deliver up, but whom, after repeated demands, I cannot get from him, that you might learn the truth as to which party began the assault. But when Theophemus came in, after 36 the woman had gone to fetch him, I asked for the inventory of the equipment, telling him that I was now on the point of sailing : and I showed him the decree of the senate. When, on my saying this, he refused to give it up, but began to threaten me and abuse me, I bade the boy call in from the street any citizens ^a whom he might see passing by, that I might have them as witnesses to what was said, and I again 37 made demand upon Theophemus either to go with me himself to the despatching board and the senate, and, if he denied that he was liable, to convince those who had given over the names and compelled us to seek

τὰ σκεύη· εἰ δὲ μή, ἐνέχυρα ἔφην λήψεσθαι κατὰ τε
 τοὺς νόμους καὶ τὰ ψηφίσματα. οὐδὲν δ' ἐθέλοντος
 αὐτοῦ τῶν δικαίων ποιεῖν, ἦγον τὴν ἄνθρωπον
 ἐστηκυῖαν ἐπὶ τῇ θύρᾳ, τὴν μετελθοῦσαν αὐτόν.
 38 καὶ ὁ Θεόφημος με ἀφηρεῖτο, καὶ ἐγὼ τὴν μὲν
 ἄνθρωπον ἀφῆκα, εἰς δὲ τὴν οἰκίαν εἰσῆειν, ἵνα
 ἐνέχυρόν τι λάβοιμι τῶν σκευῶν· ἔτυχε γὰρ ἡ
 θύρα ἀνεωγμένη, ὥς ἦλθεν ὁ Θεόφημος, καὶ ἔτι
 ἔμελλεν εἰσιέναι· καὶ ἐπεπύσμην αὐτόν ὅτι οὐκ
 εἴη γεγαμηκῶς. εἰσιόντος δέ μου παίει πύξ ὁ
 Θεόφημος τὸ στόμα, καὶ ἐγὼ ἐπιμαρτυράμενος
 39 τοὺς παρόντας ἡμυνάμην. ὥς οὖν ἀληθῆ λέγω,
 καὶ ἥρξε χειρῶν ἀδίκων ὁ Θεόφημος, οὐκ ἄλλοθεν
 δεῖν οἶμαι τὸν ἔλεγχον γενέσθαι ἢ ἐκ τῆς ἀνθρώπου,
 ἣν μεμαρτυρήκασιν οὗτοι οἱ μάρτυρες ὥς ἤθελεν ὁ
 [1151] Θεόφημος παραδιδόναι. ταύτῃ δὲ τῇ μαρτυρίᾳ,
 πρότερος εἰσελθὼν εἰς τὸ δικαστήριον, οὐ παρα-
 γραφομένου ἐμοῦ οὐδ' ὑπομνυμένου, διὰ τὸ καὶ
 πρότερόν ποτε ἐφ' ἐτέραις δίκαις ταῦτά με βλάψαι,
 ἐξηπάτησε τοὺς δικαστὰς λέγων, οὓς μὲν ἐγὼ
 παρειχόμεν μάρτυρας, τὰ ψευδῆ μαρτυρεῖν, τὴν
 δὲ ἄνθρωπον ἐρεῖν τὰς ἀληθείας βασανιζομένην.
 40 οἷς δὲ τότε κατεχρῶντο λόγοις, νῦν αὐτοῖς ἐξ-
 ελέγχονται ὑπεναντία ποιοῦντες· τὴν γὰρ ἄνθρωπον
 οὐ δύναμαι παραλαβεῖν πολλάκις ἐξαιτήσας, ὥς
 μεμαρτύρηται ὑμῖν. ἐπειδὴ τοίνυν τὴν ἄνθρωπον
 οὐ παραδιδόασιν, ἣν αὐτοὶ ἔφασαν προκαλέσασθαι,

^a Hence the speaker felt at liberty to enter the apartment.
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to recover what was due, or else to pay back the equipment ; otherwise, I declared that I should take goods as security in accordance with the laws and the decrees. Since he was not willing to do anything that was right, I started to lead away the woman who was standing by the door, the same one who had gone to fetch him. He seized her to prevent me, and I let go 38 of the woman, but proceeded to enter the house to take some security for the equipment due : for the door, as it happened, had been opened when Theophemus came, and he had not yet gone in. I had already informed myself that he was not married.^a As I was going in Theophemus struck me on the mouth with his fist, and I, calling upon those who were present to bear witness, returned the blow. Now 39 the proof that what I am saying is true, and that Theophemus began the assault, needs, I think, nothing else for its establishment than the testimony of the woman whom these witnesses have stated that Theophemus was ready to deliver up. By means of this testimony Theophemus, whose case came first into court, seeing that I did not enter a special plea or an affidavit for delay, since these measures had once been a disadvantage to me in a former suit, deceived the jurors, saying that the witnesses whom I had brought forward gave false testimony, but that this woman would tell the truth if she were put to the torture. But their actions now are shown to be the 40 very opposite of the language which they then used with such insistence ; for I am unable to get the woman for examination despite repeated demands, as has been stated to you by witnesses. Since, therefore, they refuse to deliver up the woman, whom they themselves declare that I was challenged to receive,

βούλομαι ὑμῖν καὶ τοὺς μάρτυρας παρασχέσθαι, οἳ εἰδόν με πρότερον πληγέντα ὑπὸ τοῦ Θεοφήμου. ἡ δ' αἵκεια τοῦτ' ἔστιν, ὅς ἂν ἄρξῃ χειρῶν ἀδίκων, ἄλλως τε καὶ κατὰ τὸν νόμον καὶ κατὰ τὰ ψηφίσματα τὰ ὑμέτερα εἰσπράττοντα.

Καί μοι ἀνάγνωθι τὰ ψηφίσματα καὶ τὴν μαρτυρίαν.

ΨΗΦΙΣΜΑΤΑ. ΜΑΡΤΥΡΙΑ

41 Ἐπειδὴ τοίνυν ἀφηρέθην τὰ ἐνέχυρα ὑπὸ τοῦ Θεοφήμου καὶ συνεκόπην, ἔλθων εἰς τὴν βουλήν τās τε πληγὰς ἔδειξα καὶ ἃ πεπονθὼς ἦν εἶπον, καὶ ὅτι εἰσπράττων τῇ πόλει τὰ σκεύη. ἀγανακτήσασα δ' ἡ βουλὴ ἐφ' οἷς ἐγὼ ἐπεπόνθην, καὶ ἰδοῦσά με ὡς διεκείμεν, καὶ ἡγήσαμένη ὑβρίσθαι οὐκ ἐμέ, ἀλλ' ἑαυτὴν καὶ τὸν δῆμον τὸν ψηφισάμενον καὶ τὸν νόμον τὸν ἀναγκάσαντα εἰσπράττειν

42 τὰ σκεύη, ἐκέλευεν εἰσαγγέλλειν με, καὶ τοὺς πρυτάνεις προγράφειν αὐτῷ τὴν κρίσιν ἐπὶ δύο [1152] ἡμέρας ὡς ἀδικοῦντι καὶ διακωλύοντι τὸν ἀποστολον, διότι τὰ σκεύη οὐκ ἀπεδίδου καὶ τὰ ἐνέχυρα ἀφείλετο καὶ ἐμὲ συνέκοψε τὸν εἰσπράττοντα καὶ ὑπηρετοῦντα τῇ πόλει. γενομένης τοίνυν τῆς κρίσεως τῷ Θεοφήμεν ἐν τῇ βουλῇ κατὰ τὴν εἰσαγγελίαν ἦν ἐγὼ εἰσήγγειλα, καὶ ἀποδοθέντος λόγου ἑκατέρω, καὶ κρύβδην διαψηφισαμένων τῶν βου-

^a Since the entire senate of five hundred members could not always meet as a whole, the fifty members from each tribe served in turn (the order being determined by lot) as a sort of executive committee for one-tenth of the year, the presiding officer for the day being chosen from their number. These groups were called the prytanes.

I desire to call before you the witnesses who saw Theophemus deal me the first blow. And this is what constitutes assault, when a man commits the first act of violence, especially when he strikes one who is seeking to exact payment in accordance with the laws and your decrees.

(*To the clerk.*) Please read the decrees and the deposition.

THE DECREES. THE DEPOSITION

So when the pledge which I had seized had been 41 taken from me by Theophemus, and I had been beaten, I went to the senate and showed them the marks of the blows, and told them how I had been treated, and also that it was while I was seeking to collect for the state the ship's equipment. The senate, angered at the treatment which I had received and seeing the plight that I was in, thinking, too, that the insult had been offered, not to me, but to itself and the assembly which had passed the decree and the law which compelled us to exact payment for the equipment,—the senate, I say, ordered me to prefer an 42 impeachment, and that the prytanes ^a should give Theophemus two days' notice of trial on a charge of breaking the law and of impeding the fleet's departure, charging further that he had refused to return the ship's equipment and had taken from me the pledge which I had seized, and beaten me when I was seeking to collect what was due and was performing my duty to the state. Well, then, the trial of Theophemus came on before the senate in accordance with the impeachment which I had preferred ; and after both sides had been heard and the senators had cast their

DEMOSTHENES

λευτῶν, ἐάλω ἐν τῷ βουλευτηρίῳ καὶ ἔδοξεν
 43 ἀδικεῖν. καὶ ἐπειδὴ ἐν τῷ διαχειροτονεῖν ἦν ἡ
 βουλή, πότερα δικαστηρίῳ παραδοίῃ ἢ ζημιώσκει
 ταῖς πεντακοσίαις, ὅσου ἦν κυρία κατὰ τὸν νόμον,
 δεομένων τούτων ἀπάντων καὶ ἰκετευόντων καὶ
 τίνα οὐ προσπεμπόντων, καὶ τὸ διάγραμμα τῶν
 σκευῶν ἀποδιδόντων εὐθὺς ἐν τῇ βουλῇ, καὶ περὶ
 τῶν πληγῶν φασκόντων ἐπιτρέφειν ᾧ ἂν κελεύσω
 Ἀθηναίων, συνεχώρησα ὥστε τῷ Θεοφήμεν πέντε
 καὶ εἴκοσι δραχμῶν προστιμηθῆναι.

44 Καὶ ταῦτα ὡς ἀληθῆ λέγω, ὑμῶν τε δέομαι ὅσοι
 ἐβούλευον ἐπ' Ἀγαθοκλέους ἄρχοντος φράζειν τοῖς
 παρακαθημένοις, καὶ ὅσους ἡδυνάμην ἐγὼ ἐξευρεῖν
 τῶν τότε βουλευόντων, μάρτυρας ὑμῖν παρέξομαι.

ΜΑΡΤΥΡΙΑΙ

Ἐγὼ μὲν τοίνυν οὕτως, ὦ ἄνδρες δικασταί, ἐπι-
 εικὴς ἐγενόμην πρὸς τούτους. καίτοι τό γε ψήφι-
 σμα δημοσίαν τὴν οὐσίαν ἐκέλευεν εἶναι, οὐ μόνον
 ὅς ἂν ἔχων σκεύη μὴ ἀποδιδῶ τῇ πόλει, ἀλλὰ καὶ
 ὅς ἂν ἰδίᾳ κτησάμενος μὴ πωλῇ. τοιαύτη γὰρ ἡ¹
 ἀπορία οὕσα συνέβαινε τότε ἐν τῇ πόλει σκευῶν.

¹ ἡ is bracketed by Blass.

^a The text would naturally mean an *additional* fine, but the speaker is emphasizing his reasonableness in his treat-
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votes secretly, he was convicted in the senate-chamber and adjudged to be guilty. And when the 43 senate was going into a division on the question whether it should remand him to a jury-court or sentence him to a fine of five hundred drachmae, the highest penalty which the law allowed it to inflict, while all these men were making pleas and entreaties and sending any number of people to intercede for them, and offering us right there in the senate-chamber the inventory of the equipment due, and promising to submit the question of the assault to any one of the Athenians whom I should name, I consented that a fine of twenty-five drachmae ^a should be imposed upon Theophemus.

To prove that I am speaking the truth in this, I beg 44 all of you who were senators in the archonship of Agathocles ^b to tell the facts to those who sit by you, and I will bring before you as witnesses all those whom I have been able to find who were senators that year.

THE DEPOSITIONS

I, you see, men of the jury, showed myself thus reasonable toward these men. And yet the decree ordered the confiscation of the property, not only of those who had ship's equipment and did not return it to the state, but also of anyone who, having such equipment, refused to sell it ; such a scarcity of equipment was there in the city at that time.

ment of his opponents. This was shown by his consenting to a fine of merely 25 drachmae, whereas it might have been 500 drachmae with confiscation of the defendant's property. I think the *πρὸς*- means a fine in addition to the other charges to which the defendant was already liable.

^b This was in 356 B.C.

Καί μοι ἀνάγνωθι τὸ ψήφισμα.

ΨΗΦΙΣΜΑ

- 45 Καταπλεύσας τοίνυν, ὦ ἄνδρες δικασταί, ὡς
 [1153] οὐδενὶ ἤθελεν ἐπιτρέπειν ὁ Θεόφημος περὶ τῶν
 πληγῶν ὧν τότ' ἔλαβον ὑπ' αὐτοῦ, προσεκαλεσάμην
 αὐτὸν καὶ ἔλαχον αὐτῷ δίκην τῆς αἰκείας. ἀντι-
 προσκαλεσαμένου δὲ κἀκείνου ἐμέ, καὶ διαιτητῶν
 ἐχόντων τὰς δίκας, ἐπειδὴ ἡ ἀπόφασις ἦν τῆς
 διαίτης, ὁ μὲν Θεόφημος παρεγράφετο καὶ ὑπ-
 ὠμνυτο, ἐγὼ δὲ πιστεύων ἐμαυτῷ μηδὲν ἀδικεῖν
 46 εἰσῆειν εἰς ὑμᾶς. παρασχόμενος δὲ ἐκείνος ταύτην
 τὴν μαρτυρίαν, ἣν ἄλλος μὲν οὐδεὶς μεμαρτύρηκεν,
 ὁ δ' ἀδελφὸς καὶ ὁ κηδεστής, ὡς ἐθέλοι τὴν ἄν-
 θρωπον παραδοῦναι, καὶ προσποιούμενος ἄκακος
 εἶναι, ἐξηπάτησε τοὺς δικαστάς. δέομαι δ' ὑμῶν
 νυνὶ δικαίαν δέησιν, ἅμα μὲν δικάσαι περὶ τῆς
 μαρτυρίας, πότερα ψευδῆς ἐστὶν ἢ ἀληθῆς, ἅμα δὲ
 47 περὶ τοῦ πράγματος ἐξ ἀρχῆς σκέψασθαι. ἐγὼ
 μὲν τοίνυν, εἰς ἃ οὗτος κατέφυγε τότε δίκαια, ἐκ
 τούτων οἶμαι δεῖν τὸν ἔλεγχον γενέσθαι, ἐκ τῆς
 ἀνθρώπου βασανιζομένης, ὁπότερος ἦρξε χειρῶν
 ἀδίκων· τοῦτο γάρ ἐστιν ἡ αἰκεία. καὶ τοὺς μάρ-
 τυρας διὰ τοῦτο διώκω τῶν ψευδομαρτυριῶν, ὅτι
 ἐμαρτύρησαν ἐθέλειν παραδιδόναι τὸν Θεόφημον
 τὴν ἄνθρωπον, οὐδαμοῦ τὸ σῶμα παραδιδόντος οὔτε
 τότε πρὸς τῷ διαιτητῇ οὔτε ὕστερον, πολλάκις
 48 ἐμοῦ ἐξαιτήσαντος. διπλὴν οὖν αὐτοὺς δεῖ δίκην
 δοῦναι, ὅτι τε ἐξηπάτησαν τοὺς δικαστάς ψευδεῖς

(*To the clerk.*) Read the decree, please.

THE DECREE

When I had come back from my voyage, men of 45
the jury, as Theophemus refused to refer to anyone
the matter of the blows which he had dealt me, I
summoned him, and began an action against him for
assault. He summoned me in a cross-action, and
while the arbitrators had the causes before them,
and the time came for making the award, he put in a
special plea and an affidavit for postponement ; I,
however, being conscious that I had done no wrong,
came in for trial before your court. Theophemus, by 46
bringing this testimony to which no one else has
deposed, but only his brother and his brother-in-law,
to the effect that he was willing to deliver up the
woman, and by pretending to be a man without
guile, deceived the jurors. But now I make of you a
fair request, both to decide regarding the testimony
whether it is true or false, and at the same time to
consider the whole case from the beginning. I, for 47
my part, hold that the proof should be drawn from
the very course of procedure to which the fellow at
that time fled for refuge, that is, from the examina-
tion of the woman by the torture, to determine which
party struck the first blow ; for this is what con-
stitutes assault. And it is for this reason that I am
suing the witnesses for false testimony, because they
deposed that Theophemus was willing to deliver up
the woman, whereas he never would produce her in
person either at that time before the arbitrator or
subsequently, despite my repeated demands. They 48
ought, therefore, to suffer a double punishment, both
because they deceived the jurors by bringing forward

μαρτυρίας παρασχόμενοι, κηδεστοῦ καὶ ἀδελφοῦ, καὶ ὅτι ἐμὲ ἠδίκησαν, λητουργοῦντα μὲν ὑμῖν προθύμως, ποιοῦντα δὲ τὰ προσταττόμενα, ὑπηρετοῦντα δὲ τοῖς νόμοις καὶ τοῖς ψηφίσμασι τοῖς ὑμετέροις.

Ὡς δ' οὐκ ἐγὼ μόνος παρέλαβον παρὰ τῆς [1154] ἀρχῆς τοῦτον εἰσπράξασθαι σκευή ὀφείλοντα τῇ πόλει, ἀλλὰ καὶ ἄλλοι τῶν τριηράρχων ἑτέρους εἰσепράξαντο οὓς παρέλαβον, ἀνάγνωθί μοι αὐτῶν τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ

49 Βούλομαι τοίνυν, ὦ ἄνδρες δικασταί, καὶ ἃ πέπονθα ὑπ' αὐτῶν διηγῆσασθαι ὑμῖν. ἐπειδὴ γὰρ ὦφλον αὐτοῖς τὴν δίκην, ἐφ' ἣ τοὺς μάρτυρας τούτους διώκω τὰ ψευδῇ μεμαρτυρηκότας, προσελθὼν τῷ Θεοφῆμῳ μελλούσης μοι ἤδη ἐξήκειν τῆς ὑπερημερίας, ἔδειξθην αὐτοῦ ἐπισχεῖν μοι ὀλίγον χρόνον, λέγων τὰς ἀληθείας, ὅτι πεπορισμένου τοῦ ἀργυρίου ὃ ἔμελλον αὐτῷ ἐκτίειν συμβέβηκέ μοι
50 τριηραρχία, καὶ ἀποστέλλειν διὰ τάχους δεῖ τὴν τριήρη, καὶ ὁ στρατηγὸς Ἀλκίμαχος αὐτῷ παρασκευάζειν κελεύει ταύτην τὴν ναῦν· τὸ οὖν ἀργύριον τὸ πεπορισμένον τῷ Θεοφῆμῳ ἀποδοῦναι ἐνταῦθα κατεχρησάμην. ἐδεόμην δ' αὐτοῦ ἀναβαλέσθαι τὴν ὑπερημερίαν, ἕως ἂν τὴν ναῦν ἀποστείλω. ὁ δὲ ῥαδίως μοι καὶ ἀκάκως ἀποκρίνεται· “οὐδὲν κωλύει,” ἔφη· “ἀλλ' ἐπειδαν τὴν ναῦν ἀποστείλῃς,
51 πόριζε καὶ ἐμοί.” ἀποκριναμένου δέ μοι ταῦτα

false testimony—that of the brother-in-law and the brother—, and because they wronged me while I was zealously performing a public service, doing what the state commanded me, and obeying your laws and your decrees.

Now to prove to you that I was not the only one thus commissioned, when I received from the magistrates the name of this man with orders to exact from him the equipment which he owed to the state, but that others of the trierarchs took such measures against others whose names they had received, (*to the clerk*) read, please, their depositions.

THE DEPOSITIONS

I wish now, men of the jury, to set forth before you 49 the treatment with which I have met at their hands. For when I had lost to them the suit in which the witnesses gave the false testimony for which I am suing them, and the time for paying the judgement was about to expire, I came up to Theophemus and begged him to oblige me by waiting a little while, telling him what was true, that although I had got together the money which I was going to pay him, a trierarchy had fallen to my lot, and it was necessary 50 to despatch the trireme with all speed, and that Alcimachus, the general, had ordered me to furnish this ship for his own use; the money, therefore, which I had got together to pay Theophemus, I had to use up for this purpose. So I asked him to extend the time of payment until I should have sent off the ship. And he answered me quite readily and guilelessly: "There is no objection to that," he said, "but, when you shall have despatched the ship, also bring the money to me." When Theophemus 51

τοῦ Θεοφήμου καὶ ἀναβαλομένου τὴν ὑπερημερίαν, καὶ μάλιστα μου πιστεύσαντος τῇ τε ἐπισκῆψει τῶν ψευδομαρτυριῶν καὶ τῷ μὴ ἐθέλῃν αὐτὸν παραδοῦναι τὴν ἄνθρωπον, ὥς οὐδὲν ἂν νεωτερίσαντος περὶ τὰμά, ἐγὼ μὲν τὴν τριήρη ἀποστείλας, οὐ πολλαῖς ἡμέραις ὕστερον πορίσας τὸ ἀργύριον, προσελθὼν αὐτῷ ἐκέλευον ἐπὶ τὴν τράπεζαν ἀκολουθοῦντα κομίζεσθαι τὴν καταδίκην.

‘Ὡς δὲ ταῦτ’ ἀληθῆ λέγω, τούτων ὑμῖν ἀναγνώσεται τὰς μαρτυρίας.

[1155]

ΜΑΡΤΥΡΙΑΙ

- 52 ‘Ο δὲ Θεόφημος ἀντὶ τοῦ τὴν καταδίκην ἀπολαβεῖν ἀκολουθήσας ἐπὶ τὴν τράπεζαν, ἐλθὼν μου τὰ πρόβατα λαμβάνει ποιμαινόμενα πεντήκοντα μαλακὰ καὶ τὸν ποιμένα μετ’ αὐτῶν καὶ πάντα τὰ ἀκόλουθα τῇ ποιμνῇ, ἔπειτα παῖδα διάκονον ὑδρίαν χαλκῇν ἀποφέροντα ἄλλοτριαν ἡτημένην, πολλοῦ ἀξίαν. καὶ ταῦτα ἔχουσιν οὐκ ἐξήρκεσεν
- 53 αὐτοῖς· ἀλλ’ ἐπείσελθόντες εἰς τὸ χωρίον (γεωργῶ δὲ πρὸς τῷ ἵπποδρόμῳ, καὶ οἰκῶ ἐνταῦθ’ ἐκ μειρακίου) πρῶτον μὲν ἐπὶ τοὺς οἰκέτας ᾗξαν, ὥς δὲ οὗτοι διαφεύγουσιν αὐτοὺς καὶ ἄλλος ἄλλη ἀπεχώρησαν, ἐλθόντες πρὸς τὴν οἰκίαν καὶ ἐκβαλόντες τὴν θύραν τὴν εἰς τὸν κῆπον φέρουσαν (Εὐεργὸς τε οὗτος ὁ ἀδελφὸς ὁ Θεοφήμου καὶ Μνησίβουλος ὁ κηδεστὴς αὐτοῦ, οἷς οὐδεμίαν δίκην ὠφλήκειν οὐδὲ προσῆκεν αὐτοὺς ἄπτεσθαι τῶν ἐμῶν οὐδενός), εἰσελθόντες ἐπὶ τὴν γυναῖκά μου καὶ τὰ παιδιά ἐξεφορήσαντο ὅσα ἔτι ὑπόλοιπά μοι

^a This was an unpardonable outrage.

had given me this answer and had extended the time of payment, and especially because I relied upon my impeachment for false testimony and his unwillingness to deliver up the woman, and so thought he would take no violent measures in my affair. I despatched the trireme, and a few days later, having got the money together, I approached him and bade him to go with me to the bank to receive the amount of his judgement.

To prove that I am speaking the truth in this, the clerk shall read you the depositions regarding these matters.

THE DEPOSITIONS

Theophemus, however, instead of going with me 52 to the bank and receiving the amount of his judgement, went and seized fifty soft-woolled sheep of mine that were grazing and with them the shepherd and all that belonged to the flock, and also a serving-boy who was carrying back a bronze pitcher of great value which was not ours, but had been borrowed. And they were not content with having these, but went on to my farm (I have a piece of land near the 53 Hippodrome, and have lived there since my boyhood), and first they made a rush to seize the household slaves, but since these escaped them and got off one here and another there, they went to the house, and bursting open the gate which led into the garden (these were this man Evergus, the brother of Theophemus, and Mnesibulus, his brother-in-law, who had won no judgement against me, and who had no right to touch anything that was mine)—these men, I say,^a entered into the presence of my wife and children and carried off all the furniture that was still left

- 54 ἦν σκεύη ἐν τῇ οἰκίᾳ. ὥοντο μὲν γὰρ οὐ τοσαῦτα
μόνον λήψεσθαι, ἀλλὰ πολλῶ πλείω, τὴν γὰρ
οὐσάν μοι ποτὲ κατασκευὴν τῆς οἰκίας κατα-
λήψεσθαι· ἀλλ' ὑπὸ τῶν λητουργιῶν καὶ τῶν εἰς-
φορῶν καὶ τῆς πρὸς ὑμᾶς φιλοτιμίας τὰ μὲν ἐνέχυρα
55 ὑπόλοιπα, πάντα λαβόντες ὥχοντο. πρὸς δὲ τού-
τοις, ὧ ἄνδρες δικασταί, ἔτυχεν ἡ γυνή μου μετὰ
τῶν παιδίων ἀριστῶσα ἐν τῇ αὐλῇ, καὶ μετ' αὐτῆς
τιτθὴ τις ἐμὴ γενομένη πρεσβυτέρα ἄνθρωπος
εὖνους καὶ πιστὴ καὶ ἀφειμένη ἐλευθέρα ὑπὸ τοῦ
[1156] πατρὸς τοῦ ἐμοῦ. συνώκησε δὲ ἀνδρί, ἐπειδὴ
ἀφείθη ἐλευθέρα· ὥς δὲ οὗτος ἀπέθανε καὶ αὐτὴ
γραῦς ἦν καὶ οὐκ ἦν αὐτὴν ὁ θρέψων, ἐπανῆκεν
56 ὥς ἐμέ. ἀναγκαῖον οὖν ἦν μὴ περιῦδεῖν ἐνδεεῖς
ὄντας μήτε τιτθὴν γενομένην μήτε παιδαγωγόν·
ἅμα δὲ καὶ τριηραρχῶν ἐξέπλεον, ὥστε καὶ τῇ
γυναικὶ βουλομένη ἦν τοιαύτην οἰκουρὸν μετ' αὐτῆς
με καταλιπεῖν. ἀριστῶντων δὲ ἐν τῇ αὐλῇ, ὥς
ἐπεισπηδῶσιν οὗτοι καὶ καταλαμβάνουσιν αὐτὰς
καὶ ἥρπαζον τὰ σκεύη, αἱ μὲν ἄλλαι θεράπαιναι
(ἐν τῷ πύργῳ γὰρ ἦσαν, οὐπὲρ διαιτῶνται) ὥς
ἤκουσαν κραυγῆς, κλείουσι τὸν πύργον, καὶ ἐν-
ταῦθα μὲν οὐκ εἰσῆλθον, τὰ δ' ἐκ τῆς ἄλλης οἰκίας
57 ἐξέφερον σκεύη, ἀπαγορευούσης τῆς γυναικὸς μὴ
ἄπτεσθαι αὐτοῖς, καὶ λεγούσης ὅτι αὐτῆς εἶη ἐν
τῇ προικὶ τετιμημένα καὶ ὅτι “ τὰ πρόβατα ἔχετε
πεντήκοντα καὶ τὸν παῖδα καὶ τὸν ποιμένα,
πλείονος ἄξια ἢ κατεδικάσασθε ”· ἀπήγγειλε γάρ
τις αὐταῖς τῶν γειτόνων κόψας τὴν θύραν. ἔτι δὲ
ἔφη τὸ ἀργύριον αὐτοῖς κειμεῖον εἶναι ἐπὶ τῇ

in the house. They thought to get, not so much 54
 merely, but far more, for they expected to find the
 stock of household furniture which I formerly had :
 but because of my public services and taxes and my
 liberality toward you, some of the furniture is lying
 in pawn, and some has been sold. All that was left,
 however, they took away with them. More than 55
 this, men of the jury, my wife happened to be lunch-
 ing with the children in the court and with her was
 an elderly woman who had been my nurse, a devoted
 soul and a faithful, who had been set free by my
 father. After she had been given her freedom she
 lived with her husband, but after his death, when she
 herself was an old woman and there was nobody
 to care for her, she came back to me. I could not 56
 suffer my old nurse, or the slave who attended me as
 a boy, to live in want : at the same time I was about
 to sail as trierarch and it was my wife's wish that I
 should leave such a person to live in the house with
 her. They were lunching in the court when these
 men burst in and found them there, and began to
 seize the furniture. The rest of the female slaves
 (they were in a tower room where they live), when
 they heard the tumult, closed the door leading to
 the tower, so the men did not get in there ; but they
 carried off the furniture from the rest of the house,
 although my wife forbade them to touch it, and de- 57
 clared that it was her property, mortgaged to secure
 her marriage portion : she said to them also, " You
 have the fifty sheep, the serving boy, and the
 shepherd, whose value is in excess of the amount of
 your judgement " (for one of the neighbours knocked
 at the door and told her this). Furthermore she told
 them that the money was lying at the bank for them,

τραπέζῃ· ἡκηκόει γὰρ ἐμοῦ· “κὰν περιμείνητε,”
 ἔφη, “ἢ μετέλθῃ τις ὑμῶν αὐτόν, ἔχοντες ἅπιτε τὸ
 ἀργύριον ἤδη· τὰ δὲ σκεύη ἔατε, καὶ μηδὲν τῶν
 ἐμῶν φέρετε, ἄλλως τε καὶ ἔχοντες ἄξια τῆς κατα-
 58 δίκης.” ταῦτα δὲ λεγούσης τῆς γυναικὸς οὐχ
 ὅπως ἐπέσχον, ἀλλὰ καὶ τῆς τιτθῆς τὸ κυμβίον
 λαβούσης παρακείμενον αὐτῇ, ἐξ οὗ ἔπινε, καὶ
 ἐνθεμένης εἰς τὸν κόλπον, ἵνα μὴ οὔτοι λάβοιεν,
 ἐπειδὴ εἶδεν ἔνδον ὄντας αὐτούς, κατιδόντες αὐτὴν
 [1157] οὕτω διέθεσαν ἀφαιρούμενοι τὸ κυμβίον Θεόφημος
 59 καὶ Εὐεργος ἀδελφὸς αὐτοῦ οὐτοσί, ὥστε ὕφαιμοι
 μὲν οἱ βραχίονες καὶ οἱ καρποὶ τῶν χειρῶν αὐτῆς
 ἐγένοντο ἀποστρεφομένης τὴν χεῖρα καὶ ἐλκομένης
 ὑπὸ τούτων ἀφαιρουμένων τὸ κυμβίον, ἀμυχὰς δ’
 ἐν τῷ τραχήλῳ εἶχεν ἀγχομένη, πελὶόν δὲ τὸ
 στῆθος. εἰς τοῦτο δ’ ἦλθον πονηρίας, ὥστε, ἕως
 ἀφείλοντο τὸ κυμβίον ἐκ τοῦ κόλπου αὐτῆς, οὐκ
 ἐπαύσαντο ἄγχοιτες καὶ τύπτοντες τὴν γραῦν.
 60 ἀκούοντες δὲ οἱ θεράποντες τῶν γειτόνων τῆς
 κραυγῆς καὶ ὀρώντες τὴν οἰκίαν πορθουμένην τὴν
 ἐμήν, οἱ μὲν ἀπὸ τῶν τεγῶν τῶν ἑαυτῶν ἐκαλί-
 στρουν τοὺς παριόντας, οἱ δὲ καὶ εἰς τὴν ἑτέραν
 ὁδὸν ἐλθόντες καὶ ἰδόντες Ἀγνόφιλον παριόντα
 ἐκέλευσαν παραγενέσθαι. προσελθὼν δὲ ὁ Ἀγνό-
 φιλος προσκληθεὶς ὑπὸ τοῦ θεράποντος τοῦ Ἀν-
 θεμίωνος, ὃς ἐστὶ μοι γείτων, εἰς μὲν τὴν οἰκίαν οὐκ
 εἰσῆλθεν (οὐ γὰρ ἡγεῖτο δίκαιον εἶναι μὴ παρόντος
 γε τοῦ κυρίου), ἐν δὲ τῷ τοῦ Ἀνθεμίωνος χωρίῳ
 ὦν ἑώρα τά τε σκεύη ἐκφερόμενα καὶ Εὐεργον καὶ
 61 Θεόφημον ἐξιόντας ἐκ τῆς ἐμῆς οἰκίας. οὐ μόνον
 τοίνυν, ὦ ἄνδρες δικασταί, λαβόντες μου τὰ σκεύη

for she had heard me say so. "And, if you will wait here," she said, "or if one of you will go after him, you shall take the money back with you at once; but let the furniture alone, and do not carry off anything that is mine—especially since you have the full value of your judgement." But although 58 my wife spoke in this way, they not only did not desist, but when the nurse took the cup which was set by her and from which she had been drinking, and put it in her bosom to prevent these men from taking it, when she saw that they were in the house, Theophemus and Evergus, this brother of his, observing her, treated her so roughly in taking the cup from her that her arms and wrists were covered 59 with blood, as they wrenched her arms and pulled her this way and that in taking the cup from her, and she had lacerations on her throat, where they strangled her, and her breast was black and blue. And they pushed their brutality to such extremes, that they did not stop throttling and beating the old woman, until they had taken the cup from her bosom. The servants of the neighbours, hearing the tumult 60 and seeing that my house was being pillaged, some of them called from the roofs of their own houses to the people passing by, and others went into the other street and seeing Hagnophilus passing by, bade him to come. Hagnophilus, when he came up, summoned by a servant of Anthemion, who is a neighbour of mine, did not enter the house (for he thought he ought not to do so in the absence of the master), but, standing on Anthemion's land, saw the furniture being carried off and Evergus and Theophemus coming out of the house. And not only did they go off with my 61 furniture, men of the jury, but they were even on the

ᾧχοντο, ἀλλὰ καὶ τὸν υἱὸν ἦγον ὡς οἰκέτην, ἕως τῶν γειτόνων ἀπαντήσας αὐτοῖς Ἑρμογένης εἶπεν ὅτι υἱός μου εἶη.

Ὡς δὲ ταῦτ' ἀληθῆ λέγω, ἀναγνώσεται ὑμῖν τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ

- 62 Ἐπειδὴ τοίνυν μοι ἀπηγγέλλθη εἰς Πειραιᾶ τὰ γεγενημένα ὑπὸ τῶν γειτόνων, ἔλθων εἰς ἀγρόν τούτους μὲν οὐκέτι καταλαμβάνω, ἰδὼν δὲ τὰ ἐκ τῆς οἰκίας ἐκπεφορημένα καὶ τὴν γραῦν ὡς διέκειτο, καὶ ἀκούων τῆς γυναικὸς τὰ γενόμενα,
- [1158] προσελθὼν τῷ Θεοφῆμῳ τῇ ὑστεραία ἔωθεν ἐν τῇ πόλει μάρτυρας ἔχων, ἐκέλευον αὐτὸν πρῶτον μὲν τὴν καταδίκην ἀπολαμβάνειν καὶ ἀκολουθεῖν ἐπὶ τὴν τράπεζαν, ἔπειτα τὴν ἄνθρωπον θεραπεύειν ἣν συνέκοψαν, καὶ ἰατρὸν εἰσάγειν ὃν αὐτοὶ βού-
- 63 λοῖντο. ταῦτα δέ μου λέγοντος καὶ διαμαρτυρομένου, κακά με πολλὰ εἰπόντες ὁ μὲν Θεόφημος ἠκολούθει μόλις, διατριβὰς ἐμποιῶν καὶ φάσκων βούλεσθαι καὶ αὐτός τινας παραλαβεῖν μάρτυρας (ταῦτα δ' ἔλεγε τεχνάζων τοῦ χρόνον ἐγγενέσθαι), ὁ δ' Εὐεργος οὕτοσὶ εὐθὺς ἐκ τῆς πόλεως μεθ' ἐτέρων ὁμοίων αὐτῷ ἔλθων εἰς ἀγρόν, τὰ ὑπόλοιπα σκεύη, εἴ τινα τῇ προτεραίᾳ ἐν τῷ πύργῳ ἦν καὶ οὐκ ἔτυχεν ἔξω ὄντα, ἐπειδὴ δ' ἐγὼ ἦλθον, διὰ τὴν χρεῖαν κατηνέχθη, ἐκβαλὼν τὴν θύραν ἥνπερ καὶ τῇ προτεραίᾳ ἐξέβαλον κακῶς ἐνεστηκυῖαν, ᾧχετό μου λαβὼν τὰ σκεύη· ᾧ οὔτε δίκην ὠφλήκειν, οὔτε
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point of taking away my son, as though he were a slave, until Hermogenes, one of my neighbours, met them and told them that he was my son.

To prove that I am speaking the truth in this, the clerk shall read you the depositions.

THE DEPOSITIONS

When, then, the news of what had been done was 62 brought me in Peiræus by the neighbours, I went to the farm, but found that these men had left ; I saw, however, that the household goods had been carried off and in what plight the old woman was. My wife told me what had taken place, so, early next morning, I approached Theophemus in the city, having witnesses with me, and demanded, first that he accept payment of the amount of his judgement, and go with me to the bank, then, that he should provide for the care of the old woman whom they had beaten, calling in any physician whom they pleased. While I was 63 saying this and solemnly protesting against their actions, they abused me roundly ; then Theophemus went with me very reluctantly and making much delay, alleging that he too wished to take witnesses along with him (this talk was a trick on his part to gain time) ; but this fellow Evergus went at once from the city in company with some others of like stamp to the farm. The furniture which I had remaining—some few pieces which the day before happened to be in the tower and not outside—had, after I came home, necessarily been brought down, and Evergus, forcing open the gate which they had broken down the day before, and which was scarcely fastened, carried off my furniture—Evergus, to whom I owed no judgement, and with whom I had had no

- 64 συμβόλαιον ἦν μοι πρὸς αὐτὸν οὐδέν. ἐκτίνοντος δέ μου τῷ Θεοφήμεω, ᾧ ὠφλήκειν τὴν δίκην, ἐπειδὴ ἐξέτινον πολλῶν παρόντων μαρτύρων χιλίας μὲν καὶ ἑκατὸν δραχμὰς τὴν καταδίκην, ὀγδοήκοντα δὲ καὶ ἑκατὸν δραχμὰς¹ καὶ τρεῖς καὶ δὺ ὀβολῶν τὴν ἐπωβελίαν, τριάκοντα δὲ τὰ πρυτανεῖα (τῶν γὰρ ἄλλων οὐδέν αὐτῷ ἐπιτιμίῳν ὦφλον), λαβὼν τοίνυν παρ' ἐμοῦ ἐπὶ τῇ τραπέζῃ χιλίας τριακοσίας δέκα τρεῖς δὺ ὀβολῶν τὸ σύμπαν κεφάλαιον, ἀπαιτοῦντος ἐμοῦ τὰ τε πρόβατα καὶ τὰ ἀνδράποδα καὶ τὰ σκεύη ἃ ἤρπάκει μου, οὐκ ἔφη ἀποδώσειν μοι, εἰ μὴ τις αὐτὸν ἀφήσει καὶ τοὺς μετ' αὐτοῦ τῶν ἐγκλημάτων καὶ τοὺς μάρτυρας τῶν ψευδομαρ-
 65 τυριῶν. ταῦτα δὲ ἀποκριναμένου αὐτοῦ, μάρτυρας
 [1159] μὲν ἐποίησάμην τῆς ἀποκρίσεως τοὺς παρόντας, τὴν δὲ δίκην ἐξέτεισα, ὑπερήμερον γὰρ οὐκ ὤμην δεῖν ἐμαυτὸν εἶναι. Εὐέργον δ' οὐδ' ἥδειν εἰσεληλυθότα μου εἰς τὴν οἰκίαν ταύτῃ τῇ ἡμέρᾳ, ἀλλ' αὐτίκα ἢ δίκη ἐξετέτειστο, καὶ εἶχεν ὁ Θεόφημος τὰ τε πρόβατα καὶ τὰ ἀνδράποδα καὶ τὰ σκεύη καὶ ἄγγελος ἦλθέ μοι λιθοκόπος τις, τὸ πλησίον μνήμα ἐργαζόμενος, ὅτι πάλιν οἴχεται Εὐέργος τὰ ὑπόλοιπά μου σκεύη, τὰ τῇ προτεραίᾳ περιγενόμενα, ἐκφορήσας ἐκ τῆς οἰκίας· πρὸς ὃν οὐδέν μοι πρᾶγμα ἦν.
- 66 Ὡς οὖν ἀληθῇ λέγω, καὶ ὅτι τῇ μὲν προτεραίᾳ εἰλήφεσάν μου τὰ ἐνέχυρα, τῇ δ' ὑστεραίᾳ ἐκομίσαντο τὸ ἀργύριον παρ' ἐμοῦ (καίτοι πῶς ἂν, εἰ μὴ πεπορισμένον τε ἦν καὶ ἐπηγγέλλειν αὐτοῖς, εὐθὺς ἂν ἀπέλαβον;). καὶ πάλιν αὐθημερόν εἰσελη-

The words τὴν καταδίκην . . . δραχμὰς, lacking in the mss., were supplied by Boeckh.

business transaction whatever. On my making full 64
 payment to Theophemus to whom I owed the judge-
 ment, when I had paid him in the presence of many
 witnesses eleven hundred drachmae, the amount of
 the judgement, one hundred and eighty-three
 drachmae two obols for the fine of one-sixth of that
 sum, and thirty drachmae for court fees (I owed him
 nothing in the way of other penalties)—when, I say,
 he had received from me at the bank one thousand
 three hundred and thirteen drachmae two obols, the
 total amount, on my demanding the return of the
 sheep and the slaves and the furniture of which he
 had robbed me, he declared that he would not return
 them to me unless I should release him and his
 associates from all claims, and the witnesses from the
 suit for false testimony. When he had given me 65
 this reply, I called upon those present to be witnesses
 to his answer, but I paid him the judgement, for I did
 not think it best to be in default. As for Evergus, I
 did not know that he had gone to my house on that
 day, but as soon as the judgement had been paid,
 while Theophemus still had the sheep and the slaves
 and the furniture, a stone-cutter, who was working on
 the monument near by, came to bring me word that
 Evergus had carried off from the house the rest of
 my furniture—that, namely, which had remained
 untouched the day before,—Evergus, with whom I
 had nothing whatever to do.

To prove that I am speaking the truth, that on the 66
 day before they had taken from me goods as security,
 and that the next day they recovered the money from
 me (and yet, if the money had not been got together
 and I had not given them notice, how, pray, could
 they have secured immediate payment?), and that on

λύθεσαν εἰς τὴν οἰκίαν ἐκτίνοντος τὴν δίκην, τούτων ὑμῖν ἀναγνώσεται τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ

67 Ἐπειδὴ τοίνυν, ὦ ἄνδρες δικασταί, ἐπαγγείλαντός μου αὐτῷ θεραπεύειν τὴν ἄνθρωπον ἣν συνέκοψαν καὶ ἰατρὸν εἰσάγειν οὐκ ἐφρόντιζεν, ἐγὼ αὐτὸς εἰσήγαγον ἰατρὸν ᾧ πολλὰ ἔτη ἐχρώμην, ὃς ἐθεράπευεν αὐτὴν ἀρρωστοῦσαν, καὶ ἐπέδειξα ὡς εἶχεν, εἰσαγαγὼν μάρτυρας. ἀκούσας δὲ τοῦ ἰατροῦ ὅτι οὐδὲν ἔτι εἴη ἢ ἄνθρωπος, πάλιν ἐτέρους μάρτυρας παραλαβὼν τὴν τε ἄνθρωπον ἐπέδειξα
[1160] ὡς εἶχε, καὶ ἐπήγγειλα τούτοις θεραπεύειν. ἔκτε τοίνυν ἡμέρα ὕστερον ἢ οὗτοι εἰσῆλθον εἰς τὴν οἰκίαν, ἐτελεύτησεν ἡ τιτθί.

Ὡς δὲ ἀληθῆ ταῦτα λέγω, τούτων ὑμῖν ἀναγνώσεται τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ

68 Ἐπειδὴ τοίνυν ἐτελεύτησεν, ἦλθον ὡς τοὺς ἐξηγητάς, ἵνα εἰδείην ὃ τι με χρὴ ποιεῖν περὶ τούτων, καὶ διηγησάμην αὐτοῖς ἅπαντα τὰ γενόμενα, τὴν τε ἄφιξιν τὴν τούτων, καὶ τὴν εὐνοίαν τῆς ἀνθρώπου, καὶ ὡς εἶχον αὐτὴν ἐν τῇ οἰκίᾳ, καὶ ὡς διὰ τὸ κυμβίον, οὐκ ἀφιεῖσα, τελευτήσκειν. ἀκούσαντες δέ μου οἱ ἐξηγηταὶ ταῦτα, ἥροντό με πότερον ἐξηγήσωναί μοι μόνον ἢ καὶ συμβου-
69 λεύσωσιν. ἀποκριναμένου δέ μου αὐτοῖς ἀμφοτέρω, εἶπόν μοι “ ἡμεῖς τοίνυν σοι τὰ μὲν νόμιμα ἐξηγησόμεθα, τὰ δὲ σύμφορα παραινέσομεν. πρῶ-

^a A traditional, rather than official, body of men from the old noble families, who alone could interpret the unwritten laws governing matters of ceremonial and religious observance.

that very day they had gone again into the house, while I was paying the money—to prove all this, the clerk shall read you the depositions.

THE DEPOSITIONS

Since, then, men of the jury, he paid no heed, when 67 I served notice on him to care for the woman whom they had beaten and to bring in a physician, I myself brought in one with whom I had had dealings for many years, and he cared for her during her illness. I showed him the plight she was in, and brought witnesses. Hearing from the physician that the woman's condition was hopeless, I again took other witnesses, and pointing out the condition she was in served notice on these men to care for her. On the sixth day after these men had come into the house the nurse died.

To prove that I am speaking the truth in this, the clerk shall read you the depositions bearing upon these matters.

THE DEPOSITIONS

Well then, after her death I went to the Inter- 68 preters ^a in order to learn what I ought to do in the matter, and I related to them all that had taken place: the coming of these men, the devotion of the woman, why it was that I kept her in my house, and that she had met her end because she would not surrender the cup. When the Interpreters had heard all this from me, they asked me whether they should interpret the law for me and nothing more, or should also advise 69 me. On my answering them, "Both," they said to me, "Very well, we will interpret for you the law, and also give you advice to your profit. In the first

τον μὲν ἐπενεγκεῖν δόρυ ἐπὶ τῇ ἐκφορᾷ, καὶ προ-
αγορεύειν ἐπὶ τῷ μνήματι, εἴ τις προσήκων ἐστὶ
τῆς ἀνθρώπου, ἔπειτα τὸ μνήμα φυλάττειν ἐπὶ
τρεῖς ἡμέρας. τάδε δὲ συμβουλευόμεν σοι· ἐπειδὴ
αὐτὸς μὲν οὐ παρεγένου, ἡ δὲ γυνὴ καὶ τὰ παιδιά,
ἄλλοι δὲ σοι μάρτυρες οὐκ εἰσὶν· ὀνομαστὶ μὲν
μηδενὶ προαγορεύειν, τοῖς δεδρακόσι δὲ καὶ
κτείνασιν, εἴτα πρὸς τὸν βασιλέα μὴ λαγχάνειν.

70 οὐδὲ γὰρ ἐν τῷ νόμῳ ἔστι σοι· οὐ γάρ ἐστιν ἐν
γένει σοι ἡ ἀνθρωπος, οὐδὲ θεράπεινα, ἐξ ὧν σὺ
λέγεις· οἱ δὲ νόμοι τούτων κελεύουσι τὴν δίωξιν
εἶναι· ὥστ' εἰ διομεῖ ἐπὶ Παλλαδίῳ αὐτὸς καὶ ἡ
γυνὴ καὶ τὰ παιδιά καὶ καταράσσεσθε αὐτοῖς καὶ
τῇ οἰκίᾳ, χείρων τε δόξεις πολλοῖς εἶναι, κὰν μὲν
ἀποφύγῃ σ', ἐπιωρκηκένοι, ἐὰν δὲ ἔλῃς, φθονήσῃ.
[1161] ἀλλ' ὑπὲρ σεαυτοῦ καὶ τῆς οἰκίας ἀφοσιωσάμενος
ὥς ῥᾶστα τὴν συμφορὰν φέρειν, ἄλλη δὲ εἴ πῃ
βούλει, τιμωροῦ."

71 Ταῦτα ἀκούσας ἐγὼ τῶν ἐξηγητῶν, καὶ τοὺς
νόμους ἐπισκεψάμενος τοὺς τοῦ Δράκοντος ἐκ τῆς
στήλης, ἐβουλευόμην μετὰ τῶν φίλων ὃ τι χρή
με ποιεῖν. συμβουλευόντων δέ μοι ταῦτά, ἃ μὲν
ὑπὲρ τῆς οἰκίας προσῆκέ μοι πρᾶξαι καὶ ἃ ἐξη-
γήσαντό μοι οἱ ἐξηγηταί, ἐποίησα, ἃ δ' ἐκ τῶν
72 νόμων οὐκέτι μοι προσῆκεν, ἡσυχίαν εἶχον. κε-
λεύει γὰρ ὁ νόμος, ὧ ἄνδρες δικασταί, τοὺς προσ-

^a That is, the king-archon; cf. Oration XLIII §§ 42 and 43.

^b The Palladium (properly a statue of Pallas) was the name of the place where the court of the ἐφέται held its sessions. On this court see Oration XLIII § 57, with the note.

place, if there be anyone related to the woman, let him carry a spear when she is borne forth to the tomb and make solemn proclamation at the tomb, and thereafter let him guard the tomb for the space of three days. And this is the advice which we give you : since you were not yourself present, but only your wife and your children, and since you have no other witnesses, we advise you not to make proclamation against anyone by name, but in general against the perpetrators and the murderers ; and 70 again not to institute suit before the king.^a For that course is not open to you under the law, since the woman is not a relative of yours nor yet a servant, according to your own statement ; and it is to relatives or to masters that the law appoints the duty of prosecuting. If, then, you should take the oath at the Palladium,^b yourself and your wife and your children, and imprecate curses upon yourselves and your house, you will lose the goodwill of many, and if your opponent is acquitted, you will be thought to have committed perjury, and if you convict him, you will be an object of malice. No, after you have performed the proper religious rites to cleanse yourself and your house, bear your misfortune with such patience as you can, and, if you choose, avenge yourself in some other way."

When I had received this advice from the Inter- 71 preters and had looked at the laws of Draco on the inscribed slab, I consulted with my friends as to what course of action I should pursue. As they gave me the same advice, I did what was necessary to purify the house and what the Interpreters had prescribed, and abstained from further action which the laws forbade. For the law, men of the jury, ordains that prosecution 72

ἤκοντας ἐπεξιέναι μέχρι ἀνεισπαδῶν, καὶ ἐν τῷ ὄρκῳ ἐπερωτᾶν, τί προσήκων ἐστί, κἂν οἰκέτης ᾦ, τούτων τὰς ἐπισκῆψεις εἶναι. ἐμοὶ δὲ οὔτε γένει προσῆκεν ἢ ἄνθρωπος οὐδέν, εἰ μὴ ὅσον τιτθὴ γενομένη, οὐδ' αὖ θεράπαινά γε· ἀφεῖτο γὰρ ὑπὸ τοῦ πατρὸς τοῦ ἐμοῦ ἐλευθέρα καὶ χωρὶς ᾧκει
 73 καὶ ἄνδρα ἔσχεν. ψεύσασθαι δὲ πρὸς ὑμᾶς καὶ διομόσασθαι αὐτὸς καὶ τὸν υἱὸν καὶ τὴν γυναῖκα οὐκ ἂν ἐτόλμησα, οὐδ' ἂν εἰ εὖ ᾗδαιν ὅτι αἰρήσοιμι αὐτούς· οὐ γὰρ οὕτως τούτους μισῶ, ὥς ἐμαυτὸν φιλῶ.

Ἵνα δὲ μὴ λόγῳ μόνον ἀκούσητέ μου, αὐτὸν ὑμῖν τὸν νόμον ἀναγνώσεται.

NOMOS

74 Πολλαχόθεν μὲν οὖν οἶμαι, ὦ ἄνδρες δικασταί, καταφανῇ ὑμῖν τὴν μαρτυρίαν εἶναι ὥς ψευδὴς ἐστίν, οὐχ ἥκιστα δ' ἐκ τῶν πεπραγμένων αὐτοῖς ῥάδιον γινῶναι. οὗτοι γὰρ ᾤοντο, ὦ ἄνδρες δικασταί, ἐμέ, εἰ πολλά μου λάβοιεν ἐνέχυρα, ἄσμενον ἀφήσειν τοὺς μάρτυρας τῶν ψευδομαρ-
 75 τυριῶν, ὥστε ἀπολαβεῖν με τὰ ἐνέχυρα. καὶ ἐπειδὴ ἐδεήθην αὐτοῦ ἀναβαλέσθαι μοι τὴν ὑπερημερίαν, ἄσμενος ἤκουσεν, ἵνα ὑπερήμερος αὐτῷ
 [1162] γενοίμην καὶ ἐκφορήσαιοτό μου ὥς πλεῖστα. καὶ διὰ τοῦτο ἀκάκως καὶ ταχύ μοι ὡμολόγησεν, ἵνα πιθανὸς γένηται καὶ μὴ καταφανὴς ἐπιβουλεύων, ἡγούμενος οὐκ εἶναι αὐτῷ δι' ἄλλου τρόπου τοὺς μάρτυρας ἀφεθῆναι τῶν ψευδομαρτυριῶν, ἢ διὰ
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shall be by relatives within the degree of children of cousins ; and that in the oath inquiry shall be made as to what the relationship is, even if the victim be a servant ; and it is from these persons that criminal actions shall proceed. But the woman was in no way related to me by blood, she had only been my nurse ; nor again was she a servant ; for she had been set free by my father, and she lived in a separate house, and had taken a husband. Now, to tell a false story to you and support it by an oath with imprecations on myself, my son, and my wife, was a thing I dared not do, even if I knew well that I should convict these men : for I do not hate them as much as I love myself. 73

But that you may hear this not merely from my own lips, the clerk shall read you the law itself.

THE LAW

I fancy, men of the jury, that it has become clear to you on many grounds that the deposition is false, but that you see it most readily from the conduct of the men themselves. For they thought, men of the jury, that, if they took a large quantity of goods from me as security, I should be glad to release the witnesses from the charge of false testimony in order to get back the goods. And when I asked Theophemus to oblige me by extending the time of payment, he was glad to comply in order that I might be in default, and that he might carry off as many goods as possible. It was for this reason that he acceded to my request so guilelessly and so promptly in order to win my confidence and keep me from seeing his plot ; for he thought it was not possible for him in any other way to get the witnesses released from the charge of false 74 75

τοῦ ἐξαπατῆσαι καὶ λαβεῖν με ὑπερήμερον καὶ
 ἐκφορήσασθαι ὡς πλείστα· οὐ γὰρ ὅσα ἔχουσί μου
 76 ὥτετο λήψεσθαι, ἀλλὰ πολλῶ πλείω. καὶ τὸν μὲν
 ἄλλον χρόνον ἀνέμενεν, ὡς οὐ διὰ ταχέων με
 ποριοῦντα αὐτῷ τὸ ἀργύριον, βουλόμενος ὑπ'
 αὐτοὺς τοὺς ἀγῶνας τῶν ψευδομαρτυριῶν τὴν
 ἐνεχυρασίαν μου ποιήσασθαι· ἐπειδὴ δ' ἐπήγγειλα
 αὐτῷ κομίσασθαι τὴν δίκην, ἐλθὼν μου τά τε
 σκεύη καὶ τοὺς οἰκέτας καὶ τὰ πρόβατα ἔλαβεν
 ἀντὶ τοῦ ἀπολαβεῖν. γεωργῶ δὲ πρὸς τῷ ἵππο-
 77 δρόμῳ, ὥστε οὐ πόρρῳ ἔδει αὐτὸν ἐλθεῖν. ὅτι δ'
 ἀληθῆ λέγω, μέγα τεκμήριον ὑμῖν ἔστω. τῇ
 ὑστεραίᾳ γὰρ ἐκομίσατο τὸ ἀργύριον τῆς δίκης,
 ἢ τὰ ἐνέχυρα ἔλαβεν. καίτοι πῶς ἂν, εἰ μὴ πε-
 πορισμένον ἦν, εὐθὺς ἀπέλαβε τὸ ἀργύριον χιλίας
 τριακοσίας δέκα τρεῖς δὴ ὀβολῶ; καὶ τὰ ἐνέχυρά
 μοι οὐκ ἀπεδίδου, ἀλλ' ἔτι καὶ νῦν ἔχει ὡς ὑπερη-
 μέρου ὄντος. ὅτι δ' οὐκ ἦν αὐτῷ ὑπερήμερος,
 ἀνάγνωθί μοι τὴν μαρτυρίαν καὶ τὸν νόμον, ὃς
 κελεύει κύρια εἶναι ὅσα ἂν ἕτερος ἐτέρῳ ὁμο-
 λογήσῃ, ὥστε οὐκέτι ἦν αὐτῷ δῆπου ὑπερήμερος.

ΝΟΜΟΣ. ΜΑΡΤΥΡΙΑ

78 Ὡς μὲν τοίνυν ὁμολόγησε καὶ ἀνεβάλετό μοι τὴν
 ὑπερημερίαν, μεμαρτύρηται ὑμῖν· ὡς δὲ ἐτρηράρ-
 [1163] χουν, ὁ συντριήραρχός μοι μεμαρτύρηκε, καὶ ὡς
 ἡ ναῦς στρατηγὶς κατεσκευάσθη Ἀλκιμάχῳ. ὥστ'
 οὐκ ἦν αὐτῷ δῆπου ὑπερήμερος ἀναβαλομένῳ μοι,
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testimony than by tricking me, catching me in default and carrying off as many goods as possible: for he expected to get, not only what they actually have of mine, but a great deal more. And he waited 76 the rest of the time, thinking that I should not quickly get the money together, and wishing to seize the goods as security just when the trial for false testimony was coming on: but when I served notice on him to come and collect the amount of the judgement, he went and seized my furniture and slaves and sheep instead of receiving payment. I till a farm near the Hippodrome, so that he did not have far to go. That what I am saying is true let this 77 be a strong proof: he got the amount of the judgement the day after he seized the security. And yet, if I had not got the money together, how could he have got payment at once in cash, one thousand three hundred and thirteen drachmae two obols? And the goods which he had seized as security he refused to return to me, but up to this day he keeps them, as though I were in default. But to prove that I was not in default, (*to the clerk*) read me the deposition and the law which ordains that all agreements entered into by the two parties shall be binding; I was, therefore, as you see, no longer in default to him.

THE LAW. THE DEPOSITION

Well, then, that he consented and extended the 78 time of payment has been established for you by witnesses, and that I was serving as trierarch my colleague in the trierarchy has testified, and also that the ship was equipped as flagship for the admiral Alcimachus. Surely, then, I was not in default to him when he had extended the time, especially since

ἔτι δὲ καὶ ἐκτίνων. ἀλλὰ δεινὴ ἡ πλεονεξία τοῦ
 τρόπου, ὧ ἄνδρες δικασταί, περὶ τὸ πλεόν καὶ τὸ
 ἔλαττον. καὶ εὖ ᾗδεσαν ὅτι, εἰ μὲν τὴν ἄνθρωπον
 παραδώσουσιν, ἐξελεγχθήσονται ψευδῇ ἐγκαλέ-
 σαντες, εἰ δὲ μὴ παραδώσουσιν ἣν ἐμαρτύρησαν
 ὥς οὗτος ᾗθελε παραδιδόναι, ψευδομαρτυριῶν
 79 ἀλώσονται. δέομαι δ' ὑμῶν, ὧ ἄνδρες δικασταί,
 εἴ τις ἄρα τῶν τότε δικαζόντων τυγχάνει ὧν ἐν τῷ
 δικαστηρίῳ, τοῖς αὐτοῖς χρήσασθαι ᾗθεσιν οἷσπερ
 καὶ τότε, καὶ εἰ μὲν ἡ μαρτυρία πιστὴ ὑμῖν ἔδοξεν
 εἶναι καὶ ἐγὼ φεύγειν τὸν ἔλεγχον τὸν ἐκ τῆς
 ἀνθρώπου, νῦν ἐξελεγχομένων αὐτῶν ψευδῇ μεμαρ-
 τυρηκότων καὶ οὐ παραδιδόντων τὴν ἄνθρωπον
 βοηθήσάι μοι, εἰ δ' ἐμοὶ ὠργίσθητε ὅτι ἐνεχυράσων
 ἦλθον ἐπὶ τὴν οἰκίαν τὴν τοῦ Θεοφήμου, καὶ τού-
 80 τοις νῦν ὀργισθῆναι ὅτι ἐπὶ τὴν ἐμὴν ἦλθον. καὶ
 ἐγὼ μὲν ὑπὸ νόμων καὶ ψηφισμάτων ἀναγκαζό-
 μενος, πρόνοιαν ἐποιησάμην τοῦ μήτε ἐπὶ τὸν
 πατέρα τὸν τούτου εἰσελθεῖν μήτε ἐπὶ τὴν μητέρα,
 μήτε τῶν τοῦ ἀδελφοῦ λαβεῖν μηδέν, ἀλλ' οὐ αὐτὸς
 ὥκει ὁ Θεόφημος· καὶ ἐπειδὴ οὐ κατέλαβον αὐτὸν
 ἔνδον, οὐχ ἀρπάσας ὥχόμην οὐδέν, ἀλλὰ μετελθεῖν
 ἐκέλευσα αὐτόν, καὶ παρόντος, οὐκ ἀπόντος, τὴν
 ἐνεχυρασίαν ἐποιησάμην, καὶ ἀφαιρούμενος ἀφῆκα,
 καὶ ἀνῆλθον ἐπὶ τὴν βουλὴν τοὺς κυρίους, καὶ
 εἰσαγγείλας καὶ ἐλὼν ἐν τῇ βουλῇ, ἀποχρῆν
 ἡγησάμην τὰ μὲν σκευὴ ἀπολαβεῖν ἀπλᾶ, περὶ δὲ
 τῶν πληγῶν ἐπιτρέψαι, τῷ δὲ τιμῆματι συγχωρῇ-

I paid the money in full. But the graspingness of his disposition, when it is a question of more or less, is dreadful, men of the jury. And they knew well that, if they should deliver up the woman for examination, it would be proved that their charge was false, while, if they should not deliver up the woman, whom the witnesses stated that Theophemus was willing to deliver up, they would be convicted of false testimony. I beg of you, men of the jury, if any one of those who 79 then served as jurors happens to be in the court-room, to act upon the same principles as you did then ; and, if the deposition seemed to you to be worthy of credence, and I seemed to shrink from the test which the examination of the woman would have afforded, now, when they are proved to have given false testimony and do not deliver up the woman, to come to my aid : and if you are angry with me because I went to the house of Theophemus to take security, to be angry now with these men also because they went to my house. And I, who was forced to go by the laws 80 and the decrees, was careful not to make my way into the presence of the father or mother of Theophemus or to take anything belonging to his brother : but I went to where Theophemus lived by himself, and when I did not find him at home, I did not seize anything and carry it off, but bade someone fetch him, and I took the security in his presence and not in his absence : and when it was taken from me, I gave it up and betook myself to the senate, the proper authority, and when I had preferred my impeachment and had convicted him in the senate, I thought it enough merely to recover the ship's equipment, and to leave the matter of the assault to a referee, and to make a concession in the matter of the fine.

81 ^[1164]σαι. ὥστε ἐγὼ μὲν οὕτω μέτριος περὶ τούτους ἦν,
οὗτοι δὲ οὕτως ἀσελγείς καὶ βδελυροί, ὥστ' ἐπὶ
τὴν γυναῖκα καὶ τὰ παιδιά εἰσελθεῖν, ἔχοντες μὲν
τὰ πρόβατα καὶ τοὺς οἰκέτας, πλείονος ἄξια ἢ
κατεδικάσαντο, ἀναβαλόμενοι δὲ τὴν ὑπερημερίαν,
ἐπαγγείλαντος δ' ἐμοῦ κομίζεσθαι αὐτοῖς τὴν
δίκην, ὥς μεμαρτύρηται ὑμῖν, καὶ εἰσελθόντες εἰς
τὴν οἰκίαν τά τε σκεύη ἐκφορῆσαι τὴν τε τιτθὴν
συγκόψαι, γραῦν γυναῖκα, ἔνεκα κυμβίου, καὶ
ταῦτα πάντα ἔτι ἔχειν καὶ μὴ ἀποδιδόναι ἐκτε-
82 τεικότος ἐμοῦ τὴν δίκην, χιλίας τριακοσίας δέκα
τρεῖς δὴ ὀβολῷ. εἰ δέ τις ἀγνοήσας αὐτοὺς τότε
ἀκάκους ἡγήσατο καὶ ἀπράγμονας εἶναι, βούλομαι
ὑμῖν περὶ αὐτῶν τὰς μαρτυρίας ἀναγνῶναι, ἃς
μεμαρτυρήκασί μοι οἱ ὑπὸ τούτων ἡδίκημένοι·
λόγῳ μὲν γὰρ διηγήσασθαι οὐκ ἂν ἱκανόν μοι
γένοιτο τὸ ὕδωρ· ἵν' ἐκ τούτων ἀπάντων σκεψά-
μενοι, τῶν τε λεχθέντων καὶ τῶν μαρτυρουμένων,
ὅσιν καὶ δικαίαν ὑπὲρ ὑμῶν αὐτῶν τιθῆσθε τὴν
ψῆφον.

Λέγε τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ.

I, then, was lenient toward these men, whereas 81
 they were so brutal and ruthless that they forced
 themselves into the presence of my wife and
 children, although they had in their possession the
 sheep and the slaves, of greater value than their
 judgement, and although they had given me an ex-
 tension of time and I had given them notice to come
 and recover their judgement, as has been proved to
 you by testimony. They came to my house and not
 only carried off the furniture, but beat the nurse, an
 old woman, for the sake of a cup; and they keep
 possession of all these things, and refuse to give
 them up, though I have paid in full the amount of the
 judgement, one thousand three hundred and thirteen
 drachmae two obols. If anyone through ignorance 82
 thought these men at the time of the former trial to
 be guileless and inoffensive persons, I wish to read
 you the depositions regarding them which have been
 furnished me by those whom they have wronged (for
 the water in the clock is not sufficient to permit me to
 tell the whole story in my speech), in order that, when
 you have considered the case in the light of all these
 things, both the arguments and the testimony, the
 verdict which you will render may be such as piety
 and justice demand of you.

(*To the clerk.*) Read the depositions.

THE DEPOSITIONS.

AGAINST OLYMPIODORUS

INTRODUCTION

THE plaintiff, Callistratus, brings this suit against his brother-in-law, Olympiodorus, to recover from him half of the property left by Comon, of Halae. We are told that the plaintiff, who claims to be nearest of kin to the deceased, had entered into an agreement with Olympiodorus—it should perhaps rather be called a conspiracy—that they should get control of the estate to the exclusion of other claimants, and should then divide everything equally between themselves.

Their plan seemed to be succeeding, although the plaintiff charges that Olympiodorus withheld from him his due share of the sum of seventy minae which Olympiodorus had recovered from a slave, who under torture had confessed the theft of that amount from his late master, Comon; but other claimants appeared, among them Callippus, the half-brother of the plaintiff, who filed a claim to half the estate. Just as the case was about to be heard Olympiodorus went abroad to Acarnania on military service, and the plaintiff sought to have the case delayed. The jury held, however, that this was but a specious plea, the claim of Olympiodorus was stricken out, and the plaintiff, as he declares, felt in duty bound to withdraw his claim also. Under these circumstances the property was awarded to their adversaries.

AGAINST OLYMPIODORUS

When Olympiodorus returned, he and the plaintiff renewed their claims—Olympiodorus for the whole estate and the plaintiff for one-half, inasmuch as his half-brother was entering a similar claim. Olympiodorus won the case, but refused to share the estate with the plaintiff: hence the suit.

As the speech is to be dated in the year 343 or 342 B.C. scholars are virtually unanimous in refusing to believe that Demosthenes, then at the height of his political career, would have stooped to handle so unsavoury a matter for an unimportant personage.

Reference may be made to Schaefer, iii. pp. 236 ff., and Blass, iii. pp. 557 ff.

XLVIII

ΚΑΤΑ ΟΛΥΜΠΙΟΔΩΡΟΥ ΒΛΑΒΗΣ

- [1167] Ἀναγκαῖον ἴσως ἐστίν, ὦ ἄνδρες δικασταί, καὶ τοὺς μὴ εἰωθότας μηδὲ δυναμένους εἰπεῖν εἰσιέναι εἰς δικαστήριον, ἐπειδὰν ὑπὸ τινος ἀδικῶνται, ἄλλως τε καὶ ὑφ' ὧν ἥκιστα προσῆκεν ἀδικεῖσθαι, οἷον καὶ ἐμοὶ νυνὶ συμβαίνει. οὐ βουλόμενος γάρ, ὦ ἄνδρες δικασταί, ἀγωνίζεσθαι πρὸς Ὀλυμπιόδωρον οἰκεῖον ὄντα καὶ ἀδελφὴν τούτου ἔχων, ἠνάγκασμαι διὰ τὸ μεγάλ' ἀδικεῖσθαι ὑπὸ τούτου.
- 2 εἰ μὲν οὖν μὴ ἀδικούμενος, ὦ ἄνδρες δικασταί, ἀλλὰ ψευδὸς τι ἐγκαλῶν Ὀλυμπιοδώρῳ τούτων τι ἐποιοῦν, ἢ τοῖς ἐπιτηδεύουσιν τοῖς ἐμοῖς καὶ Ὀλυμπιοδώρου μὴ ἐθέλων ἐπιτρέπειν, ἢ ἄλλου τινὸς τῶν δικαίων ἀφιστάμενος, εὖ ἴστε ὅτι πάννυν ἢ σχυρόμην καὶ ἐνόμιζον ἂν ἐμαυτὸν φαῦλον εἶναι ἄνθρωπον· νῦν δ' οὔτε μικρὰ ἐλαττούμενος ὑπὸ Ὀλυμπιοδώρου, οὔτε διαλλακτὴν οὐδένα φεύγων, οὔτ' αὖ μὰ τὸν Δία τὸν μέγιστον ἐκῶν, ἀλλ' ὥς οἷόν τε μάλιστα ἄκων, ἠνάγκασμαι ὑπὸ τού-
- 3 του ἀγωνίζεσθαι ταύτην τὴν δίκην. δέομαι οὖν
- 334

XLVIII

CALLISTRATUS AGAINST OLYMPIODORUS, AN ACTION FOR DAMAGES

It is perhaps necessary, men of the jury, even for those who have neither practice nor skill in speaking to come into court when they have been wronged by anyone, especially if it be by those who should be the last to wrong them, as has now come to pass with me. For, although I have been unwilling, men of the jury, to go to law with Olympiodorus, who is a relative of mine and whose sister is my wife, I have been forced to do so because of the magnitude of the wrongs which he has done me. If I were entering² upon this course, men of the jury, without having been wronged, or were trumping up a false charge against Olympiodorus, or if I were unwilling to refer the matter to men who are friends both of Olympiodorus and myself, or if I were refusing to adopt any other fair course of action, be assured that I should be thoroughly ashamed, and should think myself a worthless sort of fellow : but as it is, the loss I have suffered at the hands of Olympiodorus is no small one ; I have not refused to accept any referee, and I swear by Zeus the Supreme that it is not willingly, but with the utmost possible reluctance, that I have been forced by the defendant to bring this suit.

ὑμῶν, ὦ ἄνδρες δικασταί, ἀκούσαντας ἀμφοτέρων
 ἡμῶν καὶ αὐτοὺς δοκιμαστὰς τοῦ πράγματος γε-
 νομένους, μάλιστα μὲν διαλλάξαντας ἀποπέμψαι
 καὶ εὐεργέτας ἡμῶν ἀμφοτέρων ὑμᾶς γενέσθαι.
 [1168] ἔὰν δ' ἄρα μὴ ἐπιτυγχάνητε τούτου, ἐκ τῶν
 ὑπολοίπων τῷ τὰ δίκαια λέγοντι, τούτῳ τὴν
 ψῆφον ὑμᾶς προσθέσθαι.

Πρῶτον μὲν οὖν μαρτυρίας ἀναγνώσεται, ὅτι οὐκ
 ἐγὼ αἰτιὸς εἰμι τοῦ εἰς τὸ δικαστήριον εἰσιέναι,
 ἀλλ' οὗτος αὐτός.

Λέγε τὰς μαρτυρίας.

ΜΑΡΤΥΡΙΑΙ

4 "Οτι μὲν οὖν, ὦ ἄνδρες δικασταί, καὶ μέτρια καὶ
 προσήκοντα προῦκαλούμην Ὀλυμπιόδωρον, μεμαρ-
 τύρηται ὑπὸ τῶν παραγενομένων. οὐκ ἐθέλοντος
 δὲ τούτου οὐδ' ὅτιοῦν ποιεῖν τῶν δικαίων, ἀναγ-
 καῖόν ἐστι πρὸς ὑμᾶς λέγειν περὶ ὧν ἀδικοῦμαι
 ὑπὸ Ὀλυμπιοδώρου. ἔστι δὲ βραχὺς ὁ λόγος.

5 Ἦν γάρ, ὦ ἄνδρες δικασταί, Κόμων Ἀλαιοῦς
 οἰκεῖος ἡμέτερος. οὗτος ὁ Κόμων ἐτελεύτησεν
 ἅπαις ὀλίγον πᾶν χρόνον ἀρρωστήσας, ἐβίω δὲ
 πολλὰ ἔτη, καὶ ἦν πρεσβύτης ὅτ' ἐτελεύτα. καὶ ἐγὼ
 ἐπειδὴ ἠσθόμην ὅτι οὐχ οἰός τ' ἐστὶν περιγενέσθαι,
 μετεπεμψάμην τουτονὶ Ὀλυμπιόδωρον, ὅπως ἂν
 παρῇ καὶ συνεπιμελῇται μεθ' ἡμῶν ἀπάντων ὧν
 προσῆκεν. καὶ Ὀλυμπιόδωρος οὕτοσί, ὦ ἄνδρες
 δικασταί, ἐπειδὴ ἦλθεν ὡς ἐμέ καὶ τὴν ἀδελφὴν
 τὴν ἑαυτοῦ, ἐμὴν δὲ γυναῖκα, μεθ' ἡμῶν ἅπαντα

^a There were two demes of this name, one on the east

I beg of you, therefore, men of the jury, when you 3 have heard us both and have sifted the matter for yourselves, preferably to find some settlement of our quarrel and dismiss us, and thus become benefactors of us both ; but if you cannot succeed in this, of the courses remaining open to you, I beg you to give your vote to him whose plea is just.

First, then, the clerk shall read to you the depositions which show that it is not I who am responsible for bringing the case into court, but the defendant himself.

(*To the clerk.*) Read the depositions.

THE DEPOSITIONS

That I offered reasonable and fitting terms to 4 Olympiodorus has been testified to you, men of the jury, by those who were present. Since, however, he does not choose to do anything that is right, it is necessary for me to set forth before you the matters in which I have been wronged by him. But the story is a short one.

There was a certain Comon of Halae,^a men of the 5 jury, a relative of ours. This Comon died without issue after a very short illness ; he had lived, however, many years, and was an old man when he died. When I saw that he could not possibly recover, I sent for the defendant Olympiodorus that he might be with us, and join with us in taking all proper measures. And Olympiodorus, when he had come to me and to my wife, who is his own sister, aided us

coast of Attica and the other on the Saronic Gulf. The former belonged to the tribe Aegeïs, the latter to the tribe Cecropis. There is nothing to show which one is here referred to.

6 διώκει. ὄντων δ' ἡμῶν περὶ ταύτην τὴν πραγ-
ματείαν, ἐξαίφνης λόγον μοι προσφέρει Ὀλυμ-
πιόδωρος οὕτως, ὅτι καὶ ἡ μήτηρ αὐτοῦ προσ-
ήκουσα εἶη τῷ Κόμῳ τῷ τετελευτηκότῳ, καὶ ὅτι
δίκαιον εἶη καὶ αὐτὸν τὸ μέρος λαβεῖν ἀπάντων
ὧν ὁ Κόμῳ κατέλιπεν. καὶ ἐγὼ, ὦ ἄνδρες δικα-
σταί, συνειδὼς ὅτι ἐψεύδετο καὶ ἀναισχυντεῖν ἐπ-
εχείρει, καὶ ὅτι οὐδεὶς ἦν ἄλλος τῷ Κόμῳ γένει
ἐγγυτέρῳ ἐμοῦ, τὸ μὲν πρῶτον ὡς οἶόν τε μάλιστα
ὠργίσθην καὶ ἡγανάκτησα ἐπὶ τῇ ἀναισχυντίᾳ τοῦ
[1169] λόγου, ἔπειτα δ' ἐλογισάμην πρὸς ἑμαυτὸν ὅτι οὐκ
ἐν καιρῷ ὀργιζοίμην, καὶ τούτῳ ἀπεκρινάμην, ὅτι
ἐν μὲν τῷ παρόντι προσήκει θάπτειν τὸν τετε-
λευτηκότα καὶ τᾶλλα ποιεῖν τὰ νομιζόμενα, ἐπειδὰν
δὲ τούτων ἀπάντων ἐπιμεληθῶμεν, τόθ' ἡμῖν αὐτοῖς
7 διαλεξόμεθα. καὶ οὗτος, ὦ ἄνδρες δικασταί, προσ-
ωμολόγησε ταῦτα καὶ καλῶς μ' ἔφη λέγειν.
ἐπειδὴ δ' ἀπηλλάγημεν καὶ ἐποιήσαμεν ἅπαντα
τὰ νομιζόμενα, καθ' ἡσυχίαν ἤδη παρακαλέσαντες
τοὺς οἰκείους ἅπαντας διελεγόμεθα ἡμῖν αὐτοῖς
περὶ ὧν οὗτος ἡξίου ἐαυτῷ εἶναι. ὅσα μὲν οὖν, ὦ
ἄνδρες δικασταί, ἡμεῖς πρὸς ἡμᾶς αὐτοὺς διηνέ-
χθημεν περὶ τούτων διαλεγόμενοι, τί ἂν ἐγὼ ταῦτα
διηγούμενος ἢ ὑμῖν πράγματα παρέχοιμι ἢ ἑμαυτῷ;
8 τὸ δὲ τέλος ὃ ἐγένετο, τοῦθ' ὑμᾶς ἀναγκαίως ἔχει
ἀκοῦσαι. αὐτὸς γὰρ ἐγὼ ἐδίκασα τούτῳ καὶ
οὗτος ἐμοί, τὰ ἡμίσεα ἐκάτερον ἡμῶν λαβεῖν ὧν
κατέλιπε Κόμῳ, καὶ μηδεμίαν ἀηδίαν εἶναι περαι-
τέρῳ. καὶ προειλόμην, ὦ ἄνδρες δικασταί, ἐκὼν
μεταδοῦναι τούτῳ, μᾶλλον ἢ εἰς δικαστήριον εἰσιὼν
κινδυνεύειν πρὸς οἰκεῖον ὄντα τοῦτον, καὶ εἰπεῖν
τι ἀηδὲς ἀδελφὸν ὄντα τῆς ἐμῆς γυναικὸς καὶ

in making all the arrangements. While we were thus 6 occupied, this fellow Olympiodorus suddenly flung at me the statement that his mother also was related to Comon, the dead man, and that it was fair that he, too, should receive his share of all the property which Comon left. I for my part, men of the jury, as I knew that he was lying and trying to put a bold face on it, and that there was nobody else nearer of kin to Comon than myself, became at first exceedingly wroth and indignant at the shamelessness of his claim : presently, however, I reflected that it was not a proper time for anger, and I made answer to him, that for the present it was our duty to bury the dead man and do all else that custom called for, and that after we should have discharged all these duties we would talk with one another. And 7 Olympiodorus, men of the jury, assented to this, and said that I was quite right. So when we had finished all this, and had done all that custom required, we called in all our relatives and quietly discussed with one another the claims which this fellow advanced. Now, men of the jury, why should I weary you or myself by relating the various differences which arose between us as we talked these matters over ? The conclusion to which we came, 8 however, it is necessary for you to hear. I myself reached the decision regarding his claims, and he regarding mine, that we should each take half of what Comon left, and there should be no further unpleasantness between us. I chose, men of the jury, voluntarily to share the inheritance with him rather than come into court and risk a trial with the fellow, who is a relative, and to say unpleasant things of one who is a brother of my wife and the

θεῖον τῶν ἐμῶν παίδων, καὶ ὑπὸ τούτου ἀκοῦσαί
9 τι ἀνεπιτήδειον. ταῦτα πάντ' ἐνθυμούμενος συν-
εχώρησ' αὐτῷ.

Καὶ μετὰ ταῦτα συνθήκας ἐγράψαμεν πρὸς ἡμᾶς
αὐτοὺς περὶ ἀπάντων, καὶ ὄρκους ἰσχυροὺς ὠμό-
σαμεν ἀλλήλοις, ἥ μὴν τά τε ὑπάρχοντα φανερά
ὄντα καλῶς καὶ δικαίως διαιρήσεσθαι, καὶ μηδ'
ὅτιοῦν πλεονεκτήσειν τὸν ἕτερον τοῦ ἑτέρου ὧν
κατέλιπε Κόμων, καὶ τᾶλλα πάντα κοινῇ ζητήσειν,
καὶ πράξειν μετ' ἀλλήλων βουλευόμενοι ὃ τι ἂν
10 αἰεὶ δέῃ. ὑπενοοῦμεν γάρ, ὦ ἄνδρες δικασταί,
[1170] ἥξειν τινὰς ἀμφισβητήσοντας τῶν τοῦ Κόμωνος
καὶ ἑτέρους· οἷον καὶ ὁ ἐμὸς ἀδελφὸς ὁ ὁμο-
πάτριος, ὁμομήτριος δ' οὗ, ὅς ἀπεδήμει, καὶ εἰ
δὴ τις ἄλλος ἐβούλετ' ἀμφισβητεῖν, οὐκ ἦν ἡμῖν
κωλύειν· οἱ γὰρ νόμοι κελεύουσι τὸν βουλόμενον
ἀμφισβητεῖν. ταῦτα δὴ πάντα προνοοῦμενοι ἐγρά-
ψαμεν τὰς συνθήκας καὶ ὄρκους ὠμόσαμεν, ὅπως
ἂν μήθ' ἐκόντι μήτε ἄκοντι μηδετέρῳ ἐξουσία
ἡμῶν γένηται μηδ' ὅτιοῦν ἰδίᾳ πράξαι, ἀλλὰ κοινῇ
βουλευόμενοι μεθ' ἡμῶν αὐτῶν ἅπαντα πράτ-
11 τωμεν. καὶ μάρτυρας ἐποιησάμεθα περὶ τούτων
πρῶτον μὲν τοὺς θεοὺς οὓς ὠμόσαμεν ἀλλήλοις, καὶ
τοὺς οἰκείους τοὺς ἡμετέρους αὐτῶν, ἔπειτ'
'Ανδροκλείδην 'Αχαρνέα, παρ' ᾧ κατεθέμεθα τὰς
συνθήκας.

Βούλομαι οὖν, ὦ ἄνδρες δικασταί, τόν τε νόμον
ἀναγνῶναι, καθ' ὃν τὰς συνθήκας ἐγράψαμεν πρὸς
ἡμᾶς αὐτούς, καὶ μαρτυρίαν τοῦ ἔχοντος τὰς
συνθήκας.

uncle of my children, and hear disagreeable things from him. Thinking of all these things I came to terms with him.

After this we drew up written articles of agreement regarding all matters involved, and swore solemn oaths to one another that we would in very truth divide fairly and honestly all the visible property that there was, and that neither of us would in any respect take advantage of the other in regard to Comon's estate; that we would make joint inquiry for the rest, and would act in common in forming whatever plans should from time to time be necessary. For we suspected, men of the jury, that others besides ourselves would come to lay claim to the estate of Comon. For instance, there was my brother, on my father's but not my mother's side, who was out of the country; and, if anyone else wished to put in a claim, there was no way for us to prevent it; for the laws ordain that anyone who chooses may put in a claim. Foreseeing all these contingencies, we drew up our articles of agreement and swore our oaths in order that neither of us might have the opportunity of doing anything whatever independently, whether he should wish to do so or not, but that we should do everything by mutual agreement. And we called to witness this agreement, first the gods in whose name we exchanged our oaths, and our own relatives, and moreover Androcleides of Acharnae,^a with whom we deposited the articles.

I wish now, men of the jury, to read the law in accordance with which we drew up our agreement, and deposition of the person who has the articles in his keeping.

^a Acharnae was a deme of the tribe Oeneis.

DEMOSTHENES

Λέγε τὸν νόμον πρῶτον.

ΝΟΜΟΣ

Ἀναγίγνωσκε δὴ καὶ τὴν μαρτυρίαν τὴν Ἀνδροκλείδου.

ΜΑΡΤΥΡΙΑ

- 12 Ἐπειδὴ δ' ὠμόσαμεν ἀλλήλοις καὶ αἱ συνθῆκαι
 ἦσαν κείμεναι παρὰ τῷ Ἀνδροκλείδῃ, διεῖλον ἐγὼ
 δύο μερίδας, ὧ ἄνδρες δικασταί. καὶ ἡ μὲν ἑτέρα
 ἦν μερὶς ἡ οἰκία, ἐν ᾗ ᾤκει αὐτὸς ὁ Κόμων, καὶ
 τὰνδράποδα οἱ σακχυφάνται, ἡ δ' ἑτέρα ἦν μερὶς
 οἰκία ἑτέρα καὶ τὰνδράποδα οἱ φαρμακοτρίβαι.
 [1171] ἀργύριον δ' εἴ τι κατέλιπεν ὁ Κόμων φανερόν ἐπὶ
 τῇ τραπέζῃ τῇ Ἡρακλείδου, τοῦθ' ἅπαν σχεδόν
 τι ἀηγλώθη εἰς τε τὴν ταφὴν καὶ τᾶλλα τὰ νομι-
 ζόμενα καὶ εἰς τὴν οἰκοδομίαν τοῦ μνήματος.
 13 διελὼν δ' ἐγὼ τὰς δύο ταύτας μερίδας, ἔδωκα
 αἵρεσιν τουτωῖ Ὀλυμπιοδώρῳ, ὁποτέραν βούλεται
 τῶν μερίδων λαβεῖν, καὶ οὗτος εἴλετο τοὺς φαρ-
 μακοτρίβας καὶ τὴν οἰκίσκην· ἐγὼ δ' ἔλαβον τοὺς
 14 σακχυφάντας καὶ τὴν οἰκίαν. καὶ ταῦτ' ἔστιν ἃ
 ἐκάτερος ἡμῶν εἶχεν. ἐν δὲ τῇ μερίδι τῇ τουτουῖ
 Ὀλυμπιοδώρου ἦν εἰς τῶν φαρμακοτριβῶν, ὃν
 μάλιστ' ἐνόμιζε πιστὸν ἑαυτῷ εἶναι ὁ Κόμων·
 ὄνομα δὲ τῷ ἀνθρώπῳ ἐστὶ Μοσχίων. οὗτος ὁ
 οἰκέτης σχεδόν τι ᾗδει τά τ' ἄλλα τὰ τοῦ Κόμωνος
 ἅπαντα, καὶ δὴ καὶ τὸ ἀργύριον οὗ ἦν, τὸ ἔνδον
 15 κείμενον τῷ Κόμωνι. καὶ δὴ καὶ ἔλαθε τὸν
 Κόμωνα, πρεσβύτερόν τε ὄντα καὶ πεπιστευκότα
 αὐτῷ, ὑφαιρούμενος τὸ ἀργύριον οὗτος ὁ οἰκέτης
 ὁ Μοσχίων. καὶ πρῶτον μὲν ὑφαιρεῖται αὐτοῦ

AGAINST OLYMPIODORUS, 11-15

(*To the clerk.*) Read the law first.

THE LAW

Now read the deposition of Androcleides.

THE DEPOSITION

When we had exchanged oaths, and the articles 12 had been deposited with Androcleides, I divided the property into two shares, men of the jury. One share consisted of the house in which Comon himself had lived, and the slaves engaged in weaving sack-cloth, and the other of another house and the slaves engaged in grinding colours. Whatever ready money Comon left in the bank of Heracleides had been nearly all spent on his burial and the other funeral rites, and on the building of his tomb. And after I had divided 13 the property into these two shares, I gave Olympiodorus his choice to take whichever of the two shares he pleased ; and he chose the colour-grinders and the small house, while I took the weavers and the dwelling-house. This is what each of us had. Now in the 14 share of this fellow Olympiodorus there was a man, one of the colour-grinders, whom Comon used to regard as most faithful to himself ; the man's name was Moschion. This slave had a pretty good knowledge of all Comon's other affairs, and in particular knew where the money was which Comon kept in the house ; and Comon, who was oldish and who 15 had confidence in him, was unaware that this slave Moschion was stealing his money. He first stole from him one thousand drachmae, which sum was

χιλίας δραχμὰς χωρὶς που κειμένας τοῦ ἄλλου ἀργυρίου, ἔπειθ' ἑτέρας ἐβδομήκοντα μνᾶς. καὶ ταῦτα ποιῶν ἐλάνθανε τὸν Κόμωνα, καὶ τὸ ἀργύριον τοῦθ' ἅπαν εἶχεν αὐτὸς δι' ἑαυτοῦ ὁ ἄνθρωπος.

- 16 Οὐ πολλῶ δὲ χρόνῳ ὕστερον, ὧ ἄνδρες δικασταί, ἢ ἡμεῖς διειλούμεθα τὰς μερίδας, ὑποψία τις ἐγένετο καὶ αἴσθησις περὶ τὰργυρίου τούτου· ἐκ δὲ ταύτης τῆς ὑποψίας ἐδόκει ἐμοὶ καὶ τουτωί Ὀλυμπιοδώρῳ βασανίζειν τὸν ἄνθρωπον. καὶ ὁ ἄνθρωπος, ὧ ἄνδρες δικασταί, αὐτὸς αὐτοῦ κατεῖπε, πρὶν βασανίζεσθαι, ὅτι χιλίας δραχμὰς ὑφέλοιτο [1172] τοῦ Κόμωνος, καὶ ἔφη εἶναι παρ' ἑαυτῷ ὅσον μὴ ᾗν ἀνηλωμένον· περὶ δὲ τοῦ πλείονος ἀργυρίου οὐδ' ὅτιοῦν εἶπεν ἐν τῷ τότε χρόνῳ. καὶ ἀποδίδωσι περὶ ἑξακοσίας τινὰς δραχμὰς. καὶ τούτου τοῦ ἀργυρίου, οὗ ἀπέδωκεν ὁ ἄνθρωπος, καλῶς καὶ δικαίως κατὰ τοὺς ὅρκους οὓς ὠμόσαμεν ἡμεῖς καὶ κατὰ τὰς συνθήκας τὰς κειμένας παρὰ τῷ Ἀνδροκλείδῃ, τὸ μὲν ἡμῖς ἐγὼ ἔλαβον, τὸ δ' ἡμῖς οὕτοσι Ὀλυμπιόδωρος.
- 18 Μετὰ δὲ ταῦτ' οὐ πολλῶ χρόνῳ ὕστερον ἐκ ταύτης τῆς ὑποψίας τῆς πρὸς τὸν οἰκέτην περὶ τοῦ ἀργυρίου, ἔδῃσε τὸν ἄνθρωπον καὶ ἐβασάνισεν οὗτος ἐφ' ἑαυτοῦ, ἡμᾶς δὲ οὐ παρεκάλεσεν, ὁμωμοκῶς κοινῇ ζητήσῃν καὶ πράξῃν μετ' ἐμοῦ πάντα. καὶ ὁ ἄνθρωπος, ὧ ἄνδρες δικασταί, κατατεινόμενος ὑπὸ τῆς βασάνου, προσωπολόγησε καὶ τὰς ἐβδομήκοντα μνᾶς εἰληφέναι ὑφελόμενος Κόμωνος, καὶ ἀποδίδωσιν ἅπαν τὸ ἀργύριον τοῦτο Ὀλυμ-
- 19 πιοδώρῳ τουτωί. ἐγὼ δ', ὧ ἄνδρες δικασταί, ἐπειδὴ ἐπυθόμην περὶ τῆς βασάνου τὰνθρώπου

kept separate from the rest of the money, and afterwards seventy minae more. He was doing this without Comon's suspecting it, and the fellow kept all this money in his own possession.

Soon after we had divided the shares between us, 16 men of the jury, we became suspicious, and found out something about this money : and as a result of this suspicion Olympiodorus here and I decided to put the man to the torture. And the fellow, men of the jury, before he was put to the torture, voluntarily confessed that he had stolen a thousand drachmae from Comon, and said that he still had in his quarters all the money which had not been spent : but of the larger sum he did not say a word at that time. So 17 he paid back about six hundred drachmae. And of this sum which the man paid back we made a just and fair division in accordance with the oaths which we had sworn and the agreement deposited with Androcleides, I taking one half and the defendant Olympiodorus the other.

Not long after this, as a result of the suspicion 18 against the slave in regard to the money, the defendant had the man bound and again put to the torture. He did this independently by himself without calling me in, although he had sworn to make all inquiries and do everything in concert with me. And the fellow, men of the jury, when racked by the torture made further confession that he had stolen from Comon the seventy minae : and he restored this entire sum to the defendant Olympiodorus. I, on 19 my part, men of the jury, when I learned that the man had been tortured, and that he had restored

καὶ ὅτι ἀποδεδωκὼς εἶη τὸ ἀργύριον, ἐνόμιζόν μοι ἀποδώσειν τοῦτον τὸ ἥμισυ τοῦ ἀργυρίου, ὥσπερ καὶ τὸ πρότερον ἀπὸ τῶν χιλίων δραχμῶν ἀπέδωκεν. καὶ εὐθὺς μὲν οὐ πάνυ τι ἠνώχλουν τούτῳ, ἡγούμενος αὐτὸν τοῦτο γνώσεσθαι καὶ διοικήσειν καὶ ἐμοὶ καὶ ἐαυτῷ, ὅπως ἐκάτερος ἡμῶν ἔξει τὰ δίκαια κατὰ τοὺς ὅρκους καὶ τὰς συνθήκας τὰς πρὸς ἡμᾶς αὐτούς, περὶ τοῦ ἰσομοιρεῖν ἀπάντων
20 ὧν Κόμων ἦν καταλελοιπώς· ἐπειδὴ δ' ἐνδιέτριβε καὶ οὐδὲν ἐποίει, διελεγόμην τουτῶι Ὀλυμπιοδώρῳ, καὶ ἡξίουν ἀπολαμβάνειν τὸ ἐμαυτοῦ μέρος τοῦ ἀρ-
[1173] γυρίου. οὗτοσὶ δ' Ὀλυμπιόδωρος αἰεί τι προὔφασίζετο καὶ ἀναβολὰς ἐποιεῖτο. καὶ ἐν τούτῳ τῷ καιρῷ ἕτεροὶ τινες ἔλαχον τοῦ κλήρου τοῦ Κόμωνος, καὶ ὁ Κάλλιππος ἐπεδήμησεν ἐκ τῆς ἀποδημίας, ὁ ἐμὸς ἀδελφὸς ὁ ὁμοπάτριος· καὶ
21 οὗτος ἔλαχεν εὐθὺς τοῦ ἡμικληρίου. καὶ τουτῶι Ὀλυμπιοδώρῳ πρόφασις καὶ αὕτη ἐγένετο πρὸς τὸ μὴ ἀποδιδόναι μοι τὸ ἀργύριον, ἐπειδὴ πολλοὶ ἦσαν οἱ ἀμφισβητοῦντες, καὶ ἔφη χρήναί με περιμεῖναι, ἕως ἂν οἱ ἀγῶνες γένωνται. καὶ ἐμοὶ ἀνάγκη ἦν ταῦτα συγχωρεῖν, καὶ συνεχώρησα.
22 Μετὰ δὲ ταῦτα ἐβουλευόμεθα καὶ ἐγὼ καὶ οὗτοσὶ Ὀλυμπιόδωρος κοινῇ, ὥσπερ καὶ ὠμόσαμεν, ὄντινα τρόπον ἄριστα καὶ ἀσφαλέστατα προσοισόμεθα πρὸς τοὺς ἀμφισβητοῦντας. καὶ ἔδοξεν ἡμῖν, ὧ ἄνδρες δικασταί, τουτονὶ μὲν Ὀλυμπιόδωρον τοῦ κλήρου ὅλου ἀμφισβητεῖν, ἐμὲ δὲ τοῦ ἡμικληρίου, ἐπειδὴ καὶ Κάλλιππος ὁ ἀδελφὸς ὁ
23 ἐμὸς τοῦ ἡμικληρίου μόνον ἡμφεσβήτει. καὶ ἐπειδὴ ἀνεκρίθησαν πρὸς τῷ ἄρχοντι ἅπασαι αἱ ἀμφισβητήσεις καὶ ἔδει ἀγωνίζεσθαι ἐν τῷ δικα-

the money, supposed that Olympiodorus would pay me half the amount, just as he had before paid me half of the one thousand drachmae. At first I did not press him, thinking that he would recognize his obligation and arrange matters for my interest and his own, so that each of us should have what was fair in accordance with our oaths and our mutual agreement to share equally in all that Comon left ; but 20 since he delayed, and did nothing, I had a talk with this man Olympiodorus, and demanded that I receive my share of the money. But Olympiodorus here kept finding one excuse after another, and putting me off. Moreover, at this very time some other people filed claims to the estate of Comon, and Callippus, my brother on my father's side, returned from abroad ; and he too filed a claim for half the estate. So Olympiodorus found in this another 21 excuse for not paying me the money, since there were many who were laying claim to the estate ; and he said that I must wait until the suits were settled. And I had to consent to this, and I did consent.

After this the defendant Olympiodorus and I took 22 counsel together, as we had sworn to do, to determine the best and safest way to deal with the other claimants. And we decided, men of the jury, that the defendant Olympiodorus should lay claim to the whole estate, and that I should claim a half, seeing that my brother Callippus claimed a half only. When all the 23 claims had been heard before the archon, and the cases were due to be tried in court, the defendant

στηρίω, ἀπαράσκευοι ἡμεν τὸ παράπαν πρὸς τὸ
 ἤδη ἀγωνίζεσθαι ἐγὼ καὶ Ὀλυμπιόδωρος οὐτοσί,
 διὰ τὸ ἐξαίφνης ἐπιπεπτωκέναι ἡμῖν πολλοὺς τοὺς
 ἀμφισβητοῦντας. ἐκ δὲ τῶν ὑπαρχόντων ἐσκο-
 ποῦμεν κοινῇ, εἴ πως ἀναβολή τις γένοιτο ἐν τῷ
 παρόντι, ὥστε παρασκευάσασθαι ἡμᾶς καθ' ἡσυ-
 24 χίαν πρὸς τὸν ἀγῶνα. καὶ κατὰ τύχην τινὰ καὶ
 δαίμονα ὑμεῖς ἐπείσθητε ὑπὸ τῶν ῥητόρων εἰς
 [1174] Ἀκαρνανίαν στρατιώτας ἐκπέμπειν, καὶ ἔδει καὶ
 τουτονὶ Ὀλυμπιόδωρον στρατεῦεσθαι, καὶ ὥχετο
 μετὰ τῶν ἄλλων στρατευόμενος. καὶ συνεβεβήκει,
 ὥς ὠόμεθα ἡμεῖς, αὕτη καλλίστη ἀναβολή, δη-
 25 μοσίᾳ τούτου ἀποδημοῦντος στρατευομένου. ἐπειδὴ
 δ' ἐκάλει ὁ ἄρχων εἰς τὸ δικαστήριον ἅπαντας τοὺς
 ἀμφισβητοῦντας κατὰ τὸν νόμον, ὑπωμοσάμεθα
 ἡμεῖς τουτονὶ Ὀλυμπιόδωρον δημοσίᾳ ἀπείναι
 στρατευόμενον. ὑπομοθέντος δὲ τούτου, ἀνθυπ-
 ωμόσαντο οἱ ἀντίδικοι, καὶ διαβάλλοντες Ὀλυμ-
 πιόδωρον τουτονί, ὕστεροι ἡμῶν λέγοντες, ἔπεισαν
 τοὺς δικαστὰς ψηφίσασθαι τῆς δίκης ἕνεκ' ἀπείναι
 26 τοῦτον καὶ οὐ δημοσίᾳ. ψηφισαμένων δὲ ταῦτα
 τῶν δικαστῶν, διέγραψεν ὁ ἄρχων Πυθόδοτος κατὰ
 τὸν νόμον τὴν τουτουὶ Ὀλυμπιόδωρου ἀμφισ-
 βήτησιν. διαγραφείσης δὲ ταύτης, ἐξ ἀνάγκης
 κάμοι ἦν ἐκλιπεῖν τὴν τοῦ ἡμικληρίου ἀμφισ-
 βήτησιν. γενομένων δὲ τούτων, ἐπεδίκασεν ὁ
 ἄρχων τοῖς ἀντιδίκοις τοῖς ἡμετέροις τὸν κλῆρον
 τὸν Κόμωνος· ταῦτα γὰρ οἱ νόμοι αὐτὸν ἡνάγκαζον
 27 ποιεῖν. ἐπειδὴ δ' ἐπεδικάσαντο, εὐθὺς εἰς Πειραιᾶ
 ἐλθόντες παρελάμβανον πάνθ' ὅσα ἡμῶν εἶχεν

^a Acarnania was a state on the west coast of Greece, north of the Gulf of Corinth.

Olympiodorus and I were wholly unprepared for an immediate trial because those who had suddenly appeared as claimants were so many. However, in view of the situation that had developed, we looked into things jointly to see if in any way a postponement could be brought about for the present, so that we might get ourselves ready for the trial at our leisure. And it happened by a piece of good 24 luck that you were persuaded by the politicians to despatch troops into Acarnania.^a and the defendant Olympiodorus was among those called to service, and he departed with the others on the expedition. Thus had come about, as we thought, an excellent ground for postponement, the defendant being abroad on military service. So, when the archon 25 summoned into court all those who were filing claims according to law, I entered a sworn statement, asking postponement on the ground that the defendant Olympiodorus was abroad on military service, but to this sworn statement our adversaries opposed another, attacking Olympiodorus; and as they had the last word, they induced the jurors to decide that the defendant was absent on account of the trial and not on public service. When the jurors 26 had thus decided, the archon Pythodotus ^b in accordance with the law struck out the claim of the defendant: and when this claim was stricken out I necessarily had to abandon my claim to half the estate. After these steps had been taken, the archon adjudged the estate of Comon to our opponents: for the laws compelled him to do so. They, as soon 27 as they had won the adjudication, went at once to the Peiraeus and proceeded to take over all that

^b The date was 343 B.C.

ἐκάτερος νειμάμενος ἐν τῇ μερίδι. καὶ γὰρ μὲν ἐπιδημῶν αὐτὸς παρέδωκα (ἀνάγκη γὰρ ἦν πείθεσθαι τοῖς νόμοις), τὰ δ' Ὀλυμπιοδώρου, ἀποδημοῦντος τούτου, ἅπαντα ὥχοντο λαβόντες, πλὴν τοῦ ἀργυρίου οὗ εἶχεν αὐτὸς παρὰ τοῦ ἀνθρώπου τοῦ οἰκέτου, ὃν ἐβασάνισεν· οὐ γὰρ εἶχον ὅπου ἐπιλάβοιντο τοῦ ἀργυρίου.

- 28 Καὶ τὰ μὲν πραχθέντα ταῦτ' ἦν ἐν τῇ ἀποδημίᾳ τῇ Ὀλυμπιοδώρου, καὶ τῆς κοινωνίας τῆς πρὸς
 [1175] τοῦτον ταῦτ' ἐγὼ ἀπέλαυσα. ἐπειδὴ δ' ἐπεδήμησεν οὗτος καὶ οἱ ἄλλοι στρατιῶται, ἡγανάκτει Ὀλυμπιόδωρος οὗτοςί, ὧ ἄνδρες δικασταί, ἐπὶ τοῖς συμβεβηκόσι, καὶ ἡγείτο δεινὰ πεπονθέναι. ἐπειδὴ δὲ μεστὸς ἐγένετο ἀγανακτῶν, ἐσκοποῦμεν πάλιν καὶ ἐβουλευόμεθα κοινῇ ἐγὼ καὶ Ὀλυμπιόδωρος οὗτοςί, ὅντινα τρόπον τούτων τι πάλιν
 29 κομιούμεθα. καὶ ἐδόκει ἡμῖν βουλευομένοις προσκαλεῖσθαι τοὺς ἐπιδεδικασμένους κατὰ τὸν νόμον, καὶ ἐκ τῶν ὑπαρχόντων ἀσφαλέστατον εἶναι, μὴ ἐν τῷ αὐτῷ ἡμᾶς ἀμφοτέρους τὸν κίνδυνον ποιεῖσθαι πρὸς τοὺς ἀμφισβητοῦντας, ἀλλὰ χωρὶς ἐκάτερον, καὶ τουτονὶ μὲν Ὀλυμπιόδωρον ὅλου τοῦ κλήρου λαχεῖν, ὥσπερ τὸ πρότερον, καὶ ἀγωνίζεσθαι καθ' αὐτόν, ἐμὲ δὲ τοῦ ἡμικληρίου, ἐπειδὴ καὶ Κάλλιππος ὁ ἀδελφὸς ὁ ἐμὸς τοῦ
 30 ἡμικληρίου μόνον ἡμφεσβήτει, ὅπως, ἐὰν μὲν Ὀλυμπιόδωρος οὗτοςί ἐπιτύχη τοῦ ἀγῶνος, ἐγὼ κατὰ τὰς συνθήκας καὶ τοὺς ὅρκους πάλιν τὸ μέρος λάβοιμι παρὰ τούτου, ἐὰν δ' ἄρ' ἀποτύχη καὶ τὰ ἕτερα ψηφίσωνται οἱ δικασταί, οὗτος παρ' ἐμοῦ τὰ μέρη καλῶς καὶ δικαίως ἀπολαμβάνοι, ὥσπερ ὠμόσαμεν ἀλλήλοις καὶ συνεθέμεθα. ἐπειδὴ δὲ
 350

either of us had received from the division. I, being at home, voluntarily gave over to them what I had (for it was necessary to obey the laws), but since Olympiodorus was abroad, they carried off all his effects except the money which he had separately taken from the man—the slave whom he had put to the torture ; for they had no means of getting hold of that money.

Such were the events which happened in the absence of Olympiodorus, and such the benefit I derived from my association with him. But when he returned with the rest of the troops, the defendant Olympiodorus was indignant, men of the jury, at what had occurred, and thought he had been outrageously treated. However, when he was at the height of his indignation, we again looked matters over, the defendant Olympiodorus and I, and took counsel together to see how we could get back something of what we had lost. And as a result of our consultation we decided to summon into court in due legal form those who had had the property adjudged to them ; and in the circumstances it seemed to be the safest course not to risk a joint suit against the other claimants, but for each to act separately ; and for the defendant Olympiodorus to enter suit for the whole estate as he had done before, and conduct his case by himself, and for me to enter suit for a half, since my brother Callippus claimed the half only ; so that, if Olympiodorus should win his case, I, in accordance with our agreement and our oaths, might recover my share from him, while, if he should lose it and the jurors give an adverse verdict, he might fairly and honestly recover his share from me in accordance with our oaths and the agreement made between us.

ταῦτ' ἐβουλευσάμεθα καὶ ἐδόκει ἀσφαλέστατ' εἶ-
ναι καὶ ἐμοὶ καὶ Ὀλυμπιοδώρῳ, προσεκλήθησαν
ἅπαντες οἱ ἔχοντες τὰ τοῦ Κόμωνος κατὰ τὸν
νόμον.

Καί μοι ἀνάγνωθι τὸν νόμον, καθ' ὃν ἡ πρόσ-
κλησις ἐγένετο.

ΝΟΜΟΣ

- 31 Κατὰ τὸν νόμον τοῦτον, ὦ ἄνδρες δικασταί, ἡ
πρόσκλησις ἐγένετο, καὶ τὰς ἀμφισβητήσεις ἀντ-
εγραφάμεθα, ὃν τρόπον τουτωί ἐδόκει Ὀλυμπιο-
δώρῳ. καὶ μετὰ ταῦθ' ὁ ἄρχων ἀνέκρινε πᾶσιν
ἡμῖν τοῖς ἀμφισβητοῦσι, καὶ ἀνακρίνας εἰσήγαγεν
εἰς τὸ δικαστήριον. καὶ οὕτοσί Ὀλυμπιόδωρος
[1176] ἡγωνίζετο πρῶτος, καὶ ἔλεγεν ὅ τι ἐβούλετο, καὶ
μαρτυρίας παρείχετο ἃς ἐδόκει τούτῳ· καὶ γὰρ, ὦ
ἄνδρες δικασταί, σιωπῇ ἐκαθήμην ἐπὶ τοῦ ἐτέρου
βήματος. τοῦτον δὲ τὸν τρόπον κατασκευασθέντος
32 τοῦ ἀγῶνος ἐνίκησε ῥαδίως. νικήσας δὲ καὶ
διαπραξαμένων ἅπανθ' ὅσα ἡβουλήθημιν ἐν τῷ
δικαστηρίῳ, καὶ ἀπολαβὼν παρὰ τῶν πρότερον
ἐπιδικασαμένων ὅσα ᾔσαν ἐκεῖνοι παρ' ἡμῶν
εἰληφότες, ταῦτα δὴ πάντ' ἔχων καὶ τὸ ἀργύριον
ὃ ἔλαβε παρὰ τοῦ ἀνθρώπου τοῦ βασανισθέντος,
οὐδ' ὅτιοῦν ἠθέληκε τῶν δικαίων πρὸς με ποιῆσαι,
ἀλλ' ἔχει αὐτὸς ἅπαντα, ὁμωμοκῶς καὶ συνθήκας
πρὸς με ποιησάμενος ἢ μὴν ἰσομοιρήσειν. καὶ
αἱ συνθήκαι αὗται ἔτι καὶ νυνὶ κεῖνται παρὰ τῷ
Ἀνδροκλείδῃ, καὶ μεμαρτύρηκεν αὐτὸς πρὸς ὑμᾶς.
33 βούλομαι δὲ καὶ περὶ τῶν ἄλλων ἀπάντων ὧν
εἴρηκα μαρτυρίας ὑμῖν παρασχέσθαι, πρῶτιστον

AGAINST OLYMPIODORUS, 30-33

After we had reached this conclusion, and it seemed safest both for Olympiodorus and for me, all those who were in possession of the estate of Comon were summoned according to law.

(*To the clerk.*) Read, please, the law in accordance with which the summons was given.

THE LAW

It was in accordance with this law, men of the jury, 31 that the summons was given, and that we filed our counter-claims in the manner approved by Olympiodorus. After this the archon conducted the preliminary examination for all claimants, and when he had concluded this he brought the case into court. The defendant Olympiodorus was the first to plead, and he said whatever he pleased and offered whatever testimony he saw fit, while I, men of the jury, sat in silence on the opposite platform. Since the trial had been fixed in this way, Olympiodorus easily won his case; but when he had got the verdict and 32 we had accomplished in the court-room all that we wished, when he had recovered from those who had previously won the adjudication all that they had taken from us,—although he has all this now in his possession as well as the money which he got from the slave who was put to the torture, he has refused to do anything whatever that is fair toward me, but keeps everything himself, even though he has given his oath and made an agreement with me that in very truth we should take equal shares. These articles of agreement are still up to this day in the custody of Androcleides, who has himself given testimony before you. I wish, however, to bring before you depositions 33 proving all the other statements I have made, but

μὲν τὸ ἐξ ἀρχῆς ὅτι ἐγὼ καὶ οὗτος ἡμῖν αὐτοῖς
δικάσαντες ἐνειμάμεθα τὸ ἴσον ἐκάτερος τῆς φα-
νεράς οὐσίας τῆς Κόμων κατέλιπεν.

Καί μοι λαβὲ ταύτην τὴν μαρτυρίαν πρῶτον,
ἔπειτα τὰς ἄλλας ἀπάσας ἀναγίνωσκε.

ΜΑΡΤΥΡΙΑ

- 34 Λαβὲ δὴ μοι καὶ τὴν πρόκλησιν, ἣν προῦκαλεσά-
μην αὐτὸν περὶ τοῦ ἀργυρίου οὗ ἔλαβε παρὰ τοῦ
ἀνθρώπου τοῦ βασανισθέντος.

ΠΡΟΚΛΗΣΙΣ

- [1177] Ἀναγίνωσκε δὴ καὶ τὴν ἐτέραν μαρτυρίαν, ὅτι,
ἐπειδὴ ἐπεδικάσαντο οἱ ἀντίδικοι ἡμῶν, ἅπαντα
παρέλαβον ὅσα ἡμεῖς εἴχομεν, πλὴν τῶν χρημάτων
ὧν εἶχεν Ὀλυμπιόδωρος παρὰ τοῦ βασανισθέντος
ἀνθρώπου.

ΜΑΡΤΥΡΙΑ

- 35 Ὅν μὲν τρόπον, ὦ ἄνδρες δικασταί, ἐξ ἀρχῆς
διενειμάμεθα τὴν Κόμωνος οὐσίαν τὴν φανεράν
ἐγὼ καὶ Ὀλυμπιόδωρος, καὶ λόγῳ ἀκηκόατε καὶ
μεμαρτύρηται ὑμῖν, καὶ ὡς οὗτος τὸ ἀργύριον
ἔλαβε παρὰ τοῦ ἀνθρώπου τοῦ οἰκέτου, καὶ ὅτι
οἱ ἐπιδικασάμενοι ἔλαβον ὅσα ἡμεῖς εἴχομεν, ἕως
36 πάλιν οὗτος ἐνίκησεν ἐν τῷ δικαστηρίῳ. ἃ δὲ
λέγων οὐκ ἀποδίδωσί μοι οὐδ' ἐθέλει τῶν δικαίων
οὐδ' ὅτιοῦν ποιεῖν, τούτοις ἤδη προσέχετε τὸν
νοῦν, ὦ ἄνδρες δικασταί, ἵνα μὴ αὐτίκ' ἐξαπατή-
σωσιν ὑμᾶς οἱ ῥήτορες, οὓς οὕτοσὶ παρεσκεύασται
ἐπ' ἐμέ.

Λέγει μὲν οὗτος οὐδέποτε ταῦτά, ἀλλ' ὅ τι ἂν

first of all, to prove that at the outset the defendant and I, having settled our differences by ourselves, took each an equal share of all the property left by Comon of which we had knowledge.

(*To the clerk.*) Take, please, this deposition first, and then read all the rest.

THE DEPOSITION

Now, please take the challenge which I tendered ³⁴ him regarding the money which he got from the slave who was put to the torture.

THE CHALLENGE

Read now the other deposition, too, proving that, when our opponents had received the adjudication, they took from us all that we had except the money which Olympiodorus got from the man who was put to the torture.

THE DEPOSITION

In what way, men of the jury, Olympiodorus and ³⁵ I originally divided between us the visible estate of Comon, you have both heard from my statement, and it has been proved to you by witnesses ; and you have also learned that the defendant got the sum of money from the slave, and that those who had previously won the adjudication took all that was in our possession, until Olympiodorus won a verdict in the second trial. Now hear the reason which he gives for not ³⁶ paying me what is due, and for refusing to do anything whatever that is fair ; and to this, men of the jury, I bid you give close heed, in order that you may not be misled presently by the orators whom he has engaged against me.

This defendant never says the same thing, but

- τύχη αεί, καὶ περιϋὼν προφάσεις ἀτόπους τινὰς καὶ
 ὑπονοίας καὶ αἰτίας ψευδεῖς ἐπιφέρει, καὶ περὶ
 37 τὸ πρᾶγμ' ὅλον ἄδικός ἐστιν ἄνθρωπος. πλεί-
 στοι δ' αὐτοῦ ἀκηκόασι λέγοντος, οἱ μὲν ὅτι τὸ
 παράπαν οὐκ ἔλαβε τὸ ἀργύριον παρὰ τάνθρώ-
 που· ἐπειδὴν δὲ τοῦτ' ἐξελέγχηται, πάλιν λέγει
 ὅτι παρὰ τοῦ αὐτοῦ ἀνθρώπου ἔχει τὸ ἀργύριον,
 καὶ οὐ μεταδώσει ἐμοὶ οὔτε τοῦ ἀργυρίου οὔτε τῶν
 38 ἄλλων οὐδενὸς ὧν κατέλιπε Κόμων. ἐπειδὴν δέ
 τις αὐτὸν τῶν ἐπιτηδείων τῶν τούτου καὶ τῶν
 ἐμῶν ἐρωτᾷ, διὰ τί οὐκ ἀποδώσει ὁμωμοκῶς
 ἰσομοιρήσειν καὶ τῶν συνθηκῶν ἔτι καὶ νυνὶ κει-
 μένων, φησὶ με παραβεβηκέναι τὰς συνθήκας, καὶ
 δεινὰ πεπονθέναι ὑπ' ἐμοῦ, καὶ διατελέσαι μέ-
 39 φησιν ὑπεναντία καὶ λέγοντα καὶ πράττοντα ἑαυτῷ.
 [1178] καὶ ἃ μὲν προφασίζεται, ταῦτ' ἔστιν. ἃ μὲν οὖν,
 ὧ ἄνδρες δικασταί, οὗτος λέγει, ὑπόνοιαι πλασταί
 εἰσι καὶ προφάσεις ἄδικοι καὶ πονηρίαι, ἐπὶ τῷ
 ἀποστερῆσαι ἃ προσήκει αὐτὸν ἀποδοῦναι ἐμοί.
 ἃ δ' ἐγὼ ἐρῶ πρὸς ὑμᾶς, ὅτι οὗτος ψεύδεται, ταῦτα
 δὲ ὑπόνοια μὲν οὐδεμία ἔσται, φανερώς δ' ἐπι-
 δείξω τὴν τούτου ἀναισχυντίαν, τεκμήρια λέγων
 ἀληθινὰ καὶ πᾶσι γνώριμα, καὶ μάρτυρας παρεχό-
 μενος περὶ πάντων.
 40 Πρῶτον μὲν οὖν, ὧ ἄνδρες δικασταί, λέγω, ὅτι
 οὗτος διὰ τοῦτο τοῖς οἰκείοις καὶ τοῖς ἐπιτηδείοις
 τοῖς ἑαυτοῦ καὶ τοῖς ἐμοῖς, τοῖς εἰδόσιν ἀκριβῶς
 ἕκαστα ταῦτα τὰ πράγματα ὡς ἔχει καὶ παρ-
 ηκολουθηκόσιν ἐξ ἀρχῆς, οὐκ ἠθέλησεν ἐπιτρέψαι·
 ἀκριβῶς γὰρ ᾗδει ὅτι εὐθὺς παραχρῆμα ὑπ' αὐτῶν
 ἐξελεγχθήσεται, ἐάν τι ψεύδεται· νυνὶ δ' ἴσως

one thing now and another then, just as it happens. He goes about bringing forward absurd excuses, baseless insinuations, and false charges, and acts in the whole business as a man of bad faith. Hosts of people 37 have heard him say, sometimes that he never got the money from the slave at all ; but again, when the contrary has been proved, he says that he got the money from his own slave, and that he will give me no share of this money or of anything else of the estate which Comon left. And when anyone of our common 38 friends asks him why he refuses to pay me, when he has sworn to share everything equally and when the articles of agreement are still in custody, he asserts that I have broken the agreement and have treated him outrageously, and he states that I have all along been speaking and acting in opposition to him. These are the excuses he offers. The statements which the 39 fellow makes, men of the jury, are insinuations which he has himself made up, false excuses, and bits of trickery, got up with a view to defrauding me of what he ought to pay me. But what I shall say to you to prove that he is lying will be no mere insinuation ; on the contrary I shall prove in glaring fashion his shamelessness, advancing proofs that are trustworthy and known to everybody, and bringing forward witnesses regarding every point.

In the first place, men of the jury, I say that the 40 defendant refused to refer our differences to our common friends and relatives who had full knowledge of all the circumstances of the case, and had followed them from the beginning ; for this reason, that he had full knowledge that if he made use of any falsehoods, he would be refuted by them on the spot, whereas he thinks that now he may perhaps lie before you without

- 41 ἡγείται ψευδόμενος ἐν ὑμῖν λήσειν. πάλιν λέγω ὅτι οὐκ ἀκόλουθόν ἐστιν, ὑπεναντία μὲν πράττειν σοι, ὦ Ὀλυμπιόδωρε, ἐμέ, κοινῇ δ' ἀναλίσκειν μετὰ σοῦ εἰς ὃ τι αἰεὶ δέοι, οὐδ' ἐκλιπεῖν τὴν ἀμφισβήτησιν αὐτὸν ἐκόντα, ὅτε ἀπεδήμεις σύ, ἐπειδὴ καὶ ἡ σὴ διεγράφη δόξαντός σου ἔνεκα τῆς δίκης ἀπείναι καὶ οὐ δημοσίᾳ. ἐξῆν γὰρ ἔμοιγε τοῦ ἡμικληρίου ἐπιδικάσασθαι ἑμαυτῷ· οὐδεὶς γάρ μοι ἀνθρώπων ἀντέλεγεν, ἀλλὰ συνεχώρουν αὐτοὶ οἱ
- 42 ἀντίδικοι. ἀλλὰ ταῦτα ποιήσας εὐθύς ἂν ἦν ἐπιωρκηκώς· ὥμοσα γὰρ καὶ συνεθέμην πρὸς σέ κοινῇ πράξειν ἅπαν, ὃ τι ἂν δοκῇ ἐμοὶ καὶ σοὶ βουλευομένοις βέλτιστον εἶναι. ὥστε ὑπεραβέλτεροί εἰσιν αἱ προφάσεις καὶ αἱ αἰτίαι, δι' ἃς οὐδέν
- 43 μοι φῆς ποιήσιν τῶν δικαίων. ἔτι πρὸς τούτοις
[1179] ἡγεί ἂν μ' ἐπιτρέπειν σοι, Ὀλυμπιόδωρε, ἐν τῷ τελευταίῳ ἀγῶνι τῷ περὶ τοῦ κλήρου, ἢ ἃ ἔλεγες πρὸς τοὺς δικαστάς, εἰκῇ οὕτωςι λέγειν, ἢ περὶ ὧν τὰς μαρτυρίας παρέσχον, οὕτως ἂν παρασχέσθαι, εἰ μὴ μετὰ σοῦ κοινῇ συνηγωνιζόμεν;
- 44 οὗτος γάρ, ὦ ἄνδρες δικασταί, τά τ' ἄλλα ἔλεγεν ὃ τι ἐβούλετο ἐν τῷ δικαστηρίῳ, καὶ κατεχρήσατο πρὸς τοὺς δικαστάς ὅτι ἐγὼ τὴν οἰκίαν, ἣν ἔλαβον ἐν τῇ μερίδι τῇ ἑμαυτοῦ μεμισθωμένος εἶην παρ' αὐτοῦ, καὶ τὸ ἀργύριον ὃ ἔλαβον, τὸ ἥμισυ τὸ ἀπὸ τῶν χιλίων δραχμῶν τῶν παρὰ τοῦ οἰκέτου, ὅτι ἐδανεισάμην παρὰ τούτου. καὶ οὐ μόνον ἔλεγε ταῦτα, ἀλλὰ καὶ μαρτυρίας παρείχετο περὶ τούτων. καὶ ἐγὼ οὐδ' ὅτιοῦν ἀντέλεγον τούτοις, οὐδ' ἤκουσέ μου φωνὴν οὐδεὶς ἀνθρώπων, ὅτε οὗτος ἡγωνίζετο, οὔτε μικρὰν οὔτε μεγάλην, ἀλλὰ προσωμολόγουν ἀληθῇ εἶναι πάνθ' ὅσα οὗτος ἡβούλετο λέγειν.

being detected. Again I say, it is not consistent, 41
 Olympiodorus, that I should act in opposition to you,
 and yet should join with you in expending whatever
 from time to time became necessary, or that I should
 myself voluntarily abandon my claim, when you were
 abroad and your claim was stricken off because it was
 thought that you were absent on account of the trial
 and not on public service. For it was open to me to
 press my own claim for one-half the estate; no human
 being opposed my claim, but my opponents themselves
 allowed it. However, had I done this, I should by 42
 that very act have perjured myself, for I had sworn
 and contracted with you to do in concert with you
 whatever should seem to us on consultation to be best.
 Therefore the pretexts and charges on which you base
 your refusal to act fairly toward me are absolutely
 silly. And furthermore—do you suppose, Olympio- 43
 dorus, that in the last trial for the estate I should have
 permitted you either to utter so recklessly the state-
 ments which you made to the jury, or to bring forward
 witnesses as you did regarding the points you wished
 to prove, if I had not been acting in concert with you
 in the trial? For the fellow, men of the jury, said 44
 everything else that he pleased in the court-room, and
 emphatically stated to the jurymen that I had rented
 from him the house which I received as part of my
 share, and that I had borrowed of him the money
 which I received—the half, that is, of the thousand
 drachmae recovered from the slave. And he not only
 made these statements, but he produced depositions
 to support them. And I said nothing whatever
 against all this, nor did any human being hear a
 syllable aloud or muttered from me while he was
 supporting his claim, but I admitted the truth of

κοινῇ γὰρ ἡγωνιζόμενῃ μετὰ σοῦ, ὥσπερ ἔδοξεν
 45 ἐμοὶ καὶ σοί. ἐπεὶ εἰ μὴ ἐστὶ ταῦτ' ἀληθὴ ἃ λέγω,
 διὰ τί οὐκ ἐπεσκηψάμην ἐγὼ τότε τοῖς μάρτυσι
 τοῖς ταῦτα μαρτυροῦσιν, ἀλλ' ἡσυχίαν εἶχον πολλήν;
 ἢ διὰ τί σύ, Ὀλυμπιόδωρε, οὐδεπώποτε μοι ἔλαχες
 ἐνοικίου δίκην τῆς οἰκίας, ἥς ἔφασκες μισθῶσαί
 μοι ὡς σαυτοῦ οὔσαν, οὐδὲ τοῦ ἀργυρίου, οὐ ἔλεγες
 πρὸς τοὺς δικαστὰς ὅτι ἐδάνεισάς μοι, τούτων
 οὐδὲν ἐποίησας; ὥστε πῶς ἂν μᾶλλον ἄνθρωπος
 ἐξελέγχοιτο ψευδόμενος καὶ ὑπεναντία λέγων αὐτὸς
 αὐτῷ καὶ αἰτιώμενος τὰ οὐδεπώποτε γενόμενα;

46 [1180] Ὁ δὲ πάντων μέγιστόν ἐστιν, ὦ ἄνδρες δικασ-
 ταί, ὃ καὶ γνώσεσθε τοῦτον ὅτι ἄδικός ἐστι καὶ
 πλεονέκτης ἄνθρωπος· ἐχρῆν γὰρ αὐτόν, εἴ τι ἀλη-
 θὲς ἦν ὧν λέγει, πρότερον ταῦτα λέγειν καὶ ἐπιδεικ-
 νύειν, πρὶν τὸν ἀγῶνα γενέσθαι καὶ διαπειραθῆναι
 τῶν δικαστῶν ὃ τι γνώσονται, καὶ παραλαβόντα
 πολλοὺς μάρτυρας ἀξιοῦν ἀναιρεῖσθαι τὰς συνθήκας
 παρὰ τοῦ Ἀνδροκλείδου, ὡς παραβαίνοντος ἐμοῦ
 καὶ τὰναντία πράττοντος ἑαυτῷ καὶ οὐκέτι κυρίων
 οὐσῶν τῶν συνθηκῶν ἐμοὶ καὶ τούτῳ, καὶ τῷ
 Ἀνδροκλείδῃ τῷ ἔχοντι τὰς συνθήκας διαμαρτύ-
 ρασθαι, ὅτι αὐτῷ οὐδὲν ἐστὶν ἔτι πρᾶγμα πρὸς
 47 τὰς συνθήκας ταύτας. ταῦτ' ἐχρῆν αὐτόν, ὦ ἄν-
 δρες δικασταί, εἴπερ τι ἦν ἀληθὲς ὧν λέγει, καὶ
 μόνον προσιόντα τῷ Ἀνδροκλείδῃ διαμαρτύρεσθαι
 καὶ μετὰ μαρτύρων πολλῶν, ἢν' αὐτῷ πολλοὶ ἦσαν
 οἱ συνειδότες.

Ὅτι δὲ τούτων οὐδὲν πώποτ' ἐποίησεν, αὐτοῦ

everything he chose to say. For I was co-operating with you, Olympiodorus, according to our agreement. If what I am saying is not true, why did I 45 not proceed against the witnesses who gave this evidence instead of keeping absolute silence? Or why did you, Olympiodorus, never sue me for the rent of the house which you alleged was your own and had been rented by you to me: or for the money which you told the jurymen you had lent me? Why, I say, did you do neither of these things? How, then, could any man be more clearly convicted than you have been of lying, of making contradictory statements, and of preferring charges that lack all foundation?

But here is the strongest proof of all, which will 46 convince you, men of the jury, of his bad faith and covetousness. If there were any truth in what he says, he should have stated it and proved it before the trial came on, and before he tested the jury as to how it would decide; and he should have taken a number of witnesses and demanded that the articles of agreement be taken from the custody of Androcleides on the ground that I was violating them, and acting against his interests, and that the articles were no longer in force between him and me; also he should have protested to Androcleides, who had the articles in his possession, that he had no longer anything to do with these articles. This is what he should have done, men 47 of the jury, if there were any truth in what he says; he should have gone by himself to Androcleides, and made this protest, and gone also with many witnesses, in order that he might have many persons who were aware of the fact.

But to prove that he never took any of these steps,

ὑμῖν τοῦ Ἀνδροκλείδου, παρ' ᾧ εἰσιν αἱ συνθήκαι
κείμεναι, μαρτυρίαν ἀναγνώσεται.

Λέγε τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ

- 48 Ἔτερον δ', ὦ ἄνδρες δικασταί, σκέψασθε ὃ
διαπέπρακται. ἐγὼ γὰρ τοῦτον προὔκαλεσάμην
καὶ ἡξίωσα ἀκολουθῆσαι ὡς Ἀνδροκλείδην, παρ'
ᾧ κεῖνται αἱ συνθήκαι, καὶ κοινῇ ἐκγραψαμένους
ἡμᾶς τὰς συνθήκας πάλιν σημῆνασθαι, τὰ δ' ἀντί-
γραφα ἐμβαλέσθαι εἰς τὸν ἐχῖνον, ὅπως ἂν μηδεμία
ὑποψία ᾗ, ἀλλ' ὑμεῖς ἅπαντα καλῶς καὶ δικαίως
ἀκούσαντες γνῶτε ὅ τι ἂν ὑμῖν δικαιοτάτον δοκῇ
49 εἶναι. ταῦτα δ' ἐμοῦ προκαλουμένου οὐκ ἠθέλησε
τούτων οὐδέν ποιῆσαι, ἀλλ' οὕτω πεφιλοσόφηκεν,
[1181] ὥστε μὴ εἶναι ὑμᾶς ἀκοῦσαι τῶν συνθηκῶν ἐκ τῶν
κοινῶν γραμμάτων.

Καὶ ὅτι ταῦτα προὔκαλούμην τοῦτον, μαρτυρίαν
ὑμῖν ἀναγνώσεται ὧν ἐναντίον προὔκαλούμην.
λέγε τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ

- 50 Πῶς ἂν οὖν μᾶλλον καταφανὴς γένοιτο ἄνθρωπος,
ὅτι δικαίως μὲν οὐδέν βούλεται πρὸς με πράτ-
τειν, ἀποστερήσειν δ' οἴεται ἃ προσήκει ἐμοὶ
λαβεῖν, προφάσεις λέγων καὶ ἐγκλήματα ἐγκαλῶν,
τὰς δὲ συνθήκας, ἃς φησί με παραβεβηκέναι, οὐκ
ᾤηθη δεῖν ὑμᾶς ἀκοῦσαι; ἐγὼ δὲ τότε μὲν
ἐναντίον τῶν μαρτύρων τῶν παραγενομένων προὔ-
καλεσάμην, ἣν δὲ καὶ ὑμῶν ἐναντίον τῶν δικα-
στῶν πάλιν προκαλοῦμαι, καὶ ἀξιῶ συγχωρεῖν
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the clerk shall read you the deposition of Androcleides himself with whom the articles of agreement are deposited.

(*To the clerk.*) Read the deposition.

THE DEPOSITION

Now, men of the jury, you must consider another 48 thing which he has done. I tendered him a challenge, and demanded that he go with me to Androcleides, with whom the articles are deposited, and that we should jointly make copies of the agreement and seal it up again, but that we should put the copies in the evidence-box, in order that there might be no ground for suspicion, but that you might hear everything plainly and fairly, and then vote as should seem to you most just. I tendered him this challenge, but he 49 refused to do anything of the sort ; no, he has tried thus artfully to prevent your hearing the agreement from copies jointly made.

To prove that I tendered him this challenge, the clerk shall read you the deposition of the persons in whose presence I tendered it. Read the deposition.

THE DEPOSITION

How, then, could it be made more plain that the 50 fellow is unwilling to act justly toward me in any way, that he thinks to rob me of what I ought to receive by advancing excuses and preferring charges, and that he determined that you should not hear the agreement which he asserts I have broken ? But I challenged him then before the witnesses who were present, and I challenge him again now before you jurymen, and I demand that he consent, and I myself

αὐτὸν καὶ ἐγὼ συγχωρῶ ἀνοιχθῆναι τὰς συνθήκας
ἐνταυθὶ ἐπὶ τοῦ δικαστηρίου, καὶ ἀκοῦσαι ὑμᾶς,
51 καὶ πάλιν σημανθῆναι ἐναντίον ὑμῶν. Ἀνδρο-
κλείδης δ' οὕτοσί πάρεστιν· ἐγὼ γὰρ αὐτῷ ἐπήγ-
γειλα ἥκειν ἔχοντι τὰς συνθήκας. καὶ συγχωρῶ,
ὦ ἄνδρες δικασταί, ἐν τῷ τούτου λόγῳ ἢ ἐν τῷ
προτέρῳ ἢ ἐν τῷ ὑστέρῳ ἀνοιχθῆναι· οὐδὲν γάρ μοι
διαφέρει. ὑμᾶς δὲ βούλομαι ἀκοῦσαι τὰς συνθήκας
καὶ τοὺς ὅρκους, οὓς ὠμόσαμεν ἀλλήλοις ἐγὼ καὶ
Ὀλυμπιόδωρος οὕτοσί. καὶ εἰ μὲν συγχωρεῖ, ἔστω
ταῦτα, καὶ ὑμεῖς ἀκούετε, ἐπειδὰν τούτῳ δοκῇ·
ἐὰν δὲ μὴ θέλῃ ταῦτα ποιεῖν, οὐκ ἤδη καταφανὴς
ἔσται, ὦ ἄνδρες δικασταί, ὅτι ἀναισχυντότατός
ἐστὶν ἀνθρώπων ἀπάντων, καὶ δικαίως οὐδ' ἂν
52 ὀτιοῦν ἀποδέχοισθε τούτου ὡς ὑγιές τι λέγοντος;
[1182] Ἀλλὰ τί ταῦτα σπουδάζω; οὐδὲ γὰρ αὐτὸς
ἄγνοεῖ ταῦτα οὗτος, ὅτι ἀδικεῖ μὲν ἐμέ, ἀδικεῖ
δὲ τοὺς θεοὺς οὓς ὠμοσε, καὶ ἐπιорκεῖ. ἀλλὰ
διέφθαρται, ὦ ἄνδρες δικασταί, καὶ παραφρονεῖ.
ἀνιῶμαι μὲν οὖν καὶ αἰσχύνομαι, ὦ ἄνδρες δικασταί,
οἷς μέλλω λέγειν πρὸς ὑμᾶς, ἐξ ἀνάγκης δέ μοι
ἐστὶν εἰπεῖν, ὅπως ἂν ὑμεῖς οἱ τὴν ψῆφον ἔχοντες
ἀκούσαντες ἅπαντα, βουλεύσησθε ὅ τι ἂν ὑμῖν
53 δοκῇ βέλτιστον εἶναι περὶ ἡμῶν. ὦν δὲ μέλλω
λέγειν, οὗτος αἰτιός ἐστιν, οὐκ ἐθέλων ἐν τοῖς
οἰκείοις περὶ τούτων πρὸς με διαλύσασθαι, ἀλλ'
ἀναισχυντῶν. Ὀλυμπιόδωρος γὰρ οὕτοσί, ὦ ἄν-
δρες δικασταί, γυναῖκα μὲν ἀσπὴν κατὰ τοὺς
νόμους τοὺς ὑμετέρους οὐδεπώποτ' ἔγημεν, οὐδ'
εἰσὶν αὐτῷ παῖδες οὐδ' ἐγένοντο, ἐταίραν δὲ

do consent, to have the articles of agreement opened here in the court-room, to let you hear them. and to have them sealed up again in your presence. Androcleides is present here ; for I gave him notice to come and bring the articles of agreement. I consent, men of the jury, that they be opened during the defendant's speech, in either his first or his second, it makes no difference to me. But I wish you to hear the agreement and the oaths which Olympiodorus the defendant and I swore to one another. If he consents, let this be done, and do you hear for yourselves the articles when he shall see fit ; and if he refuses to take this course, will it not be plain without further proof, men of the jury, that he is the most shameless of humankind, and that you may rightly refuse to accept as true anything whatever that he says ?

But why am I so earnest in urging this ? The defendant himself knows well that he has sinned against me and sinned against the gods in whose name he swore, and that he is a perjurer. But something has deranged him, men of the jury, and he is not in his senses. I am pained and I feel shame, men of the jury, at what I am about to tell you, but I am forced to tell it, in order that you, in whose hands the verdict lies, may hear all the facts before you reach the conclusion regarding us which may seem to you best. For my mentioning the things which I am about to tell you this fellow is himself to blame, since he refused to settle our differences among our relatives, but chose to brazen the matter out. For you must know, men of the jury, that this fellow Olympiodorus has never married an Athenian woman in accordance with your laws ; he has no children nor has ever had any, but he keeps in his house a mistress whose freedom he

λυσάμενος ἔνδον ἔχει, καὶ αὕτη ἐστὶν ἡ λυμαι-
 νομένη ἅπαντας ἡμᾶς καὶ ποιοῦσα τουτονὶ περαι-
 54 τέρω μαίνεσθαι. πῶς γὰρ οὐ μαίνεται, ὅστις
 οἴεται δεῖν, ἃ μὲν ὁμολόγησε καὶ συνέθετο ἐκὼν
 πρὸς ἐκόντα καὶ ὤμοσε, τούτων μὲν μηδ' ὅτιοῦν
 ποιεῖν, καὶ ταῦτ' ἐμοῦ σπουδάζοντος οὐχ ὑπὲρ
 ἑμαυτοῦ μόνον, ἀλλὰ καὶ ὑπὲρ τῆς τούτου ἀδελφῆς
 τῆς ὁμοπατρίας καὶ ὁμομητρίας, ἣ ἐμοὶ συνοικεῖ,
 καὶ ὑπὲρ τῆς τούτου ἀδελφιδῆς, θυγατρὸς δὲ ἐμῆς;
 αὗται γάρ εἰσιν αἱ ἀδικούμεναι οὐχ ἡττον ἐμοῦ,
 55 ἀλλὰ καὶ μᾶλλον. πῶς γὰρ οὐκ ἀδικοῦνται ἢ πῶς
 οὐ δεινὰ πάσχουσιν, ἐπειδὴν ὀρώσι τὴν μὲν τούτου
 ἐταίραν περαιτέρω τοῦ καλῶς ἔχοντος καὶ χρυσία
 πολλὰ ἔχουσαν καὶ ἱμάτια καλά, καὶ ἐξόδους
 λαμπρὰς ἐξιοῦσαν, καὶ ὑβρίζουσιν ἐκ τῶν ἡμε-
 τέρων, αὐταὶ δὲ καταδεεστέως περὶ ταῦτ' ἔχουσιν
 [1183] ἅπαντα; πῶς οὐκ ἐκείναι μᾶλλον ἔτι ἀδικοῦνται
 ἢ ἐγώ; οὗτος δὲ πῶς οὐ καταφανῶς μαίνεται καὶ
 παραφρονεῖ, τοιαῦτα περὶ αὐτοῦ βουλευόμενος;
 Ἴνα δὲ μὴ φάσκη, ὦ ἄνδρες δικασταί, ἐπὶ διαβολῇ
 ταῦτα λέγειν με τοῦ ἀγῶνος ἕνεκα τουτουί, μαρ-
 τυρίαν ὑμῖν ἀναγνώσεται τῶν τούτου οἰκείων καὶ
 ἐμῶν.

ΜΑΡΤΥΡΙΑ

56 Ὀλυμπιόδωρος μὲν οὕτως ἐστὶν ἄν-
 θρωπος, οὐ μόνον ἄδικος, ἀλλὰ καὶ μελαγχολᾷ
 δοκῶν ἅπασιν τοῖς οἰκείοις καὶ τοῖς γνωρίμοις τῇ
 προαιρέσει τοῦ βίου, καὶ ὅπερ Σόλων ὁ νομο-
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had purchased, and it is she who is the ruin of us all and who drives the man on to a higher pitch of madness. Is it not indeed a proof of his madness 54 that he refuses to do anything whatever that was stipulated in the agreement which was entered into with his full consent and with my own, and which was confirmed by an oath?—especially when I am striving, not in my own interest only, but in the interest of her to whom I am married, his own sister, born of the same father and the same mother, and in the interest of his niece, my daughter. For they are being wronged not less than I, but even more. Can anyone, indeed, say that they are not 55 wronged and are not suffering outrageous treatment, when they see this fellow's mistress, in defiance of all decency, decked out with masses of jewels and with fine raiment, going abroad in splendid state and flaunting the luxury purchased with what is ours, while they are themselves too poor to enjoy such things? Are they not suffering a wrong even greater than my own? And in adopting such a manner of life is not Olympiodorus not manifestly mad and beside himself?

Now, that he may not claim, men of the jury, that I am speaking thus with a view to slandering him because of this suit, the clerk shall read you a deposition from his relatives and mine.

THE DEPOSITION

The defendant Olympiodorus, then, is a person of 56 this sort. He is not only dishonest, but in the opinion of all his relatives and friends is proved by the manner of life which he has adopted to be mentally deranged; to use the language of the lawgiver Solon, he is beside

θέτης λέγει, παραφρονῶν ὥς οὐδεὶς πώποτε παρ-
 εφρόνησεν ἀνθρώπων, γυναικὶ πειθόμενος πόρνη.
 καὶ ἄκυρά γε ταῦτα πάντα ἐνομοθέτησεν εἶναι ὁ
 Σόλων, ὅς' ἂν τις γυναικὶ πειθόμενος πράττῃ, ἄλ-
 57 λως τε καὶ τοιαύτῃ. περὶ μὲν οὖν τούτων καλῶς
 ὁ νομοθέτης ἐπεμελήθη, ἐγὼ δ' ὑμῶν δέομαι, καὶ
 οὐ μόνον ἐγώ, ἀλλὰ καὶ ἡ ἐμὴ γυνή, Ὀλυμπιο-
 δώρου δὲ τουτουὶ ἀδελφή, καὶ ἡ θυγάτηρ ἡ ἐμή,
 Ὀλυμπιοδώρου δὲ τουτουὶ ἀδελφιδῇ, ἱκετεύομεν
 ὑμᾶς καὶ ἀντιβολουῦμεν, ὧ ἄνδρες δικασταί, ἅπαντες
 ἡμεῖς (νομίσατε γὰρ ἐκείνας ἐνθάδε παρεῖναι),
 58 μάλιστα μὲν τουτονὶ Ὀλυμπιόδωρον πείσαι μὴ
 ἀδικεῖν ἡμᾶς, ἐὰν δ' ἄρα μὴ θέλῃ πείθεσθαι, ὑμᾶς
 μεμνημένους ἀπάντων τῶν εἰρημένων, ψηφίζεσθαι
 ὅ τι ἂν ὑμῖν δοκῇ βέλτιστον καὶ δικαιοτάτον εἶναι.
 καὶ ταῦτα ποιοῦντες τά τε δίκαια γνώσεσθε καὶ τὰ
 συμφέροντα ἡμῖν ἅπασιν, οὐχ ἥκιστα δὲ Ὀλυμπιο-
 δώρῳ αὐτῷ τουτῷ.

himself as no other man ever was, for he is under the influence of a woman who is a harlot. And Solon established a law ^a that all acts shall be null and void which are done by anyone under the influence of a woman, especially of a woman of her stamp. In this 57 matter the lawgiver made wise provision; and I entreat you—and not I only, but my wife also, the sister of this Olympiodorus, and my daughter, his niece,—we all beg and implore you, men of the jury, (for I would have you imagine that these women are here present before you), if it be possible, to prevail 58 upon this fellow Olympiodorus not to do us wrong, but if he refuses, and you cannot prevail upon him, then to bear in mind all that has been said and give whatever verdict shall seem to you best and most in accordance with justice. If you do this, you will reach a decision that is fair and one that is to the advantage of us all, and especially to the advantage of this fellow Olympiodorus himself.

^a This law is cited in Oration XLVI § 14.

AGAINST TIMOTHEUS

INTRODUCTION

THIS speech was delivered by Apollodorus in a suit against one of the most eminent men in Athens, the general Timotheus. The plaintiff is seeking to recover the sum of 44 minae 38 drachmae two obols, the total amount of moneys loaned at various times to Timotheus or expended on his behalf by the plaintiff's father, the banker Pasio.

Timotheus was a son of the great Conon who had destroyed the Lacedaemonian fleet at Cnidos in 395 B.C., and he was himself in command of the Athenian fleet for almost the entire period between the peace of Antalcidas (377 B.C.) and the outbreak of the Social War in 358 B.C. He was a man of wealth and of secure social position, a pupil of Isocrates and friend of Plato, a statesman and an orator, and perhaps the ablest general of his day; but his career was a checkered one.

Timotheus had conducted a successful campaign in 375 B.C. and had defeated the Spartan fleet, but the peace then concluded was not a lasting one. and in the following year he was again despatched to western waters. Unfortunately for him he lacked funds and he lacked men, and it was essential to secure both before he could carry out the orders given him. It must be remembered that the duty of levying troops and of raising the money with which to pay them was

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left by the Athenian state largely in the hands of the generals, the money allotted from the public treasury being far from adequate. Timotheus was therefore obliged to consume much time in cruising about the Aegean gathering funds and levying men wherever he could. As a result of these delays and the machinations of his enemies he was recalled to Athens and brought to trial. He was acquitted, partly through the influence of Jason of Pherae and Alcetas of Epeirus, who had come to Athens to aid him, but he was deprived of his command. The next year he took service with the Persian king, but subsequently resumed command of the Athenian fleet, winning new distinction by his victories.

The various sums which the plaintiff declares that his father advanced to Timotheus or expended in his behalf were the following: thirteen hundred and fifty-one drachmae two obols loaned to the defendant in 374 B.C., when he was put in command of the Athenian fleet; ten minae, borrowed to repay a loan the defendant had contracted in Calauria to pay the crews of the Boeotian ships; one mina two hundred and fifty-seven drachmae for cash and two silver bowls which Timotheus borrowed when Jason and Alcetas were his guests; and seventeen hundred and fifty drachmae paid by Pasio on the defendant's order to defray the cost of the freight on some timber, a gift to the defendant from the Macedonian king Amyntas.

This speech and the one immediately following (Apollodorus against Polycles) bring to light very clearly the inherent weakness of the system of naval control in vogue at Athens. That a general should have to cruise about seeking, or exacting, funds with which to pay his men, or should have to hire himself

AGAINST TIMOTHEUS

out to a foreign power in order to keep ships and men in a condition of readiness, were certainly factors not making for efficiency, while jealousies between the generals and dilatoriness on the part of the trierarchs were almost equally ruinous in their effects. Hardly less so was the custom, adopted by some at least of those appointed as trierarchs (see Oration LI), of hiring substitutes, who would in many, if not in most, cases use their position to advance their own interests rather than to serve the state.

The date of the action in which this speech was delivered is to be put in all probability in 362 B.C., and Plutarch (*Vit. Demosth.* 15) states that Apollodorus won his case, and also that the speech was reputedly written by Demosthenes, but modern scholars have for the most part been inclined to discredit this latter opinion. The reader is referred to Schaefer, iii. pp. 137 ff., and Blass, iii. pp. 522 ff.

XLIX

ΠΡΟΣ ΤΙΜΟΘΕΟΝ ΥΠΕΡ ΧΡΕΩΣ

Μηδεὶν ὑμῶν ἄπιστον γενέσθω, ὦ ἄνδρες δικασταί, εἰ Τιμόθεος ὀφείλων ἀργύριον τῷ πατρὶ τῷ ἐμῷ, φεύγει νῦν ὑπ' ἐμοῦ ταύτην τὴν δίκην. ἀλλ' [1185] ἐπειδὴν ὑμᾶς ἀναμνήσω τὸν τε καιρὸν ἐν ᾧ τὸ συμβόλαιον ἐγένετο, καὶ τὰ συμβάντα τούτῳ ἐν ἐκείνῳ τῷ χρόνῳ, καὶ εἰς ὅσην ἀπορίαν κατέστη οὗτος, τόθ' ἠγγήσεσθε τὸν μὲν πατέρα τὸν ἐμὸν βέλτιστον γενέσθαι περὶ Τιμόθεον, τοῦτον δ' οὐ μόνον ἀχάριστον εἶναι, ἀλλὰ καὶ ἀδικώτατον πάντων ἀνθρώπων, ὃς γε τυχὼν παρὰ τοῦ πατρὸς τοῦ ἐμοῦ ὅσων ἐδεήθη καὶ λαβὼν ἀργύριον ἀπὸ τῆς τραπέζης, ἐν πολλῇ ἀπορίᾳ καὶ κινδύνοις τοῖς μεγίστοις καθεστηκώς περὶ τῆς ψυχῆς, οὐ μόνον οὐκ ἀπέδωκε χάριν, ἀλλὰ καὶ τὸ δοθὲν ἀποστερεῖ με. καίτοι σφαλέντος μὲν τούτου ἀπώλλυτο καὶ τῷ πατρὶ τῷ ἐμῷ τὸ συμβόλαιον· οὔτε γὰρ ἐπ' ἐνεχύρῳ οὔτε μετὰ μαρτύρων ἔδωκε· σωθέντος δὲ ἐπὶ τούτῳ ἐγίγνετο, ὅποτε βούλοιτο εὐπορήσας 3 ἡμῖν ἀποδοῦναι. ἀλλ' ὅμως, ὦ ἄνδρες δικασταί,

^a His treasurer, Antimachus, actually was condemned to death, and Timotheus himself was saved from a like fate only by the intercession of influential friends. See § 10.

XLIX

APOLLODORUS AGAINST TIMOTHEUS, IN THE MATTER OF A DEBT

LET no one of you think, men of the jury, that it is a thing beyond belief that Timotheus should have owed money to my father and is now being prosecuted by me in this suit. On the contrary, when I have called to your minds the occasion on which the loan was contracted and the events in which the defendant was at that time involved and the straits to which he was reduced, you will then hold that my father was most generous to Timotheus, and that the defendant is not only ungrateful, but is the most dishonest of humankind ; for he got from my father 2 all that he asked, and received from the bank money at a time when he was in great need and when he was in grievous danger of losing his life^a ; yet he has not only made no return, but even seeks to rob me of the money which was granted him. And yet, if matters had gone badly with Timotheus, my father's money, too, was lost, for he lent it without security and without witnesses : but, if the defendant got off safe, it rested with him to choose when, having the funds available, he should pay us back. But for 3 all that, men of the jury, my father did not count the

- οὐ περὶ πλείονος ἐποιήσατο ὁ πατήρ περιουσίαν χρημάτων, μᾶλλον ἢ οὐ Τιμοθέω ὑπηρετῆσαι ὧν ἐδεήθη αὐτοῦ, ἐν ἀπορίᾳ ὄντι. ὥετο μὲν οὖν, ὧ ἄνδρες δικασταί, ὁ πατήρ, εἰ σωθείη Τιμόθεος τότε ἐξ ἐκείνων τῶν κινδύνων καὶ ἀφίκοιτο οἴκαδε παρὰ βασιλέως, εὐπορωτέρου γενομένου τούτου ἢ ὡς τότε διέκειτο, οὐ μόνον τὰ ἑαυτοῦ κομιεῖσθαι, ἀλλὰ καὶ ἄλλου εἶ του δέοιτο πρὸς Τιμόθεον πράξει
 4 ὑπάρξειν αὐτῷ. ἐπειδὴ δ' οὐχ ὡς ἐκείνος ὤηθη συμβέβηκεν, ἀλλ' ἃ μετὰ χάριτος ἔλαβε Τιμόθεος ἀπὸ τῆς τραπέζης δεηθεὶς τοῦ πατρὸς τοῦ ἐμοῦ, ταῦτα δι' ἔχθρας καὶ δίκης τετελευτηκότος ἐκείνου ἐξελεγχθεὶς μὲν ὡς ὀφείλει οἶεται δεῖν ἀποδοῦναι, εἰ δὲ δύνηται ὑμᾶς πείσαι ὡς οὐκ ὀφείλει, ἐξαπα-
 [1186] τήσας τῷ λόγῳ, ἀποστερηῖσαι ἡμᾶς τῶν χρημάτων, ἀναγκαῖόν μοι δοκεῖ εἶναι ἐξ ἀρχῆς ἅπαντα διηγήσασθαι ὑμῖν, τὰ τε ὀφειλόμενα, καὶ εἰς ὃ τι ἕκαστον αὐτῶν κατεχρήσατο, καὶ τοὺς χρόνους ἐν
 5 οἷς τὸ συμβόλαιον ἐγένετο. θαυμάσῃ δὲ μηδεὶς ὑμῶν εἰ ἀκριβῶς ἴσμεν· οἱ γὰρ τραπεζῖται εἰώθασιν ὑπομνήματα γράφεσθαι ὧν τε διδόασιν χρημάτων, καὶ εἰς ὃ τι, καὶ ὧν ἂν τις τιθῇται, ἢ αὐτοῖς γνώριμα τὰ τε ληφθέντα καὶ τὰ τεθέντα πρὸς τοὺς λογισμούς.
- 6 Ἐπὶ Σωκρατίδου γὰρ ἄρχοντος Μουνιχιῶνος μηνὸς μέλλων ἐκπλεῖν τὸν ὕστερον ἐκπλουν Τιμόθεος οὐτοσί, περὶ ἀναγωγὴν ἤδη ὧν ἐν τῷ

^a After being deposed from his command of the Athenian fleet in 373 B.C., Timotheus entered the service of the king of Persia.

AGAINST TIMOTHEUS, 3-6

holding of large sums of money as important a matter as to supply Timotheus with what he needed in the time of his distress. No, my father thought, men of the jury, that, if Timotheus then got safely out of those dangers and returned home from the service of the king,^a when the defendant was in better circumstances than at the time, he would not only recover his money, but would be in a position to obtain whatever else he might wish from Timotheus. But as matters have not turned out as my father ⁴ expected, since the money which Timotheus asked of my father and gratefully received from the bank he is determined, now that my father is dead, to pay back only if forced to do so by hostile legal procedure, and by convincing proof of his indebtedness, and, if he can convince you by deceitful arguments that he is not liable, to rob us of the money—I count it necessary to inform you fully of everything from the beginning: the several loans, the purpose for which he expended each sum, and the dates at which the obligations were contracted. And let no one of you ⁵ wonder that I have accurate knowledge of these matters; for bankers are accustomed to write out memoranda of the sums which they lend, the purposes for which funds are desired, and the payments which a borrower makes, in order that his receipts and his payments may be known to them for their accounts.

It was then, in the archonship of Socratidas,^b in the ⁶ month Munichion,^c when the defendant Timotheus was about to sail on his second expedition and was already in the Peiraeus on the point of putting to sea,

^b The archonship of Socratidas fell in 374-373 B.C.

^c Munichion corresponds to the latter half of April and the prior half of May.

- Πειραιεῖ, προσδεηθεὶς ἀργυρίου, προσελθὼν τῷ πατρὶ τῷ ἐμῷ ἐν τῷ λιμένι, ἐκέλευσεν αὐτὸν χρῆσαι χιλίας τριακοσίας πεντήκοντα μίαν δὴ ὀβολῶ· τοσούτου γὰρ ἔφη προσδεῖσθαι· καὶ δοῦναι ἐκέλευσεν Ἀντιμάχῳ τῷ ταμία τῷ ἑαυτοῦ, ὃς 7 τούτῳ διώκει τότε πάντα. καὶ ὁ μὲν δανεισάμενος τὸ ἀργύριον παρὰ τοῦ πατρὸς τοῦ ἐμοῦ Τιμόθεος ἦν καὶ κελεύσας δοῦναι Ἀντιμάχῳ τῷ ταμία τῷ ἑαυτοῦ, ὁ δὲ λαβὼν τὸ ἀργύριον ἀπὸ τῆς τραπέζης παρὰ Φορμίωνος Αὐτόνομος, ὅσπερ Ἀντιμάχῳ 8 διετέλει γραμματεῦων τὸν ἅπαντα χρόνον. δοθέντος τοίνυν τοῦ ἀργυρίου, ἐγράψατο μὲν ὀφείλοντα τὸν κελεύσαντα χρῆσαι Τιμόθεον, ὑπόμνημα δ' ἐγράψατο, ᾧ τε οὗτος ἐκέλευσε δοῦναι, Ἀντιμάχῳ, καὶ ὃν ὁ Ἀντίμαχος συνέπεμψεν ἐπὶ τὴν τράπεζαν ληψόμενον τὸ ἀργύριον, τὸν Αὐτόνομον, τὰς χιλίας τριακοσίας δραχμὰς καὶ πεντήκοντα [1187] καὶ μίαν καὶ δὴ ὀβολῶ. τὸ μὲν τοίνυν πρῶτον χρέως, ὃ ἐκπλέων ἔλαβε στρατηγῶν τὸ ὕστερον, τοσούτον ὀφείλει.
- 9 Ἐπειδὴ δ' ἀπεχειροτοινήθη μὲν ὑφ' ὑμῶν στρατηγὸς διὰ τὸ μὴ περιπλεῦσαι Πελοπόννησον, ἐπὶ κρίσει δὲ παρεδέδοτο εἰς τὸν δῆμον αἰτίας τῆς μεγίστης τυχῶν, ἐφειστήκει δ' αὐτῷ Καλλίστρατος καὶ Ἰφικράτης, τῷ τε πράττειν καὶ εἰπεῖν δυνάμενοι, οὕτω δὲ διέθεσαν ὑμᾶς κατηγοροῦντες τούτου 10 τοῦ αὐτοῖ τε καὶ οἱ συναγορεύοντες αὐτοῖς, ὥστ' Ἀντίμαχον μὲν ταμίαν ὄντα καὶ πιστότατα διακείμενον τούτῳ, κρίναντες ἐν τῷ δήμῳ ἀπεκτείναντε

AGAINST TIMOTHEUS, 6-10

that, being in want of money, he came to my father in the port and urged him to lend him one thousand three hundred and fifty-one drachmae two obols, declaring that he needed that additional sum; and he bade him give the money to his treasurer Antimachus, who at that time managed everything for him. It was 7 Timotheus who borrowed the money from my father, and who bade him give it to his treasurer Antimachus, but the one who received the money from Phormio at the bank was Autonomus, who throughout all that time served as secretary to Antimachus. When, 8 therefore, the money was paid out, the bank recorded as debtor Timotheus, who had requested the loan, but made a memorandum in the name of Antimachus, to whom Timotheus had ordered the money to be paid, and also named Autonomus, whom Antimachus had sent to the bank to receive the money, the amount being one thousand three hundred and fifty-one drachmae two obols. The first loan, then, which Timotheus contracted at the time of his going to sea, when he was serving as general the second time, was for this amount.

Again, when you had removed him from his com- 9 mand as general because he failed to sail round the Peloponnesus, and he had been given over to the popular assembly for trial under a very heavy charge, when he was being prosecuted by Callistratus and Iphierates,^a men of power both in action and in speech, and they and their fellow-pleaders so influenced your minds by their accusations against him that you condemned and put to death Antimachus, 10 his treasurer and a man most devoted to him,—yes,

^a Important figures in the political life of Athens. The former was an orator, the latter one of the generals.

- καὶ τὴν οὐσίαν αὐτοῦ ἐδημεύσατε, αὐτὸν δὲ τοῦτον ἐξαιτουμένων τῶν ἐπιτηδείων καὶ οἰκείων αὐτοῦ ἀπάντων, ἔτι δὲ Ἄλκετου καὶ Ἰάσονος, συμμάχων ὄντων ὑμῖν, μόλις μὲν ἐπείσθητε ἀφεῖναι, στρατη-
 11 γοῦντα δ' αὐτὸν ἐπαύσατε,—ἐν τοιαύταις δ' ὦν διαβολαῖς καὶ ἀπορία χρημάτων πολλῇ· ἡ μὲν γὰρ οὐσία ὑπόχρεως ἦν ἅπασα, καὶ ὄροι αὐτῆς ἔστασαν, καὶ ἄλλοι ἐκράτουν· ὁ μὲν ἐν πεδίῳ ἀγρὸς ἀπο-
 τίμημα τῷ παιδὶ τῷ Εὐμηλίδου καθειστήκει, ἐξή-
 κοντα δὲ τριηράρχοις τοῖς συνεκπλεύσασιν αὐτῷ ἐπὶ μνῶν ἐκάστω ἢ ἄλλῃ οὐσία ὑπέκειτο, ἃς οὗτος αὐτοὺς στρατηγῶν ἠνάγκασε τοῖς ναύταις
 12 τροφὴν διαδοῦναι· ἐπειδὴ δ' ἀποχειροτονηθεὶς ἐν τῷ λόγῳ ἀπήνεγκεν ἐκ τῶν στρατιωτικῶν χρημά-
 των αὐτὸς δεδωκὼς εἰς τὰς ναῦς τὰς ἐπὶ μνᾶς ταύτας τότε, φοβούμενος μὴ καταμαρτυρήσωσιν αὐτοῦ οἱ τριήραρχοι καὶ ἐξελέγχῃται ψευδόμενος,
 [1188] δάνεισμα ποιεῖται ἰδία παρ' ἐκάστου αὐτῶν τὰς ἐπὶ μνᾶς καὶ ὑποτίθῃσιν αὐτοῖς τὴν οὐσίαν, ἃς νῦν αὐτοὺς ἀποστερεῖ καὶ τοὺς ὄρους ἀνέσπακε·
 13 πανταχόθεν δ' ἀπορούμενος, καὶ ἐν ἀγῶνι τῷ μεγίστῳ καθεστηκὼς περὶ τοῦ σώματος διὰ τὸ συμβεβηκέναι τῇ πόλει τοιαῦτα πράγματα, ἄμισ-
 σθον μὲν τὸ στράτευμα καταλελύσθαι ἐν Καλαυρείᾳ, πολιορκεῖσθαι δὲ τοὺς περὶ Πελοπόννησον συμ-
 μάχους ὑπὸ Λακεδαιμονίων, κατηγορούντων δὲ τοῦτον αἴτιον εἶναι τῆς παρούσης ἀτυχίας Ἰφικρά-
 τους καὶ Καλλιστράτου, ἔτι δὲ τῶν ἀφικνουμένων ἀπὸ στρατεύματος ἀπαγγελλόντων ἐν τῷ δήμῳ

^a Alcetas was king of the Molossi in Epeirus, Jason tyrant

AGAINST TIMOTHEUS, 10-13

and confiscated his property ; while Timotheus himself, thanks to the intercession of all his friends and relatives, and also of Aleetas and Jason,^a who were allies of yours, you were reluctantly induced to pardon, but you deposed him from his command ;—such were the charges under which he lay, and he was 11
in desperate need of money. For all his property had been mortgaged, pillars had been set up on it, and other people were in control. His farm in the plain had been taken over as security by the son of Eumelidas ; the rest of his property was mortgaged, for seven minae each, to the sixty trierarchs who set out on the voyage with him, which money he as admiral had forced them to distribute among their crews for maintenance. When he was deposed, he reported in the 12
account which he rendered, that he had at that time himself given those seven minae for the ships from the military fund, but, fearing lest the trierarchs should give evidence against him and he should be convicted of lying, he borrowed privately from each one of them seven minae, and gave them a mortgage on his property. Yet he is now seeking to rob them of this 13
money, and he has dug up the pillars. He was hard pressed on every side, his life was in extreme danger because of the gravity of the misfortunes which had befallen the state, the army in Calauria^b had been broken up for want of pay, the allies around Peloponnesus were being besieged by the Lacedaemonians, Iphierates and Callistratus were accusing him of being responsible for the present disaster, and, furthermore, those who came from the army were reporting before of Pherae in Thessaly. With both of these men Timotheus had formed connexions while in command of the fleet.

^b Calauria was an island off the east coast of Peloponnesus, the modern Poros.

τὴν παροῦσαν ἔνδειαν καὶ ἀπορίαν, τὰ δὲ καὶ δι' ἐπιστολῶν ἐκάστου πυνθανομένου παρὰ τῶν οἰκείων καὶ ἐπιτηδείων ὥς διέκειντο· ὧν ἀκούοντες ὑμεῖς ἐν τῷ δήμῳ τότε, ἀναμνήσθητε πῶς ἕκαστος περὶ αὐτοῦ τὴν γνώμην εἶχεν· οὐ γὰρ ἀγνοεῖτε
 14 τὰ λεγόμενα. μέλλων τοίνυν καταπλεῖν ἐπὶ τὴν κρίσιν, ἐν Καλαυρείᾳ δανείζεται χιλίας δραχμὰς παρὰ Ἀντιφάνους τοῦ Λαμπτρέως, ὃς ἐπέπλει ταμίας Φιλίππῳ τῷ ναυκλήρῳ, ἵνα διαδοίῃ τοῖς Βοιωτίοις τριηράρχοις, καὶ παραμείνωσιν ἕως ἂν αὐτῷ ἡ κρίσις γένηται, καὶ μὴ καταλυθeisῶν πρότερον τῶν Βοιωτίων τριήρων καὶ διαπελθόντων πρότερον τῶν στρατιωτῶν, μᾶλλον αὐτῷ ὀργί-
 15 ζησθε ὑμεῖς. οἱ μὲν γὰρ πολῖται ἠνείχοντο κακοπαθοῦντες καὶ παρέμενον· οἱ δὲ Βοιωτοὶ οὐκ ἔφασαν παραμενεῖν, εἰ μὴ τις αὐτοῖς τὴν καθ' [1189] ἡμέραν τροφὴν δώσοι. τότε οὖν ἀναγκαζόμενος δανείζεται τὰς χιλίας δραχμὰς παρὰ τοῦ Ἀντιφάνους, ὃς ἐπέπλει ταμιεύων τῷ Φιλίππῳ τῷ ναυκλήρῳ, καὶ δίδωσι τῷ Βοιωτῷ ἄρχοντι τῶν
 16 νεῶν. ἐπειδὴ δ' ἀφίκετο δεῦρο, ἀπήτουν αὐτὸν ὃ τε Φίλιππος καὶ ὁ Ἀντιφάνης τὰς χιλίας δραχμὰς ἃς ἔδανείσατο ἐν Καλαυρείᾳ, καὶ ἠγανάκτουν ὅτι οὐ ταχὺ ἀπελάμβανον. φοβούμενος δ' οὗτος τοὺς ἐχθροὺς τοὺς ἑαυτοῦ, μὴ πύθοντο ὅτι, ἃς ἐν τῷ λόγῳ ἀπήνεγκε χιλίας δραχμὰς δεδωκώς εἰς τὰς Βοιωτίας ναὺς ἐκ τῶν στρατιωτικῶν χρημάτων, ταύτας Φίλιππος δανείσας ἀποστερεῖται,
 17 καὶ ἅμα δεδιὼς τὸν Φίλιππον, μὴ καταμαρτυ-

AGAINST TIMOTHEUS, 13-17

the assembly the distress and need that existed, and at the same time individuals kept receiving word from their relatives and friends telling of their plight. These things you all heard in the popular assembly at that time, and you remember how each man of you felt toward him: you are not without knowledge of what people were saying. Well, then, when he was 14 on the point of sailing home for his trial, the defendant, while still in Calauria, borrowed from Antiphanes of Lamptrae,^a who sailed with Philip the shipowner as his treasurer, the sum of one thousand drachmae to distribute among the Boeotian trierarchs, that they might remain with the fleet until his trial should come off, for fear lest, if the Boeotian fleet should first be broken up and the troops scattered here and there to their homes, you might be the more incensed against him. For although our countrymen endured their 15 privations and remained at their posts, the Boeotians declared that they would not stay, unless somebody should furnish them with their daily rations. Under stress of necessity, then, at that time he borrowed the thousand drachmae from Antiphanes, who sailed with Philip, the shipowner, as his treasurer, and gave them to the admiral of the Boeotian fleet. But when he 16 got back to Athens, both Philip and Antiphanes demanded of him the thousand drachmae which he had borrowed in Calauria, and were angry at not receiving their money at once. Timotheus, then, fearing that his enemies might learn that the thousand drachmae, which in his report he stated he had paid for the Boeotian fleet out of the military fund, had in fact been lent by Philip, who could not get them back, and fearing also that Philip might give testimony 17

^a Lamptrae was a deme of the tribe Eretheis.

ροίῃ αὐτοῦ ἐν τῷ ἀγῶνι, προσελθὼν τῷ πατρὶ τῷ ἐμῷ ἐδεήθη ἀπαλλάξαι τὸν Φίλιππον καὶ χρῆσαι αὐτῷ τὰς χιλίας δραχμὰς, ἵν' ἀποδοίῃ Φιλίππῳ. ὁρῶν δ' ὁ πατήρ ὁ ἐμὸς τό τε μέγεθος τοῦ ἀγῶνος ἡλίκον ἦν τούτῳ, καὶ ὡς ἡπορεῖτο οὗτος, καὶ ἐλεῶν αὐτόν, προσαγαγὼν πρὸς τὴν τράπεζαν ἐκέλευσεν ἀποδοῦναι Φιλίππῳ χιλίας δραχμὰς τὸν Φορμίωνα τὸν ἐπικαθήμενον ἐπὶ τῇ τραπέζῃ, καὶ γράψασθαι ὀφείλοντα Τιμόθεον.

- 18 Καὶ ταῦθ' ὅτι ἀληθὴ ἐστὶ, τὸν δόντα τὸ ἀργύριον Φορμίωνα ὑμῖν μάρτυρα παρέξομαι, ἐπειδὰν καὶ περὶ τοῦ ἄλλου συμβολαίου διηγῆσωμαι ὑμῖν, ἵνα τῇ αὐτῇ μαρτυρία περὶ ὅλου τοῦ χρέως ἀκούσαντες, εἰδῇτε ὅτι ἀληθὴ λέγω. καλῶ δ' ὑμῖν καὶ τὸν Ἀντιφάνην τὸν δανείσαντα τὸ ἀργύριον τούτῳ, τὰς χιλίας δραχμὰς ἐν Καλαυρείᾳ, καὶ παρόντα ὅτε ἀπέλαβε Φίλιππος τὸ ἀργύριον παρὰ τοῦ
- [1190] 19 πατρὸς τοῦ ἐμοῦ ἐνθάδε. τοῦ μὲν γὰρ μαρτυρίαν με ἐμβαλέσθαι πρὸς τὸν διαιτητὴν παρεκρούσατο, φάσκων αἰεὶ μοι μαρτυρήσειν εἰς τὴν κυρίαν¹. ἐπειδὴ δ' ἡ δίαίτα ἦν, προσκληθεὶς ἀπὸ τῆς οἰκίας (οὐ γὰρ ἦν φανερός), ἔλιπε τὴν μαρτυρίαν πεισθεὶς ὑπὸ τούτου. τιθέντος δέ μου αὐτῷ τὴν δραχμὴν τοῦ λιπομαρτυρίου κατὰ τὸν νόμον, ὁ διαιτητὴς οὐ κατεδιήτα, ἀλλ' ἀπιὼν ὥχετο ἀποδιδαιτήσας τούτου τὴν δίαιταν, ἐσπέρας ἤδη
- 20 οὔσης. νυνὶ δὲ τῷ Ἀντιφάνει εἴληχα βλάβης ἰδίαν δίκην, ὅτι μοι οὐτ' ἐμαρτύρησεν οὐτ' ἐξωμόσατο κατὰ τὸν νόμον. καὶ ἀξιῶ αὐτὸν ἀναβάντα εἰπεῖν

¹ After κυρίαν the mss. add ἀπόφασιν, which was deleted by Herwerden.

AGAINST TIMOTHEUS, 17-20

against him at his trial, came to my father and begged him to settle with Philip, and to lend him the thousand drachmae to pay Philip. And my father, seeing the seriousness of the trial in which the defendant was involved, and in what plight he was, felt pity for him, and, taking him to the bank, bade Phormio, who was cashier, to pay Philip the thousand drachmae, and to enter on the books Timotheus as owing that amount.

To prove that these statements are true, I shall 18
bring forward Phormio, who paid the money, as a witness, as soon as I shall have explained to you the other loan, in order that, being informed through the same deposition about the whole of the debt, you may know that I am speaking the truth. I shall also call before you Antiphanes, who lent the sum of one thousand drachmae to the defendant in Calauria, and who was present when Philip received payment of the money from my father here in Athens. That I did not put the deposition in the box before 19
the arbitrator was due to a trick of Antiphanes, who kept saying that he would give evidence for me on the day set for the decision; but when the hearing was in progress before the arbitrator, although he was summoned from his house (for he was nowhere to be seen), he was persuaded by Timotheus to fail to appear as a witness. On my depositing a drachma in his name on a charge of failing to appear, as the law prescribes, the arbitrator did not make an award against the defendant, but decided in his favour, and then went off, for it was already late. Now, however, 20
I have entered suit on my own account for damages against Antiphanes because he neither gave testimony for me, nor asked under oath for a postponement, as the law provides. And I demand of him that he get

- ἐναντίον ὑμῶν διομοσάμενον, πρῶτον μὲν εἰ ἐδά-
 νεισεν Τιμοθέω ἐν Καλαυρείᾳ χιλίας δραχμάς,
 δεύτερον δ' εἰ παρὰ τοῦ πατρὸς Φίλιππος ἀπέλαβεν
 21 ἐνθάδε τοῦτο τὸ ἀργύριον. σχεδὸν μὲν οὖν καὶ
 αὐτὸς οὗτος ὁμολόγει πρὸς τῷ διαιτητῇ, ἀποδοῦναι
 τῷ Φιλίππῳ τὸν πατέρα τὸν ἐμὸν τὰς χιλίας
 δραχμάς, οὐ μέντοι αὐτῷ γέ φησι δανεῖσαι, ἀλλὰ
 τῷ Βοιωτίῳ ναυάρχῳ, καὶ ὑποθεῖναί φησιν αὐτὸν
 τούτου τοῦ ἀργυρίου χαλκόν. ὥς δ' οὐκ ἀληθῆ
 ἔλεγεν, ἀλλ' αὐτὸς δανεισάμενος ἀποστερεῖ, ἐγὼ
 ὑμᾶς διδάξω, ἐπειδὰν καὶ περὶ τῶν ἄλλων ὧν
 ὀφείλει καθ' ἕκαστον ὑμῖν διηγῆσμαι.
- 22 Ἀφικομένου γὰρ Ἀλκέτου καὶ Ἰάσονος ὥς τοῦ-
 τον ἐν τῷ Μαιμακτηριῶνι μηνὶ τῷ ἐπ' Ἀστείου
 ἄρχοντος ἐπὶ τὸν ἀγῶνα τὸν τούτου, βοηθησόντων
 αὐτῷ, καὶ καταγομένων εἰς τὴν οἰκίαν τὴν ἐν
 Πειραιεὶ τὴν ἐν τῇ Ἱπποδαμείᾳ ἐσπέρας ἤδη οὔσης,
 ἀπορούμενος ὑποδέξασθαι αὐτούς, πέμψας ὥς τὸν
 πατέρα τὸν ἐμὸν Αἰσχρίωνα τὸν ἀκόλουθον τὸν
 [1191] αὐτοῦ, ἐκέλευσεν αἰτήσασθαι στρώματα καὶ ἱμάτια
 καὶ φιάλας ἀργυρᾶς δύο, καὶ μνᾶν ἀργυρίου δανεί-
 23 σασθαι. ἀκούσας δ' ὁ πατήρ ὁ ἐμὸς τοῦ Αἰσχρίω-
 νος τοῦ ἀκολούθου τοῦ τούτου τοὺς τε ἀφιγμένους
 καὶ τὴν χρεῖαν εἰς ἣν ᾔτείτο, ἐφ' ἧς ἦλθεν ἔχρησε,
 καὶ τὴν μνᾶν τοῦ ἀργυρίου, ἣν ἐδανείζετο, ἐδά-
 νεισεν. ἀπολελυμένῳ τοίνυν τῆς αἰτίας, πολλῇ
 συνέβαινεν αὐτῷ μετὰ ταῦτα χρημάτων ἀπορία,
 εἰς τε τὰς ἰδίας χρεῖας καὶ εἰς τὰς δημοσίας
 εἰσφοράς, ἃ ὁρῶν ὁ πατήρ ὁ ἐμὸς οὐκ ἐτόλμα τοῦ-

^a Maimacterion corresponds to the latter half of November and the prior half of December.

AGAINST TIMOTHEUS, 20-23

up and state under oath before you, first, whether he lent Timotheus a thousand drachmae in Calaureia, and secondly, whether Philip received here payment of that sum from my father. The defendant himself 21 practically admitted before the arbitrator that my father paid Philip the thousand drachmae; but he declared that it was not to him (Timotheus) that my father lent the money, but to the Boeotian admiral, who, he alleges, gave some copper as security for the sum. However, that in this he was not stating the truth, but that he borrowed the money himself and is seeking to avoid payment, I shall prove to you, when I shall have informed you in detail regarding his other debts also.

In the month Maimacterion,^a in the archonship of 22 Asteius,^b Alcetas and Jason came to visit Timotheus to be present at his trial and give him their support, and they arrived at his house in Peiraeus in the Hippodameia ^c when it was already evening. Being at a loss how to entertain them, he sent his body-servant Aeschrion to my father and bade him ask for the loan of some bedding and cloaks and two silver bowls, and to borrow a mina of silver. And my father, 23 hearing from Aeschrion, the body-servant of the defendant, that they had arrived and the urgent need for which the request was made, both supplied the objects for which the slave had come and lent the mina of silver which he asked to borrow. Well, when he had been acquitted of the charge, the defendant found himself in sore straits for money to pay his private debts and the taxes to the state, and my father, seeing this, did not venture to demand repay-

^b The archonship of Asteius falls in 373-372 B.C.

^c This was an agora built by the architect Hippodamus.

- 24 τον εὐθύς ἀπαιτεῖν τὸ ἀργύριον· οὔτε γὰρ ἂν τοῦτον εὐπορήσανθ' ἡγεῖτο ἀδικῆσαι αὐτόν, οὔτ' ἂν αὐτὸς ἀποροῦντα τοῦτον ἔχειν ὁπόθεν εἰσπράξειεν. ἐπειδὴ τοίνυν ἀπῆλθον ὃ τε Ἀλκέτας καὶ ὁ Ἰάσων, τὰ μὲν στρώματα καὶ τὰ ἱμάτια πάλιν ἀπήνεγκεν ὁ Αἰσχυρίων ὁ ἀκόλουθος ὁ τούτου, τὰς δὲ φιάλας τὰς δύο οὐκ ἀπήνεγκεν, ἃς ἡτήσατο ὅτεπερ καὶ τὰ στρώματα καὶ τὴν μνᾶν τοῦ ἀργυρίου ἐδανείσατο, ἀφικομένων ὡς τοῦτον Ἀλκέτου καὶ Ἰάσονος.
- 25 Μέλλων τοίνυν ἀποδημεῖν ὡς βασιλέα, καὶ διαπραξάμενος ἐκπλεῦσαι ὡς βασιλεῖ στρατηγῆσων τὸν ἐπ' Αἴγυπτον πόλεμον, ἵνα μὴ δῶ λόγον καὶ εὐθύνας τῆς ἐνθάδε στρατηγίας, μεταπεμφάμενος τὸν πατέρα τὸν ἐμὸν εἰς τὸ Παράλιον, τῶν τε
- 26 προϋπηργμένων εἰς αὐτὸν ἐπῆναι, καὶ ἐδεῖτο αὐτοῦ συστήσας Φιλῶνδαν, ἄνδρα τὸ μὲν γένος Μεγαρέα, μετοικοῦντα δ' Ἀθήνησι, πιστῶς δὲ τούτῳ διακείμενον καὶ ὑπηρετοῦντα ἐν ἐκείνῳ τῷ χρόνῳ,
- [1192] ἐπειδὰν ἀφίκηται ἐκ Μακεδονίας ὁ Φιλῶνδας, ὃν συνίστη οὗτος τῷ πατρὶ τῷ ἐμῷ, ἄγων ξύλα τὰ δοθέντα τούτῳ ὑπὸ Ἀμύντου, τὸ ναῦλον τῶν ξύλων παρασχεῖν καὶ ἐᾶσαι ἀνακομίσαι τὰ ξύλα εἰς τὴν οἰκίαν τὴν ἑαυτοῦ τὴν ἐν Πειραιεῖ· αὐτοῦ
- 27 γὰρ εἶναι τὰ ξύλα. ἅμα τε τῇ δεήσει εἶπε λόγον, ᾧ οὐκ ἀκόλουθα ποιεῖ τὰ ἔργα νυνί· ἔφη γάρ, κἂν μὴ τύχη ὦν ἐδεῖτο τοῦ πατρός, οὐκ ὀργισθήσεσθαι ὥσπερ ἂν ἄλλος τις ἀποτυχών, ἀλλ' ὦν αὐτῷ

^a The monument in the Peiraeus of the Attic hero Paralus.

^b Amyntas was king of Macedonia.

ment of the money at once : for, while he did not 24
think that Timotheus would defraud him when he had
the means to pay, he did not himself see any way
to exact payment from him when he was without
means. So, after the departure of Alcetas and Jason,
Aesehrion, the defendant's body-servant, brought
back the bedding and the cloaks, but he did not
return the two bowls, for which he had asked at the
time he borrowed the bedding and the mina of silver,
when Alcetas and Jason arrived at the defendant's
house.

Then, when he was about to leave the country to 25
take service with the king, and had arranged to sail
as the king's general to carry on the Egyptian war,
in order that he might not have to submit an account
and vouchers for his military administration here, he
sent for my father to come to the Paralion,^a thanked
him for his former services to him, and, introducing 26
to him Philondas, a Megarian by birth, but one who
resided as an alien at Athens,—a man who at that
time was loyally devoted to the defendant and was
employed in his service—he begged my father, that
when Philondas (whom he then introduced to him)
should come back from Macedonia bringing some
timber, which had been given to the defendant by
Amyntas,^b he would supply him with money for the
freight of the timber, and let him deliver the timber
to the defendant's house in Peiraeus ; for he declared
the timber belonged to him. At the same time in 27
preferring this request, he made statements which
are quite inconsistent with his present actions. For
he said that even if he should not obtain what he
asked of my father, he would not be angry, as another
might who failed to obtain what he wanted, but

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δεηθέντι ὑπηρέτηκε, τούτων, ἂν ποτε δύνηται, χάριν ἀποδώσειν. ἀκούσας δ' ὁ πατήρ ὁ ἐμὸς ταῦτα, ἥσθη τε τοῖς λόγοις, καὶ ἐπῆνει τοῦτον ὅτι μέμνηται εὖ παθῶν, καὶ ὅσα αὐτοῦ ἐδεῖτο ὑπέσχετο ποιήσειν.

- 28 Καὶ οὗτος μὲν μετὰ ταῦτα τὴν ἀναγωγὴν ἐποιεῖτο ὡς τοὺς στρατηγοὺς τοὺς βασιλέως, ὁ δὲ Φιλῶνδας, ᾧ συνέστησε τὸν πατέρα τὸν ἐμόν, ἐπειδὰν ἀφίκηται ἄγων τὰ ξύλα, τὸ ναῦλον παρασχεῖν, εἰς τὴν Μακεδονίαν τὴν πορείαν ἐποιεῖτο. καὶ οὗτοι οἱ χρόνοι ἦσαν περὶ Θαρρηλιῶνα μῆνα
- 29 ἐπ' Ἀστέιου ἀρχοντος. τῷ δ' ὑστέρω ἔτει ἀφικομένου τοῦ Φιλῶνδος ἐκ τῆς Μακεδονίας ἄγοντος τὰ ξύλα, ἀποδημοῦντος τούτου παρὰ βασιλεῖ, καὶ προσελθόντος τῷ πατρὶ τῷ ἐμῷ καὶ κελεύοντος τὸ ναῦλον τῶν ξύλων παρασχεῖν, ἵνα διαλύσῃ τὸν ναύκληρον, καθάπερ οὗτος ἐδεήθη ὅτε ἐξέπλει τοῦ πατρὸς καὶ συνέστησε τὸν Φιλῶνδαν, προσαγαγὼν πρὸς τὴν τράπεζαν ὁ πατήρ, ἐκέλευσε δοῦναι τὸν Φορμίωνα τὸ ναῦλον τῶν ξύλων, χιλίας ἑπτακοσίας
- 30 πεντήκοντα. καὶ ἡρίθμησε τὸ ἀργύριον ὁ Φορμίων·
- [1193] καὶ ἐγράψατο μὲν ὀφείλοντα Τιμόθεον (οὗτος γὰρ ἦν ὁ δεηθεὶς τοῦ πατρὸς παρασχεῖν τὸ ναῦλον τῶν ξύλων, καὶ τούτου ἦν)· ὑπόμνημα δ' ἀπεγράψατο τὴν τε χρεῖαν εἰς ἣν ἐλήφθη τὸ ἀργύριον καὶ τὸ ὄνομα τοῦ λαβόντος. καὶ οὗτος ὁ χρόνος ἦν Ἀλκισθένους ἀρχοντος, ὁ ὕστερος ἐνιαυτὸς ἢ οὗτος
- 31 ἀνῆγγετο ὡς βασιλέα. ὑπὸ δὲ τὸν αὐτὸν χρόνον τοῦτον καὶ Τιμοσθένης ὁ Αἰγυλιεὺς ἀφικνεῖται,

^a Thargelion corresponds to the latter half of May and the prior half of June.

^b The archonship of Alcisthenes falls in 372-371 B.C.

would show his gratitude, if he should ever find himself able to do so, for the services which my father had rendered him at his request. On hearing this my father was pleased at his words and commended him for remembering the favours shown him, and promised to do all that he asked.

Timotheus, then, after this set sail to join the 28 king's generals, but Philondas, to whom he had presented my father as one who would pay the freight, when he should come back with the timber, set out on his journey to Macedonia. The time was about the month Thargelion,^a in the archonship of Asteius. In the following year Philondas 29 came back from Macedonia, bringing the timber, while Timotheus was absent in the king's service. He approached my father and asked him to furnish the freight for the timber, in order that he might settle with the shipowner, as Timotheus had begged my father to do, when he was about to sail and had introduced Philondas to him. So my father took him to the bank and ordered Phormio to pay him the freight of the timber, one thousand seven hundred and fifty drachmae. And Phormio counted out the 30 money, and set down Timotheus as owing it (for it was he who had asked my father to furnish the freight for the timber, and the timber was his), and he wrote a memorandum of the purpose for which the money was received, and the name of the person who received it. The date of the transaction was the archonship of Alcisthenes,^b the year after Timotheus set sail to take service with the king. About the same time 31 Timosthenes of Aegilia^c also arrived home from a journey abroad which he had made on private

^c Aegilia was a deme of the tribe Antiochis.

- κατ' ἐμπορίαν ἰδίαν ἀποδημῶν. ἐπιτήδειος δὲ ὢν
 Φορμίωνι καὶ κοινωνὸς ὁ Τιμοσθένης, ὅτ' ἐξέπλει,
 δίδωσιν ἀποθεῖναι τῷ Φορμίωνι μετ' ἄλλων χρη-
 μάτων καὶ φιάλας λυκιουργεῖς δύο. ἀπὸ τύχης δ'
 ὁ παῖς ταύτας τὰς φιάλας, οὐκ εἰδὼς ὅτι ἀλλότριαι
 ἦσαν, δίδωσι τῷ Αἰσχυρίωνι τῷ ἀκολουθῶ τῷ
 τούτου, ὅτ' ἐπέμφθη ὡς τὸν πατέρα τὸν ἐμὸν ὑπὸ
 τούτου, καὶ ἡτέϊτο τὰ στρώματα καὶ τὰ ἱμάτια καὶ
 τὰς φιάλας, καὶ τὴν μνᾶν τοῦ ἀργυρίου ἐδανείσατο,
 ἀφικομένων ὡς τοῦτον Ἀλκέτου καὶ Ἰάσονος.
- 32 ἀπαιτοῦντος δὲ τοῦ Τιμοσθέους τὰς φιάλας τὸν
 Φορμίωνα, ἐπειδὴ ἦκεν, ἀποδημοῦντος Τιμοθέου
 παρὰ βασιλεῖ, πείθει αὐτὸν ὁ πατήρ ὁ ἐμὸς τιμὴν
 ἀπολαβεῖν τῶν φιαλῶν, ὅσον ἦγον αἱ φιάλαι, δια-
 κοσίας τριάκοντα ἐπτά. καὶ τῷ μὲν Τιμοσθέει
 τιμὴν ἀπέδωκε τῶν φιαλῶν, τοῦτον δ' ἐγράψατο
 αὐτῷ ὀφείλοντα, πρὸς τὸ ἄλλο χρέως ὃ οὗτος αὐτῷ
 ὤφειλεν, ὃ ἀπέτεισεν τῷ Τιμοσθέει τῶν φιαλῶν.
- 33 Καὶ ταῦτα πάνθ' ὅτι ἀληθῆ λέγω, τούτων ὑμῖν
 ἀναγνώσεται τὰς μαρτυρίας, πρῶτον μὲν τῶν
 δόντων τὸ ἀργύριον οἷς οὗτος ἐκέλευσεν ἀπὸ τῆς
 τραπέζης καὶ ἐπικαθημένων τότε, ἔπειτα τοῦ ἀπο-
 λαβόντος τὴν τιμὴν τῶν φιαλῶν.

ΜΑΡΤΥΡΙΑΙ

- [1194] Ὅτι μὲν τοίνυν οὐ ψεύδομαι πρὸς ὑμᾶς περὶ ὧν
 εἶπον, τῶν μαρτυριῶν ἀναγιγνωσκομένων ἀκηκόατε.
 ὅτι δέ μοι καὶ αὐτὸς οὗτος ὡμολόγει τὰ ξύλα τὰ
 κομισθέντα ὑπὸ Φιλώνδου εἰς τὴν οἰκίαν τὴν
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AGAINST TIMOTHEUS, 31-33

business. Timosthenes was a friend and partner of Phormio, and when he set sail he had given to Phormio to put away for him along with other articles two bowls of Lycian workmanship. By chance the boy, not knowing that these bowls were the property of someone else, gave them to Aeschrion, the body-servant of the defendant, when he was sent to my father by Timotheus and requested the bedding and the cloaks and the bowls, and borrowed the mina of silver at the time when Alcetas and Jason came to the defendant's house. When Timosthenes reached 32 home and asked for the return of the bowls, Timotheus being still abroad in the king's service, my father persuaded him to accept the value of the bowls, as much as they were worth by weight, namely two hundred and thirty-seven drachmae. So he paid to Timosthenes the value of the bowls and entered on his books the defendant as owing what he paid to Timosthenes for the bowls in addition to the rest of the debt which the defendant owed him.

To prove that all these statements of mine are true 33 the clerk shall read you the depositions which bear upon them : first, that of those who were at that time clerks in the bank and paid the money from its funds to the persons to whom Timotheus bade them pay it, and then that of the man who received the price of the bowls.

THE DEPOSITIONS

You have learned, then, from the depositions which have just been read, that I am telling you nothing but the truth regarding the matters which I mentioned. And that the defendant himself admits that the timber brought by Philondas was delivered

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ἑαυτοῦ ἀνακομισθῆναι τὴν ἐν Πειραιεῖ, τούτων
ὑμῖν ἀναγνώσεται τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ

- 34 Ὡς μὲν τοίνυν τούτου ἦν τὰ ξύλα ἃ ἤγαγεν ὁ
Φιλώνδας, αὐτός μοι μεμαρτύρηκεν· ὡμολόγει γὰρ
αὐτὰ πρὸς τῷ διαιτητῇ ἀνακομισθῆναι εἰς τὴν
οἰκίαν τὴν ἑαυτοῦ τὴν ἐν Πειραιεῖ, ὡς μεμαρ-
τύρηται ὑμῖν ὑπὸ τῶν ἀκουόντων. ἔτι δὲ καὶ ἐκ
τεκμηρίων πειράσομαι ἐγὼ ὑμᾶς διδάξαι ὅτι ἀληθῆ
35 λέγω. οἴεσθε γάρ, ὦ ἄνδρες δικασταί, τὸν πατέρα
τὸν ἐμόν, εἰ μὴ Τιμοθέου ἦν τὰ ξύλα καὶ ἐδεήθη
οὗτος αὐτοῦ συστήσας τὸν Φιλώνδαν, ὅτε ἀνήγετο
ὡς τοὺς στρατηγοὺς τοὺς βασιλέως, παρασχεῖν τὸ
ναῦλον, εἶσαι ἂν ποτε ὑποκειμένων αὐτῷ τῶν
ξύλων τοῦ ναύλου ἀνακομίσαι τὸν Φιλώνδαν τὰ
ξύλα ἐκ τοῦ λιμένος, ἀλλ' οὐκ ἂν παρακαταστή-
σαντά τινα τῶν οἰκετῶν φυλάττειν καὶ τιμὴν λαμ-
βάνειν πωλουμένων τῶν ξύλων, ἕως ἐκομίσατο
τὰ ἑαυτοῦ, εἴπερ Φιλώνδου ἦν τὰ ξύλα καὶ ἐμπορίας
36 ἕνεκ' ἤχθη; ἔπειτα πρὸς τούτοις τίνι ὑμῶν εἰκὸς
δοκεῖ εἶναι, μὴ κελεύσαντος τούτου τὸ ναῦλον
παρασχεῖν τῶν ξύλων τῶν δοθέντων τούτῳ ὑπὸ
Ἀμύντου, πιστεῦσαι τὸν πατέρα τὸν ἐμόν Φιλώνδα
καὶ εἶσαι ἀνακομίσαι τὰ ξύλα εἰς τὴν οἰκίαν τὴν
τούτου; ἢ πῶς οἷόν τ' ἐστί, τὸν μὲν Φιλώνδαν
ἐμπορίας ἕνεκ' ἀγαγεῖν τὰ ξύλα, ὡς οὗτός φησι,
[1195] καταχρήσασθαι δὲ τοῦτον ἥκοντ' εἰς τὴν οἰκοδομίαν
37 τὴν αὐτοῦ τοῖς ξύλοις τούτοις; σκέψασθε δὲ

AGAINST TIMOTHEUS, 33-37

to his house in the Peiraeus,—this, too, is proved by the deposition which will be read to you.

THE DEPOSITION

That the timber, then, which Philondas brought 34 was the property of the defendant I have his own testimony to prove : for he admitted before the arbitrator that it was delivered to his house in Peiraeus, as those who heard him have testified. But besides this I shall try to prove to you by circumstantial evidence that I am telling the truth. For do you 35 suppose, men of the jury, that, if the timber had not been the property of Timotheus, and if he had not begged my father—at the time he introduced Philondas to him, when he was about to set sail to join the king's generals—to provide the freight, my father would ever have allowed Philondas to carry the timber away from the harbour, seeing that it was pledged as security to him for the freight, and would not rather have set one of his servants to keep watch and to receive the price as the timber was sold, until he had recovered his money, if we suppose that the timber was the property of Philondas and was brought in for the sake of trade? Then, besides this, does it seem to any- 36 one likely, that if Timotheus had not bidden my father to supply the freight for the timber given to him by Amyntas, my father would have trusted Philondas, and have suffered him to deliver the timber to the defendant's house? Or, how is it possible that Philondas, as is stated by the defendant, brought in the timber for the sake of trade, and yet that the defendant on his return used this timber for the building of his house? And observe this also. 37

κακεῖνο, ὅτι πολλοὶ καὶ χρηστοὶ τῶν πολιτῶν
 οἰκεῖοι ὄντες τούτῳ ἐπεμέλοντο τῶν τούτου, ἀπο-
 δημούντος παρὰ βασιλεῖ Τιμοθέου· ὦν οὐδείς
 τετόλμηκε μαρτυρῆσαι τούτῳ, ἢ ὡς οὐκ ἔλαβεν ὁ
 Φιλῶνδας τὸ ναῦλον τῶν ξύλων ἀπὸ τῆς τραπέζης,
 ἢ ὡς λαβὼν ἀπέδωκεν, οὐδ' αὖ ὡς αὐτῶν τις
 διέλυσε τὸ ναῦλον ὑπὲρ τῶν ξύλων ὦν ἤγαγεν ὁ
 Φιλῶνδας, δοθέντων τούτῳ παρ' Ἀμύντου· ἡγοῦν-
 ται γὰρ περὶ πλείονος αὐτοῖς εἶναι καλοὶ κάγαθοὶ
 δοκεῖν εἶναι, μᾶλλον ἢ Τιμοθέῳ χαρίσασθαι τὰ
 38 ψευδῇ μαρτυροῦντες. οὐ μέντοι οὐδὲ τούτου γ'
 ἔφασαν καταμαρτυρῆσαι ἂν τάληθῇ· οἰκεῖον γὰρ
 αὐτοῖς εἶναι. ὅπου τοίνυν μηδεὶς τετόλμηκε τῶν
 οἰκεῖων τούτῳ μαρτυρῆσαι καὶ ἐπιμελομένων τῶν
 τούτου, ὅτε ἀπεδήμει οὗτος παρὰ βασιλεῖ, ἢ ὡς
 οὐκ ἔλαβεν ὁ Φιλῶνδας τὸ ναῦλον τῶν ξύλων ἀπὸ
 τῆς τραπέζης, ἢ ὡς αὐτῶν τις διέλυσε, πῶς οὐκ
 39 εἰκὸς ἐστὶν ὑμᾶς ἡγεῖσθαι με τάληθῇ λέγειν; καὶ
 μὴν οὐδ' ἐκεῖνό γε εἰπεῖν¹ τολμήσει, ὡς ἄλλος τις
 διέλυσε τὸ ναῦλον ὑπὲρ τῶν ξύλων ὦν ἤγαγεν ὁ
 Φιλῶνδας, ἢ ὁ πατήρ ὁ ἐμός. εἰ δὲ καταχρῆται
 τῷ λόγῳ, ἀξιοῦτε αὐτὸν καὶ τὴν μαρτυρίαν παρα-
 σχέσθαι ὑμῖν τοῦ ἀποδόντος τὸ ναῦλον ὑπὲρ τῶν
 ξύλων. αὐτὸς μὲν γὰρ ὁμολογεῖται ἀποδημεῖν
 παρὰ βασιλεῖ, τὸν δὲ Φιλῶνδαν, ὃν ἔπεμψεν ἐπὶ
 τὰ ξύλα καὶ συνέστησε τῷ πατρὶ τῷ ἐμῷ, τεθνη-
 40 κότα κατέλαβες ἥκων παρὰ βασιλέως. ἀναγκαῖον
 δὴ τῶν ἄλλων οἰκεῖων καὶ ἐπιτηδεύων, οὓς κατέλιπες
 ἀποδημεῖν μέλλων συνεπιμελεῖσθαι τῶν σαυτοῦ,
 [1196] εἰδέναι τινὰ ὅθεν τὸ ναῦλον τῶν ξύλων πορίσας ὁ

¹ εἰπεῖν, omitted in the mss., was added by Hirschliig.

that many worthy citizens were friends of the defendant and looked after his affairs while Timotheus was abroad in the service of the king, and yet not one of these has dared to testify on his behalf either that Philondas did not receive from the bank the freight of the timber, or that, having received it, he paid it back ; or, again, that any one of them settled for the freight of the timber which Philondas brought and which had been given to the defendant by Amyntas. For they deem it a matter of higher import to themselves to preserve their character as worthy and honourable men than to do a favour to Timotheus by giving false testimony. But they declared that they 38 would not testify to the truth against him : for they said he was their friend. Since, then, no one of those who are his friends, and who looked after his affairs when he was abroad in the service of the king, has ventured to testify either that Philondas did not receive from the bank the freight for the timber, or that any one of them paid it, is it not reasonable that you should believe that I am speaking the truth ? Surely 39 he will not venture to say this, that anyone other than my father paid the freight for the timber which Philondas brought. If he does insist upon this argument, demand of him that he produce before you the deposition of the person who paid the freight for the timber. For it is admitted that he was himself abroad in the king's service, and as for Philondas, whom he sent to fetch the timber and whom he introduced to my father—you found on your return from the king's service, Timotheus, that he was dead. It must be, then, that some other of your relatives 40 and friends, whom you left to look after your affairs when you were about to go abroad, knows from what

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Φιλώνδας τῷ ναυκλήρῳ διέλυσεν, εἰ μὴ φῆς τὸν
 πατέρα τὸν ἐμὸν συστήσαι αὐτῷ, μηδὲ λαβεῖν τὸν
 Φιλώνδαν παρὰ τοῦ πατρὸς τοῦ ἐμοῦ τὸ ναῦλον
 41 τῶν ξύλων. μαρτυρίαν τοίνυν οὐδενὸς ἔχεις παρα-
 σχέσθαι τῶν οἰκείων τῶν σαυτοῦ, ὥς οὐκ ἐλήφθη
 σοῦ ἀποδημοῦντος τὸ ναῦλον τῶν ξύλων ἀπὸ τῆς
 τραπέζης, ἀλλὰ δυοῖν θάτερον, ἢ οὐδενὶ χρῆ τῶν
 οἰκείων οὐδὲ πιστεύεις τῶν σαυτοῦ οὐδενί, ἢ εἰδὼς
 ἀκριβῶς τὸν Φιλώνδαν λαβόντα τὸ ναῦλον τῶν
 ξύλων παρὰ τοῦ πατρὸς τοῦ ἐμοῦ, ὥπερ αὐτὸν
 συνέστησας ὅτε ἐξέπλεις, οἷοι δεῖν ἀποστερήσας
 42 ἡμᾶς, ἐὰν δύνῃ, πλεονεκτεῖν. ἐγὼ τοίνυν, ὦ ἄνδρες
 δικασταί, πρὸς τῇ μαρτυρίᾳ, ἣ παρέσχημαι ὑμῖν
 μαρτυροῦντας τοὺς δόντας τὸ ἀργύριον οἷς οὗτος
 ἐκέλευσε καὶ καθημένους ἐπὶ τῇ τραπέζῃ τότε,
 καὶ πίστιν ἠθέλησα Τιμοθέῳ ἐπιθεῖναι, ἣν ἀναγνώ-
 σεται ὑμῖν.

ΟΡΚΟΣ

Οὐ τοίνυν, ὦ ἄνδρες δικασταί, γράψας μοι ὁ
 πατήρ κατέλιπε τὰ χρέα μόνον, ἀλλὰ καὶ ἔλεγεν
 ἀρρωστών ἃ τ' ὀφείλοιτο αὐτῷ ἕκαστον, καὶ παρ'
 ὧ, καὶ εἰς ὃ τι ἐλήφθη τὸ ἀργύριον, καὶ τῷ ἀδελφῷ
 τῷ ἐμῷ.

Καὶ ὥς ταῦτ' ἀληθῇ λέγω, ἀνάγνωθί μοι τὴν
 μαρτυρίαν τοῦ ἀδελφοῦ.

ΜΑΡΤΥΡΙΑ

43 Ὡς μὲν τοίνυν κατελείφθη ὀφείλων Τιμόθεος
 400

AGAINST TIMOTHEUS, 40-43

source Philondas got the freight for the timber and paid the shipowner, if you deny that you introduced my father to Philondas, or that Philondas got the freight for the timber from my father. However, 41 you cannot produce a deposition from any of your friends to prove that the freight for the timber was not received from the bank, while you were abroad ; therefore one or the other of two things follows : either you are on good terms with no one of your friends and have no confidence in any of your connexions, or else, though knowing well that Philondas did receive the freight for the timber from my father, to whom you introduced him when you were about to set out on your voyage, you see fit to rob us, if you can, and enrich yourself. On my part, men of 42 the jury, in addition to the deposition which I have produced before you of those who at the time were serving as clerks in the bank and who paid the money to the persons to whom Timotheus bade them pay it, I was ready also to confirm my statements by an oath, which the clerk will read to you.

THE OATH

Now, men of the jury, my father not only wrote out and left to me a record of his credits, but also during his illness told me of each particular debt that was due to him, the person in whose possession the money was, and the purpose for which it was received ; and he made these statements to my brother also.

To prove that I am speaking the truth in this. (*to the clerk*) read, please, the deposition of my brother.

THE DEPOSITION

Well then, that Timotheus was left by my father 43

DEMOSTHENES

ἡμῖν τὸ ἀργύριον ὑπὸ τοῦ πατρός, οὗ δικάζομαι
 αὐτῷ, καὶ γίγνεται ἐμὸν τὸ μέρος, ὃ τε ἀδελφός
 μοι μεμαρτύρηκε καὶ ὁ Φορμίων ὁ δούς τὸ ἀργύριον,
 [1197] καὶ γὰρ τούτων πίστιν ἠθέλησα ἐπιθεῖναι. προ-
 καλεσαμένου δὲ τούτου πρὸς τῷ διαιτητῇ καὶ
 κελεύοντος ἐνεγκεῖν τὰ γράμματα τὰ ἀπὸ τῆς
 τραπέζης, καὶ ἀντίγραφα αἰτοῦντος, πέμψαντος
 Φρασιηρίδην ἐπὶ τὴν τράπεζαν, τῷ τε Φρασιηρίδῃ
 ἐξενέγκας ἔδωκα ζητεῖν τὰ γράμματα καὶ ἐκγρά-
 φεσθαι ὅσα οὗτος ὤφειλεν.

Καὶ ὥς ὁμολόγει λαβεῖν οὗτος τὰ ἀντίγραφα,
 ἀνάγνωθί μοι τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ

- 44 Πρὸς τοίνυν τὸν διαιτητὴν κομίσαντός μου τὰ
 γράμματα, παρὼν ὁ Φορμίων καὶ ὁ Εὐφραῖος, οἱ
 δόντες τὸ ἀργύριον οἷς ἐκέλευσεν οὗτος, ἐξήλεγχον
 αὐτὸν ἐν οἷς τε χρόνοις ἕκαστον ἐδανείσατο, καὶ
 ὅστις ἔλαβε τὸ ἀργύριον, καὶ εἰς ἃ κατεχρήσατο.
 ὁ δὲ τὰς μὲν χιλίας καὶ τριακοσίας καὶ πεντήκοντα
 καὶ μίαν καὶ δὺ ὀβολῷ, ἅς πρώτας ἐδανείσατο τοῦ
 Μουνιχιῶνος μηνὸς μέλλων ἐκπλεῖν ἐπὶ Σωκρατίδου
 ἄρχοντος, καὶ ἐκέλευσε δοῦναι Ἀντιμάχῳ τῷ
 ταμία τῷ ἑαυτοῦ, ἰδίᾳ ἔφη δανείσαι τὸν πατέρα
- 45 Ἀντιμάχῳ καὶ οὐκ αὐτὸς λαβεῖν. καὶ ὥς μὲν
 ἀληθῆ λέγει, οὐδένα μάρτυρα παρέσχηται, λόγῳ
 δὲ καταχρῆται, ἵνα μὴ αὐτὸς δοκῇ ἀποστερεῖν,
 ἀλλ' Ἀντίμαχος δανείσασθαι. καίτοι, ὧ ἄνδρες
 δικασταί, μέγα ὑμῖν ἐρῶ τεκμήριον, ὅτι οὐκ

as a debtor owing us the money for which I am suing him, and that this is a part of my share, my brother has testified, and so has Phormio, who paid the money; and I was ready to confirm the fact by an oath. But when the defendant challenged me before the arbitrator, bidding me bring the books from the bank and demanding copies, and sent Phrasierides to the bank, I brought out the books and allowed Phrasierides to examine them and to copy out the entries of all the sums that Timotheus owed.

To prove that the defendant himself admitted having received the copies, (*to the clerk*) please read the deposition.

THE DEPOSITION

I therefore brought the books to the arbitrator. 44 Phormio and Euphracus, who had paid the money to the persons designated by Timotheus, were present, and they exposed his falsehoods by showing the date at which he had contracted each loan, the person who received the money, and the use for which he expended it. Regarding the one thousand three hundred and fifty-one drachmae two obols, which he borrowed as the first loan in the month Munichion in the archonship of Socratidas, when he was about to set out on his voyage, and which the defendant ordered to be paid to Antimachus, his treasurer, he declared that my father lent the money to Antimachus on his own private account, and that he (the defendant) did not himself receive it. To 45 prove the truth of this statement he has produced no witness, but is vigorous in his assertion, in order that it may not appear that he is himself defrauding us, but that Antimachus borrowed the money. And yet, men of the jury, I will give you a convincing proof that my

- Ἀντιμάχῳ ἐδάνεισεν ὁ πατήρ τὸ ἀργύριον, ἀλλὰ
 Τιμοθέῳ περὶ ἀναγωγὴν ὄντι. πότερα γὰρ ἂν
 οἴεσθε ῥᾶον εἶναι τῷ πατρί, δημουθέντων τῶν
 Ἀντιμάχου ἐνεπισκήψασθαι ἐν τῇ οὐσίᾳ τῇ ἐκείνου
 ἐνοφειλόμενον αὐτῷ τοῦτο τὸ ἀργύριον, εἴπερ
 46 Ἀντιμάχῳ ἐδάνεισεν, ἢ ἀναμένειν ὁπότε παρὰ τού-
 [1198] του κομιεῖσθαι ἔμελλεν εὐπορήσαντος, ὃς οὐ πολ-
 λὰς ἐλπίδας σωτηρίας περὶ αὐτοῦ εἶχεν ἐν ἐκείνῳ
 τῷ χρόνῳ; καὶ μὴν ἐνεπισκηψάμενός γε οὗτ' ἂν
 παρακαταβολῆς ἠπόρησεν, οὗτ' ἂν ἠπιστήθη ὑφ'
 ὑμῶν· πάντες γὰρ ᾔστε τὸν πατέρα τὸν ἐμὸν οὐ
 τῶν δημοσίων ἀδίκως ἐπιθυμοῦντα, ἀλλὰ τῶν αὐ-
 τοῦ ὑμῖν, ὅτε κελεύσαίτε, προθύμως ἀναλίσκοντα.
 47 εἴτα καὶ ἐπιτηδείου ὄντος αὐτῷ Καλλιστράτου,
 ὅσπερ ἐδήμεισε τὰ Ἀντιμάχου, ὥστε μηδὲν ἐναν-
 τιοῦσθαι. ὥστε τί ἂν ποτε βουλόμενός ὁ πατήρ
 ἐβούλετο Τιμόθεον χρήστην ἐγγράψας ἡμῖν κατα-
 λιπεῖν, εἴπερ μὴ ὥφειλε τοῦτο τὸ ἀργύριον, μᾶλλον
 ἢ οὐκ ἐκ τῶν Ἀντιμάχου δημουθέντων ἐνεπισκηψά-
 μενος κομίσασθαι;
 48 Περὶ δὲ τῶν χιλίων δραχμῶν, ἃς ἐδανείσατο
 παρὰ τοῦ Ἀντιφάνους ἐν Καλαυρείᾳ, ἵνα διαδοίῃ
 τοῖς Βοιωτίοις τριηράρχοις, μέλλων καταπλεῖν ἐπὶ
 τὴν κρίσιν, καὶ ἀπέδωκε τῷ Φιλίππῳ τῷ ναυ-
 κλήρῳ ἐνθάδε λαβὼν παρὰ τοῦ πατρὸς τοῦ ἐμοῦ,
 τὸν Βοιώτιον ναύαρχόν φησι δανείσασθαι, καὶ
 ὑποθεῖναι τούτου τοῦ ἀργυρίου τῷ πατρί τῷ ἐμῷ
 χαλκόν. ὥς δ' οὐκ ἀληθῆ λέγει, μέγα ὑμῖν ἐρῶ
 49 τεκμήριον. πρῶτον μὲν γὰρ ἐν Καλαυρείᾳ οὗτος
 φαίνεται δανεισάμενος τὰς χιλίας δραχμὰς καὶ οὐχ
 ὁ Βοιώτιος ναύαρχος, ἔπειτ' ἀπαιτῶν ὁ Φίλιππος

^a This was a small sum to cover court charges.

father lent the money, not to Antimachus, but to Timotheus when he was about to sail. For which do you think would have been the easier course for my father, to file a claim against the estate of Antimachus, when his property was confiscated, for this sum as due to him, supposing he had lent it to Antimachus, or to wait until the defendant might be in better circumstances so as to collect it from him, seeing that he had at that time little hope of deliverance? Surely, if he had filed the claim, he would not have been at a loss to find the deposit money,^a nor would you have had any cause to disbelieve him. For you all know that my father had no wish unjustly to acquire public funds, but that he willingly expended his own money in your service whenever you bade him do so; and besides, Callistratus, who sold the goods of Antimachus, was a friend of his, so that my father was meeting no opposition. What possible motive, then, could my father have had to leave Timotheus inscribed in his books as our debtor, if he did not really owe the money, rather than file his claim and recover his debt from the confiscated estate of Antimachus?

Now with regard to the one thousand drachmae which he borrowed from Antiphanes in Calaureia to distribute to the Boeotian trierarchs, when he was about to sail home for his trial, and which he paid to Philip the shipowner after he had got them from my father, he maintains that the Boeotian admiral borrowed the money and gave my father some copper as security for it. That this, however, is untrue, I will give you a convincing proof. In the first place, it is proved that the defendant borrowed the thousand drachmae in Calaureia, and not the Boeotian admiral; secondly, that Philip demanded payment of the

ἐνθάδε τοῦτον τὰς χιλίας δραχμὰς καὶ οὐ τὸν
 [1199] Βοιωτίον ναύαρχον, καὶ ἀποδοὺς οὗτος, ἀλλ' οὐχ
 ὁ Βοιωτίος ναύαρχος· προσῆκε γὰρ τῷ μὲν Βοιωτίῳ
 ἄρχοντι παρὰ τούτου τὴν τροφὴν τοῖς ἐν ταῖς ναυσὶ
 λαμβάνειν· ἐκ γὰρ τῶν κοινῶν συντάξεων ἡ μισθο-
 φορία ἦν τῷ στρατεύματι· τὰ δὲ χρήματα σὺ
 ἅπαντα ἐξέλεξας ἐκ τῶν συμμάχων, καὶ σὲ ἔδει
 50 αὐτῶν λόγον ἀποδοῦναι. εἴτα καταλυθεισῶν τῶν
 Βοιωτίων νεῶν καὶ διαπελθόντων τῶν στρατιωτῶν,
 τῷ μὲν Βοιωτίῳ ναύαρχῳ οὐδεὶς κίνδυνος ὑπ'
 Ἀθηναίων ἦν, οὐδ' ἐν ἀγῶνι καθειστήκει οὐδενί·
 σὺ δ' ἐν τῷ μεγίστῳ· περίφοβος δ' ὢν ἡγοῦ σοι
 μεγάλην ἐπικουρίαν ἀπολογίας ἔσεσθαι, εἰς παρα-
 μείνωσιν αἱ Βοιωταὶ τριήρεις, ἕως ἂν σοι ἡ κρίσις
 γένηται. ἔπειτα καὶ ἐκ τίνος φιλίας ἂν ποτ'
 ἐδάνεισεν ὁ πατήρ ὁ ἐμὸς τῷ Βοιωτίῳ ναύαρχῳ
 τὰς χιλίας δραχμὰς, ὃν οὐδ' ἐγὶ γνωσκεν; ἀλλὰ
 51 γὰρ ὑποθέσθαι φησὶν αὐτὸν χαλκόν. πόσον τινὰ
 καὶ ποδαπόν; καὶ πόθεν γεγόμενον τὸν χαλκὸν
 τοῦτον τῷ Βοιωτίῳ ναύαρχῳ; πότε· κατ' ἐμ-
 πορίαν ἀχθέντα ἢ ἀπ' αἰχμαλώτων γεγόμενον;
 εἴτα τίνες ἦσαν οἱ ἐνέγκαντες τὸν χαλκὸν ὥς
 τὸν πατέρα τὸν ἐμόν; μισθωτοὶ ἢ οἰκέται; ἢ τίς
 52 ὁ παραλαβὼν τῶν οἰκετῶν τῶν ἡμετέρων; χρῆν
 γὰρ αὐτόν, εἰ μὲν οἰκέται ἦνεγκαν, τοὺς κομίσαντας
 παραδιδόναι, εἰ δὲ μισθωτοί, τὸν ὑποδεξάμενον
 καὶ ἀποστησάμενον τὸν χαλκὸν τῶν οἰκετῶν τῶν
 ἡμετέρων, τοῦτον ἐξαίτεῖν· οὐ γὰρ δήπου ἄνευ γε-
 σταθμοῦ ἔμελλεν οὕθ' ὁ ὑποτιθέμενος παραλήψεσθαι
 [1200] οὕθ' ὁ ὑποτιθεὶς τὸν χαλκὸν παραδώσειν, οὐδ' αὖ

thousand drachmae here from Timotheus and not from the Boeotian admiral, and that Timotheus made payment and not the Boeotian admiral; for it was quite proper that the Boeotian admiral should receive from Timotheus the maintenance for the crews of his ships, since the pay for the troops came out of a common contribution, and it was you, Timotheus, who collected all the money from the allies, and you were bound to account for it. Again, supposing the Boeotian fleet had disbanded and the troops had dispersed to their various homes, the Boeotian admiral was in no danger from the Athenians, nor was any trial impending over him; you, however, were in very great danger, and in your utter terror you thought it would be a great aid to your defence, if the Boeotian triremes should stay with the fleet until your trial should come off. Besides, from what motive of friendship pray, would my father have lent the one thousand drachmae to the Boeotian admiral whom he did not even know? Ah, but he says the admiral pledged some copper as security. How much, then? and from what country was it imported? And from what source did the Boeotian admiral get the copper? Was it imported by way of trade, or was it obtained from prisoners? Then who were the persons who brought the copper to my father? Were they hired men, or slaves? And which one of our slaves was it who received it? For, if slaves brought it, he ought to have delivered them up for the torture, but if hired men, he ought to have demanded for the torture the slave of ours who received and weighed the copper; for, I fancy, neither would the one taking the copper in pledge accept it, nor the one offering it give it over, without weighing; nor was

ὁ πατὴρ ἔμελλεν αὐτὸς οὔτε οἴσειν τὸν χαλκὸν οὔτε στήσεσθαι, ἀλλ' οἰκέται ἦσαν αὐτῷ οἱ τὰ
 53 ἐνέχυρα τῶν δανεισμάτων παρελάμβανον. θαυ-
 μάζω δ' ἔγωγε καὶ τίνος ἂν ποτε εἵνεκα ὑπετίθει
 τὸν χαλκὸν τῷ πατρὶ τῷ ἐμῷ ὁ Βοιωτίας ναύαρχος,
 Φιλίππῳ ὀφείλων χιλίας δραχμὰς. πότερον ὡς ὁ
 Φίλιππος οὐκ ἂν ἡδέως τόκον ἐλάμβανεν, εἴπερ
 ἀσφαλῶς ἦν αὐτῷ τὸ ἀργύριον δεδανεισμένον καὶ
 ἐπ' ἐνεχύρῳ; ἢ ὡς οὐκ ἦν τῷ Φιλίππῳ ἀργύριον;
 ὥστε τί ἔδει τοῦ πατρὸς τοῦ ἐμοῦ δεηθῆναι
 δανεῖσαι τὰς χιλίας δραχμὰς τὸν Βοιωτίον ναύ-
 αρχον καὶ ἀποδοῦναι Φιλίππῳ, μᾶλλον ἢ οὐ τὸν
 54 χαλκὸν ὑποθεῖναι τῷ Φιλίππῳ; ἀλλ' οὔθ' ὁ χαλκὸς
 ὑπετέθη, ὧ ἄνδρες δικασταί, οὔθ' ὁ Βοιωτίας
 ναύαρχος ἐδανείσατο τὰς χιλίας δραχμὰς παρὰ τοῦ
 πατρὸς τοῦ ἐμοῦ, ἀλλὰ Τιμόθεος οὕτοσι ἐν ἀπορίᾳ
 ὧν πολλῇ· τὴν δὲ χρεῖαν, εἰς ἣν κατεχρήσατο τῷ
 ἀργυρίῳ, εἶρηκα ὑμῖν. ἀντὶ δὲ τοῦ χάριν ἀπο-
 δοῦναι ὧν ἐπιστεύθη καὶ ἔλαβε παρὰ τοῦ πατρὸς
 τοῦ ἐμοῦ, οἶεται δεῖν καὶ τὰ ἀρχαῖα, ἃν δύνηται,
 ἀποστερεῖν.

55 Περὶ τοίνυν τῶν φιαλῶν καὶ τῆς μνᾶς τοῦ ἀργυ-
 ρίου, ἣν ἐδανείσατο παρὰ τοῦ πατρὸς πέμψας τὸν
 ἀκόλουθον τὸν ἑαυτοῦ Αἰσχυρίωνα τῆς νυκτὸς ὡς
 τὸν πατέρα τὸν ἐμόν, ἡρόμην αὐτὸν πρὸς τῷ
 διαιτητῇ, εἰ ἔτι δοῦλος εἴη ὁ Αἰσχυρίων, καὶ ἡξίου
 αὐτὸν ἐν τῷ δέρματι τὸν ἔλεγχον διδόναι. ἀπο-
 κριναμένου δέ μοι τούτου ὅτι ἐλεύθερος εἴη,
 τῆς μὲν ἐξαιτήσεως ἐπέσχον, μαρτυρίαν δ' αὐτὸν
 56 ἡξίου ἐμβαλέσθαι τοῦ Αἰσχυρίωνος ὡς ἐλευθέρου
 [1201] ὄντος. ὁ δὲ οὔτε ὡς ἐλευθέρου ὄντος τοῦ Αἰσχυρί-
 ωνος μαρτυρίαν παρέσχετο, οὔθ' ὡς δοῦλον τὸν
 408

my father likely to carry the copper and weigh it himself, since he had slaves who were accustomed to receive the articles given as security for loans. And 53 I certainly wonder for what possible reason the Boeotian admiral should have given the copper to my father as security, if he owed a thousand drachmae to Philip. Was it that Philip would not have been glad to receive interest, if his money was lent safely and on security? or that Philip had no money? So, what need was there for the Boeotian admiral to ask my father to lend the thousand drachmae and pay Philip, rather than give the copper as security to Philip? But, men of the jury, the copper was 54 not given as security, nor did the Boeotian admiral borrow the thousand drachmae from my father, but this man Timotheus borrowed them, being in great distress; and the urgent need, to meet which he used the money, I have told you. But instead of evincing gratitude for the confidence shown him and the loan which he received from my father, he thinks it proper to defraud us, if he can, even of the principal.

Now, as to the bowls and the mina of silver, which 55 he borrowed from my father when he sent his body-servant Aeschrion to my father in the night, I asked him before the arbitrator if Aeschrion was still a slave, and demanded that he be put to the test "in his hide."^a He answered that Aeschrion was free, so I desisted from my demand; but I required him to put in a deposition made by Aeschrion as being a free man. He, however, neither provided a deposition 56 from Aeschrion, as being free, nor would he deliver

^a That is, under the torture; in this case apparently scourging.

Αἰσχροῖνα παραδοὺς ἐκ τοῦ σώματος τὸν ἔλεγχον
 ἡξίου γενέσθαι, φοβούμενος, εἴαν μὲν μαρτυρίαν
 παράσχηται ὡς ἐλευθέρου ὄντος, μὴ ἐπισκηψά-
 μενος ἐγὼ τῶν ψευδομαρτυριῶν καὶ ἐξελέγξας τὰ
 ψευδῇ μεμαρτυρηκότα τὸν Αἰσχροῖνα, ἐπὶ τόνδε
 τῶν κακοτεχνιῶν ἔλθοιμι κατὰ τὸν νόμον, εἰ δ'
 αὖ βασανίζειν παραδοίη, μὴ τὰς ἀληθείας κατεῖποι
 57 ὁ Αἰσχροῖν. καίτοι καλὸν ἦν αὐτῷ, εἰ τῶν ἄλλων
 λημμάτων τοῦ ἀργυρίου μάρτυρας μὴ εἶχε παρα-
 σχέσθαι, τοῦτό γ' ἐξελέγξαι ἐκ τοῦ Αἰσχροῖνος,
 ὡς οὐκ ἐλήφθησαν αἱ φιάλαι οὐδ' ἡ μνᾶ τοῦ ἀρ-
 γυρίου, οὐδ' ἐπέμφθη ὁ Αἰσχροῖν ὑπὸ τούτου
 ὡς τὸν πατέρα τὸν ἐμόν, καὶ τεκμηρίῳ τούτῳ
 καταχρήσασθαι πρὸς ὑμᾶς, ὅτι ἐγὼ καὶ τᾶλλα
 ψεύδομαι περὶ ὧν ἐγκαλῶ αὐτῷ, ὅπου γε ὃν φημι
 λαβεῖν οἰκέτην ὄντα τούτου τὰς φιάλας καὶ τὴν
 μνᾶν τοῦ ἀργυρίου, οὗτος βασανιζόμενος οὐ φαί-
 58 νεται λαβών. εἰ τοῖνυν τοῦτο ἰσχυρὸν ἦν ἂν τούτῳ
 πρὸς ὑμᾶς τεκμήριον, ὅτι ἐξεδίδου τὸν Αἰσχροῖνα,
 ὃν πεμφθῆναί φημι ὑπὸ τούτου καὶ λαβεῖν τὰς
 φιάλας παρὰ τοῦ πατρὸς τοῦ ἐμοῦ καὶ τὴν μνᾶν
 τοῦ ἀργυρίου δανείσασθαι, κάμοι γενέσθω τεκμή-
 ριον πρὸς ὑμᾶς, ὅτι συνειδώς με ἀληθῇ ἐγκαλοῦντα
 οὐ τολμᾷ τὸν Αἰσχροῖνα παραδοῦναι.
 59 Ἀπολογίαν τοίνυν ποιήσεται, ὅτι ἐν τοῖς γράμ-
 μασι τοῖς τραπεζητικοῖς ἐπ' Ἀλκισθένους ἄρχοντος
 ἦν γεγραμμένος τό τε ναῦλον τῶν ξύλων εἰληφώς
 καὶ τὴν τιμὴν τῶν φιαλῶν, ὃ ἀπέτεισε Τιμοσθένει
 [1202] ὑπὲρ τούτου ὁ πατήρ, καὶ ὅτι αὐτὸς ἐν τούτῳ τῷ
 χρόνῳ οὐκ ἐπεδήμει, ἀλλὰ παρὰ βασιλεῖ ἦν. περὶ
 δὲ τούτου σαφῶς ὑμᾶς βούλομαι διδάξαι, ἵν'

him up as a slave that proof might be had from his body ; for he was afraid that, if he produced a deposition from him as being free, I should bring suit for false testimony, and after proving that Aeschrion had testified falsely, should proceed against Timotheus himself for subornation, as the law provides ; and if, again, he should deliver him up for the torture, he was afraid that Aeschrion would state the truth against him. And yet it was a fine opportunity 57 for him, if he was unable to produce witnesses concerning the other receipts of money, to prove this at any rate by the words of Aeschrion—that the bowls and the mina of silver were not received, and that Aeschrion was not sent by him to my father ; and then to use this as evidence to you that I am uttering falsehoods in regard to my other claims upon him, seeing that his slave, whom I declare to have received the bowls and the mina of silver, was proved by the torture not to have received them. If, then, this 58 would have been a strong piece of evidence for him to use before you, that, namely, he offered to deliver up Aeschrion, whom I declare to have been sent by the defendant and to have received the bowls from my father and to have borrowed the mina of silver, let it also be evidence for me to use before you, that knowing my claims to be true, he does not dare to deliver up Aeschrion for the torture.

Well, he will make the defence that he was listed 59 in the books of the bank in the archonship of Aleisthenes as having received the freight of the timber and the price of the bowls, which my father paid to Timosthenes on his behalf, and that he was not at that time in the country, but was in the service of the king. About this I wish to give you accurate in-

ἀκριβῶς εἰδῆτε ὃν τρόπον ἔχει τὰ γράμματα τὰ
 60 ἀπὸ τῆς τραπέζης. οὗτος γὰρ ἐν μὲν τῷ Θαργη-
 λιῶνι μηνὶ ἐπ' Ἀστείου ἄρχοντος, μέλλων ἀν-
 ἀγεσθαι ὡς βασιλέα, συνέστησε τὸν Φιλῶνδαν
 τῷ πατρὶ τῷ ἐμῷ· τοῦ δ' ὑστέρου ἐνιαυτοῦ, ἐπὶ
 Ἀλκισθένους ἄρχοντος, ἀφικνεῖται ὁ Φιλῶνδας
 ἄγων τὰ ξύλα ἐκ τῆς Μακεδονίας, καὶ ἔλαβε τὸ
 ναῦλον τῶν ξύλων παρὰ τοῦ πατρὸς τοῦ ἐμοῦ,
 ἀποδημοῦντος τούτου παρὰ βασιλεῖ. ἐγράψαντο
 οὖν, ὅτε ἐδίδοσαν τὸ ἀργύριον, ὀφείλοντα τοῦτον,
 οὐχ ὅτε συνέστησε τὸν Φιλῶνδαν τῷ πατρὶ τῷ
 61 ἐμῷ ἐπιδημῶν. ὅτε μὲν γὰρ συνέστησεν, οὐδέπω
 τὰ ξύλα ἦκεν, ἀλλ' ἔμελλεν ἐπ' αὐτὰ ὁ Φιλῶνδας
 τὴν πορείαν ποιεῖσθαι· ὅτε δ' ἦλθε τὰ ξύλα ἄγων,
 οὗτος μὲν ἀπεδήμει, ὁ δὲ Φιλῶνδας ἔλαβε τὸ
 ναῦλον τῶν ξύλων, καθάπερ οὗτος ἐκέλευσε, καὶ
 ἀνεκομίσθη εἰς τὴν οἰκίαν τὴν ἐν Πειραιεὶ τὴν
 τούτου τὰ ξύλα. ὅτι δ' οὐκ εὐπορῶν ἐξέπλει
 ἐνθίνδε, ἵστε μὲν καὶ αὐτοὶ ὅσοις αὐτοῦ ἡ οὐσία
 ὠρισμένη ἦν, οὓς νῦν ἀποστερεῖ.

Ἵνα δ' εἰδῆτε ὅτι καὶ ἄνευ ἐνεχύρων ὥφειλέ τισι
 τῶν πολιτῶν, οὐκ ἔχων ὑποθεῖναι τὰ ἄξια, ἀνά-
 γνωθί μοι τὴν μαρτυρίαν.

ΜΑΡΤΥΡΙΑ

62 Περὶ δὲ τῶν φιαλῶν, ἃς ᾗτήσατο μὲν ἐν τῷ Μαι-
 μακτηριῶνι μηνὶ ὁ Αἰσχυρίων ὁ ἀκόλουθος ὁ τούτου
 ἐπ' Ἀστείου ἄρχοντος, ἐπιδημοῦντος τούτου, ὅτε
 ὑπεδέξατο Ἀλκέτην καὶ Ἰάσονα, γεγραμμένου δὲ
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formation, that you may understand clearly how the books of the bank are kept. The defendant in the 60 month Thargelion in the archonship of Asteius, when he was about to sail to take service with the king, introduced Philondas to my father ; and in the following year in the archonship of Aleisthenes. Philondas arrived bringing the timber from Macedonia and received the freight from my father, while Timotheus was abroad in the service of the king. Accordingly they entered the defendant as debtor at the time they paid the money, not at the time when, being in Athens, he had introduced Philondas to my father. For, when he introduced him, the timber had not 61 yet come, but Philondas was about to make the journey to fetch it : when, however, he came back, bringing the timber, the defendant was abroad, but Philondas received the freight for the timber according to the defendant's orders, and the timber was delivered to the defendant's house in Peiraeus. That Timotheus was not well provided with funds when he sailed from Athens is already known to all of you to whom his estate was mortgaged, and whom he is now seeking to defraud.

However, to prove that he borrowed money from some of our citizens without security, since he had no equivalent security to give, (*to the clerk*) please read the deposition.

THE DEPOSITION

Now regarding the bowls which Aeschrius, the 62 body-servant of the defendant, requested of me in the month Maimacterion in the archonship of Asteius, when Timotheus was in Athens at the time when he entertained Aleetas and Jason, and with the value

τὴν τιμὴν ὀφείλουτος τούτου ἐπ' Ἀλκισθένης
 [1203] ἄρχοντος· τέως μὲν ὥτετο αὐτὸν ἀποίσειν τὰς φιά-
 λας, ἃς ἤτήσατο, ὁ πατήρ· ἐπειδὴ δ' οὗτος μὲν ἀπ-
 ἦλθε, τὰς δὲ φιάλας οὐκ ἀπενηνόχει, οὐδ' ἦσαν
 αἱ φιάλαι τοῦ Τιμοσθένης κείμεναι παρὰ τῷ
 Φορμίωνι, ἥκων δ' ἀπῆται τὰς φιάλας ὁ θέμενος,
 ἀπέτεισε τιμὴν τῶν φιαλῶν τῷ Τιμοσθένει, ἐγρά-
 ψατο δ' ὁ πατήρ αὐτῷ τοῦτον ὀφείλοντα πρὸς τὸ
 63 ἄλλο χρέως. ὥστ' ἂν ταύτῃ ἀπολογία κατα-
 χρήται, ὅτι οὐκ ἐπεδήμει ἐν τοῖς χρόνοις ἐν οἷς
 γέγραπται τὴν τιμὴν τῶν φιαλῶν ὀφείλων, ὑπο-
 βάλλετε αὐτῷ ὅτι " ἔλαβες μὲν ἐπιδημῶν· ἐπειδὴ
 δ' οὐκ ἀπέφερες, ἀπεδήμεις δέ, οὐκ ἦσαν δ' αἱ
 φιάλαι ἃς ὁ θέμενος ἀπῆται, ἐγράψης τὴν τιμὴν
 64 αὐτῶν ὀφείλων, ὃ ἀπετείσθῃ τῶν φιαλῶν." ἀλλὰ
 νῆ Δία, φήσει ἴσως, ἔδει τὸν πατέρα τὸν ἐμὸν ἀπ-
 αιτεῖν αὐτὸν τὰς φιάλας. ἀλλ' ἐώρα σε ὡς ἡπο-
 ροῦ. καὶ περὶ μὲν τοῦ ἄλλου χρέως σοι ἐπίστευε,
 καὶ ἡγεῖτο, ἐπειδὴν ἔλθης, ἀπολήψεσθαι παρὰ
 σοῦ εὐπορήσαντος, περὶ δὲ τῶν φιαλῶν σοι
 ἀπιστήσιν ἔμελλεν; καὶ ὑπέσχετο μὲν δεομένου
 σου τὸ ναῦλον τῶν ξύλων παρασχέσειν, ὅτε ἀν-
 ἡγου ὡς βασιλέα· ἔνεκα δὲ τῶν φιαλῶν, δυοῖν
 οὐσῶν, ἀπιστήσιν σοι ἔμελλεν; καὶ τὸ μὲν ἄλλο
 χρέως σε οὐκ ἀπῆται, ἀπορούμενον ὁρῶν· τὰς δὲ
 φιάλας ἔμελλεν;

Βούλομαι τοίνυν καὶ περὶ τῆς προκλήσεως τοῦ
 65 ὅρκου εἰπεῖν, ἣν ἐγὼ τε τοῦτον προεκαλεσάμην

of which he was debited in the archonship of Alcisthenes—for some time my father supposed he would return the bowls which he had borrowed; but when he went off without having returned them, and the bowls of Timosthenes were no longer in the custody of Phormio, and the one who had deposited them came and demanded their return, my father paid the price of the bowls to Timosthenes, and wrote the defendant down as owing this sum in addition to the rest of his debt. If, then, he makes use of this 63 defence, that he was not in Athens at the time when he was debited with the cost of the bowls, make this reply to him: “You received them, when here, and since you did not return them, and were abroad, and the bowls which the depositor claimed were not there, you were debited with their value, that sum, namely, which was paid for the bowls.” Ah but, he will 64 perhaps say, my father ought to have demanded the return of the bowls from him. But my father saw in what straits you were, Timotheus. He trusted you in regard to the rest of your debt, and believed that after your return to Athens he would recover his money from you, when you should be better off for funds. Was he, then, going to distrust you in the matter of the bowls? He promised at your request that he would provide the freight for the timber when you were sailing to take service with the king: was he, then, going to distrust you because of a couple of bowls? He did not demand of you that you pay the rest of the debt, because he saw that you were without funds. Was he, then, going to demand the bowls?

I wish now to speak about the challenge to an oath, 65 which I tendered the defendant, and he tendered me.

καὶ οὗτος ἐμέ. ἐμβαλομένου γὰρ ἐμοῦ ὄρκον εἰς
τὸν ἐχῖνον, ἡξίου καὶ αὐτὸς ὁμόσας ἀπηλλάχθαι.
ἐγὼ δ' εἰ μὲν μὴ περιφανῶς αὐτὸν ἤδη πολλοὺς
καὶ μεγάλους ὄρκους ἐπιωρκηκότα καὶ πόλεσι καὶ
[1204] ἰδιώταις, ἔδωκ' ἂν αὐτῷ τὸν ὄρκον· νῦν δέ μοι
ἐδόκει, μαρτύρων ὄντων ἐμοὶ ὡς ἔλαβον τὸ ἀρ-
γύριον ἀπὸ τῆς τραπέζης οἷς οὗτος ἐκέλευσε δοῦ-
ναι καὶ περιφανῶν τεκμηρίων, δεινὸν εἶναι ὄρκον
δοῦναι τούτῳ, ὃς οὐχ ὅπως εὐορκήσει πρόνοιαν
ποιήσεται, ἀλλ' οὐδὲ τῶν ἱερῶν αὐτῶν ἔνεκα τοῦ
66 πλεονεκτήματος ἀπέσχηται. τὰ μὲν οὖν καθ'
ἕκαστα πόλλ' ἂν εἴη λέγειν, ὧν ἐπιώρκηκεν οὗτος
ῥαδίως· οὓς δὲ περιφανέστατα καὶ ὑμεῖς αὐτῷ
πάντες σύνιστε ὄρκους ἐπιωρκηκότι, τούτους ἀνα-
μνήσω ὑμᾶς. ἴστε γὰρ τοῦτον ἐν τῷ δήμῳ ὁμό-
σαντα καὶ ἐπαρασάμενον αὐτῷ ἐξώλειαν, εἰ μὴ γρά-
ψοιτο Ἰφικράτην ξενίας, καὶ καθιερώσαντα τὴν
οὐσίαν τὴν ἑαυτοῦ. ὁμόσας δὲ ταῦτα καὶ ὑπο-
σχόμενος ἐν τῷ δήμῳ, οὐ πολλῷ χρόνῳ ὕστερον
ἔνεκα τοῦ συμφέροντος ἔδωκε τῷ υἱεὶ τῷ ἐκείνου
67 τὴν θυγατέρα. ὃς οὖν οὐθ' ὑμᾶς ἠσχύνθη ἐξ-
απατῆσαι ὑποσχόμενος, νόμων ὄντων, εἴαν τις τὸν
δῆμον ὑποσχόμενος ἐξαπατήσῃ, εἰσαγγελίαν εἶναι
περὶ αὐτοῦ, οὔτε τοὺς θεοὺς ὁμόσας καὶ ἐπαρα-
σάμενος ἑαυτῷ ἔδεισεν, οὓς ἐπιώρκησε, πῶς οὐκ
εἰκὸς ἐμέ τούτῳ μὴ ἐθέλῃν ὄρκον δοῦναι; οὔπω
τοῦνυν πολὺς χρόνος ἐστὶν ἐξ οὗ ἐν τῷ δήμῳ πάλιν
διωμόσατο, μὴ εἶναι αὐτῷ ἐφόδια τῷ γήρᾳ ἱκανά,
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For after I had put an oath in the evidence-box, he thought that, by taking an oath himself, he could be quit of the affair. And, if I had not known that he had flagrantly perjured himself in many solemn oaths both to states and to individuals, I should have allowed him to take the oath : but as it was, seeing that I had witnesses to prove that the persons appointed by him had in fact received the money from the bank, and conclusive circumstantial evidence as well, it seemed to me a monstrous thing to give an oath to one who would not only take no care to swear honestly, but who, when it was a question of gain, has not spared even temples. The specific instances of the perjuries 66 which he has committed without scruple would make a long story : but I will call to your minds the most flagrant instances and those of which you are all well aware. You know that he swore in the assembly, imprecating destruction upon himself and dedicating his property to sacred uses, if he should fail to indict Iphierates as a usurper of the rights of citizenship. Yet, although he had sworn and promised this in the assembly, no long time afterwards, in order to serve his own interests, he gave his daughter in marriage to the son of Iphierates. When a man, then, felt no 67 shame in deceiving you to whom he had pledged his word, though there are laws which declare that, if a man deceive the people by a promise, he shall be liable to impeachment,—when, after swearing and imprecating destruction upon himself, he had no fear of the gods in whose name he had perjured himself—was it strange that I was unwilling to allow him to take an oath ? Again, not very long ago, he once more solemnly declared in the assembly that he had not adequate provision for his old age—he, who

- τοσαύτην οὐσίαν κεκτημένος· οὕτως ἄπληστος καὶ
 68 αἰσχροκερδῆς ὁ τρόπος αὐτοῦ ἐστίν. ἡδέως δ' ἂν
 ἔγωγε πυθοίμην ὑμῶν, εἰ ὀργίζεσθε τοῖς ἀνεσκευα-
 σμένοις τῶν τραπεζιτῶν. εἰ γὰρ ἐκείνοις ὀργίζεσθε
 [12]5] δικαίως, ὅτι ἀδικοῦσιν ὑμᾶς, πῶς οὐκ εἰκός ἐστι
 βοηθεῖν τοῖς μηδὲν ἀδικοῦσι; καὶ μὴν διὰ τού-
 τους τοὺς ἄνδρας αἱ τράπεζαι ἀνασκευάζονται, οἳ
 ἂν ἀπορούμενοι μὲν δανείζονται καὶ οἴωνται διὰ
 τὴν δόξαν πιστεῦεσθαι δεῖν, εὐπορήσαντες δὲ μὴ
 ἀποδιδῶσιν, ἀλλ' ἀποστερῶσιν.
- 69 Ὅσων μὲν τοίνυν, ὦ ἄνδρες δικασταί, ἡδυνάμην
 ὑμῖν μάρτυρας παρασχέσθαι, μεμαρτυρήκασί μοι.
 ἔτι δὲ καὶ ἐκ τεκμηρίων δεδήλωκα ὑμῖν ὥς ὀφείλει
 Τιμόθεος τὰργύριον τῷ πατρὶ τῷ ἐμῷ. δέομαι
 οὖν ὑμῶν συνεισπράξαι μοι τοὺς ὀφείλοντας, ἃ μοι
 ὁ πατὴρ κατέλιπεν.

AGAINST TIMOTHEUS, 67-69

possesses so large an estate ; so insatiate and grasping is his character. I should be glad, however, to ask 68 you whether you feel anger against bankers who have failed. For, if you have reason to feel anger against them because they do you injury, is it not reasonable for you to support those who do you no injury ? Surely it is through men like Timotheus that banks are caused to fail : for when they are in need they borrow money, and think they should obtain credit because of their reputation ; but when they are in funds they do not make payment, but seek to defraud their creditors.

All matters, men of the jury, in proof of which I was 69 able to provide witnesses, have been proved to you by witnesses : further, I have shown you by circumstantial evidence that Timotheus owes the money to my father. I beg you therefore to aid me in recovering from my father's debtors the estate which he left me.

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